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**A SURVEY OF POLICIES AND PRACTICES IN RESPECT TO  
RESPONSES BY RELIGIOUS INSTITUTIONS TO COMPLAINTS OF  
CHILD SEXUAL ABUSE AND COMPLAINTS BY ADULTS OF  
HISTORICAL CHILD SEXUAL ABUSE, 1960-2006**

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## **Chapter 1: Introduction**

### **Setting the Context**

The wider Canadian context is important to analysis of the responses of religious institutions in Canada to child sexual abuse. Although a thorough sketch of this context is outside the scope of this report, a few points are in order. Child sexual abuse did not begin to be addressed in any comprehensive way by religious institutions until the 1980s with significant policies not emerging until the early 1990s. There are several factors both external and internal to the religious institutions examined in this report that help to explain this timing. The internal factors will be explored throughout the body of this report.

Some relevant external factors can be summarized here. Probably the first nationally significant event in the 1980s regarding child sexual abuse was the release of the Badgely Report (1984). This national study found that one in two girls and one in three boys (defined as those under the age of 18) are the victims of unwanted sexual advances. The Badgely Commission's findings, as well as some concern regarding their recommendations, generated many sexually as well as religiously informed resources. For example, "The Church Council on Justice and Corrections (CCJC) began to wrestle with the problem of violence against women and children in response to the 1984 government report, *Sexual Offences Against Children* (Badgely)" (*Family Violence in a Patriarchal Culture -- a challenge to our way of living*, September 1988, 4).

Throughout the late 1970s and 1980s women's movements proliferated in Canada and also were responsible, through advocacy work and education, for raising the issues of child abuse and woman abuse loudly enough to be heard. Spurred on by secular women's movements, similar groups began to emerge on a structural level in the mainline churches.

Additionally, the early 1980s saw the first notable scholarly published works regarding religion and abuse. In particular, theological ethicist Marie Fortune published *Sexual Violence -- The Unmentionable Sin, An Ethical and Pastoral Perspective* (New York: Pilgrim Press, 1983). Liberation and feminist theologies began to emerge in the late 1970s and, not coincidental to the advent of these scholarly works on sexual abuse, blossomed in the 1980s.

By the late 1980s, some religious organizations in Canada were producing written resources regarding child sexual abuse, usually under the wider rubric of family violence. For example, Roberta Morris wrote *Ending Violence in Families -- a training program for pastoral care workers* (Toronto: The United Church of Canada, 1988), an inter-church project funded by the Family Violence Prevention Division of the Department of National Health and Welfare. (Later it became better understood that framing child sexual abuse as part of family violence was misleading since such abuse occurs both inside and outside of families. For example see Gillian A. Walker, *Family Violence and the Women's Movement -- the conceptual politics of struggle*. Toronto: University of Toronto Press, 1990.)



The infamous sexual abuses at Mount Cashel orphanage exploded across the media in 1989. The Congregation of Christian Brothers, who ran the Newfoundland orphanage, had been sexually abusing children for years with devastating consequences. Mount Cashel was closed in 1990 as a result of a royal commission (The Hughes Inquiry) and well publicized lawsuits continued through the 1990s. By this time, it was clear to most Canadians that religious leaders were not above something as terrible as child sexual abuse; any presumption of clergy absolute moral goodness had been challenged soundly. The silence had been broken.

On December 13, 1991 the Government of Canada ratified the *United Nations Conventions on the Rights of the Child*. This significant event generated even more attention to the rights of children and their vulnerability to abuse.

### **Purpose and Objectives**

This report is a “survey of policies and practices in respect to responses by religious institutions to complaints of child sexual abuse and complaints by adults of historical childhood sexual abuse” from 1960-2006, as mandated by the Provincial Cornwall Inquiry.

The first objective was to identify which religious institutions ought to be examined in order to present a reasonably representative slice of how religious institutions in Canada are responding to the issue of child sexual abuse. Census data can serve as a helpful indicator of which religious institutions are most influential in Canada. However, such data must be regarded critically as there are some clear limitations to this

information. For example, included is a category identified as “Other Protestants.” People will sometimes not be sure what to call their faith and may not mark the most accurate box. Further, some will identify as belonging to a certain faith group but not be practising. These numbers are best used as a guide.

The most recent Canadian Census data (2001) indicate the following percentages of Canadians self identifying as belonging to these Christian faith groups: Roman Catholic – 43.2%, United Church of Canada – 9.6%, Anglican – 6.9%, “other Christian” (i.e. Apostolic, Born-Again, Evangelical) – 2.6%, Baptist – 2.5%, Lutheran – 2.0%, Presbyterian - 1.4%, and Pentecostal – 1.2%). Canadians self-identifying as belonging to world religions other than Christianity beginning with the largest percentage are: Muslim – 2.0%, Judaism – 1.1%, Hinduism – 1.0%, and Buddhism – 1.0%. All other identified faith groups, Christian and others, totalled less than 1.0% each. Because Christianity is overwhelmingly the largest religion adhered to by Canadians as of the last Census (and in the 1971 Census the percentage of Canadians claiming a Christian faith was over 91%), this study, which extends from 1960 until 2006, focuses on Christian religious institution: Roman Catholic (as the largest religion in Canada), the United Church of Canada (as the largest Canadian protestant church and second largest following of any institutional religion in Canada), the Anglican Church, and the Mennonite Church (in this case, not because of their numbers but because they have produced some of the earliest and most progressive policies regarding child abuse amongst religious institutions in Canada). The Muslim faith tradition in Canada was selected as the largest religious institution in Canada that is not Christian. Finally, the Unitarian Universalist Church was also selected

as an example of one of the very small non-Christian religious institutions in Canada, of which there are several.

Not surprisingly, there was significantly more relevant material found regarding the first three religious institutions: the Roman Catholic Church, the United Church of Canada, and the Anglican Church. Not only are these religious institutions much larger than the others studied, they also for the most part have much longer histories of work related to children, sexuality, and abuse. Further, in large part because of their significantly larger memberships, these institutions have been confronted by significant numbers of allegations of sexual abuse.

Within this larger goal, particular questions were pursued including: the manner in which third party complaints have been and are handled by religious institutions; and the approaches to complaints “regarding persons who are Church officials, employees and/or volunteers” and how they may be similar or different within various Canadian churches.

Understandings of child sexual abuse have changed greatly over the years since 1960, not only within religious institutions but also within wider society. As will become evident throughout this report, the ways in which human sexuality, the image of the clergy person, underlying theological convictions, church structure, and the wider Canadian context, are constructed and understood, are all factors that have influenced the responses of different religious institutions to child sexual abuse.

## **Research Methodology**

I began by employing two Research Assistants in November as soon as the contract was signed. One agreed in advance to undertake this project since he is interested in writing his masters thesis on the topic. Tim Crouch is a Masters of Divinity student with intentions to pursue a doctorate in ethics subsequent to the completion of his Masters of Divinity (MDiv) degree. I have taught him four courses, including ethics, and have been very impressed with the quality of his research and writing. He will write his thesis under my supervision and intends to write it on sexual abuse and the church with a focus on policy. He conducted the research into the Roman Catholic Church in relation to child sexual abuse policy.

The second RA is Ryan McNally, also an MDiv student but in his first year of studies. Mr McNally was a PhD candidate in an engineering discipline before he decided to pursue a vocation as a United Church minister. Thus, he brought with him excellent research and writing skills. Ryan carried out the research on the Anglican Church and, later, he and Tim worked together on the Mennonite faith. He was to work approximately eight hours per week and Tim Crouch approximately twelve hours per week. However, the research ended up requiring more time than I had anticipated and each worked approximately 40 hours more than contracted. Each of their reports were considerably longer than I had anticipated and contain much helpful information.

Further, I employed a third Research Assistant in February and March to research the Unitarian Church primarily because I became aware that this faith group had begun to take some initiatives to address sexual abuse complaints and was in the early stages of

doing so. Accordingly, they can serve as an example of one of many small organized religious institutions in Canada. Barbara Adle, this third RA, has been accepted in the University of Toronto's doctoral program in ethics and is completing her MDiv thesis under my supervision. Ms Adle and Tim Crouch worked with me to research the Muslim religion in Canada.

I conducted the research on the United Church of Canada (UCC) as I participated in the development of their sexual abuse policy from 1996-2004, and have published a book in the more general area of sexuality and the UCC (examining the years 1925-1980). I learned much I did not know previously from this deliberate study of the UCC's approach to child sexual abuse.

I divided the research on the identified religious institutions into two stages. The first stage involved the discovery and collection of research material. The second stage of this research project was compilation and analysis of the researched material.

The first stage of discovery and collection involved the identification of relevant secondary sources. One of my Research Assistants began with a secondary literature search. However, we quickly discovered that although there is a substantial body of literature regarding Christianity and sexual abuse generally, there is very little that in any way addresses religious institutions in Canada and their respective policies. Consequently, any relevant secondary sources are integrated into the chapters to which they are related, and are documented there, instead of in a separate section on secondary materials.

Next, and most importantly, official policies and procedures of the identified religious institutions were gathered. This step required the greatest amount of time and was ongoing throughout the research period of November - March. This historical investigation required: archival research; the collection of official church statements; several successful and unsuccessful attempts to contact relevant individuals from the religious institutions; and the discovery of relevant policies and procedures. Although church archives were easily located for the United, Anglican, and Roman Catholic churches, access to them was not always easy. For example, in order to access Roman Catholic archives that are usually located in each diocese, one must get permission of the bishop. Although my Research Assistant was never denied access, his requests was not always responded to and, thus, he did not gain access to, for example, the Kingston archives. Numerous e-mail and voice mail messages were sent to relevant people in each religious institution (see appendices for each chapter). Church publications, newspapers, and reputable web sites were investigated and relevant material gathered. Travel to London, Toronto, and Cornwall was required for some research into the UCC, Anglican, and RC churches. These trips involved some interviews as well as archival research and will be identified in each chapter as they occurred.

Much of the research previous to the emergence of concrete policy statement regarding complaints of child sexual abuse involved the examination of material not explicitly addressing "child sexual abuse" but sexuality and child related issues more generally. Later, but usually preceding the emergence of any particular policy on child abuse, other forms of abuse, often woman abuse, emerged as issues in the religious institutions examined. These more general subject areas helped to form the context that

eventually gave rise to the explicit naming of child sexual abuse occurring within religious institutions.

As one way of illustrating how the policies that have emerged in some religious institutions (not all have developed policies aside from supporting secular processes), I attempted to gather case studies from each identified religious tradition but the policies have been established recently enough to prohibit access to any actual cases. As a result, with the exception of the Anglican Church, I structured the chapters without a “case examples” section. Mr McNally unearthed sufficient information largely from media releases and reports to provide a valuable, if short, section of examples that highlighted the application of some policy steps to child sexual abuse complaints. The Roman Catholic Church chapter also includes some reference to cases that help illustrate the topics addressed in various sub-sections and so are threaded throughout the chapter instead of being located in one particular section.

After the research was gathered, it was organized according to the proposed table of contents. Where possible, the same format was used for each chapter so as to best facilitate comparisons between the institutions. I distilled and reconfigured parts of the chapters and preserved most of what my very competent research assistants provided.

In the concluding chapter I identify some overarching themes and historical shifts experienced by the religious institutions. Also, some differences between the institutions are identified and considered. Based on the collected information and analysis, I suggest some future directions for the selected religious institutions.

### **Limitations of the Study**

There are several limitations of this study. First, due to the decentralized structure of most of the religious institutions researched, it was not possible to represent fully the approaches of each identified religious institution to child sexual abuse complaints. Only one of the studied religious institutions – the United Church of Canada – has a single universal policy. In many cases, policy is dependent upon religious leaders such as bishops, boards, and others; the national body can suggest policies but the particular faith communities can choose, in many religious institutions, whether or not to follow the approach/policy as presented, to develop a similar one, to develop a different one, or not to use one at all. Consequently, the only way to get a complete picture of the state of such policies would be to consult with every individual diocese, pastoral charge, or other particular faith community. Further, each such community would need to choose to respond to such an inquiry. This study does not claim to represent all of these communities.

With the exception of the Roman Catholic Church in Canada, all of the existing policies examined were/are directed at all complaints of sexual abuse; in other words, child sexual abuse complaints are one type of sexual abuse covered by the policies. As a result, some parts of the policies are not relevant to complaints of child sexual abuse but this distinction is not always clearly identified in the policies. Further, because of this generalized nature of the policies, sometimes a distinction between complaints of historic child sexual abuse and current child sexual abuse is not explicitly identified in all parts of the policies.



This study examines a limited number of faith traditions and therefore can make claims only regarding those particular religious institutions in Canada.

A further limitation pertains to actual implementation of the policies since information related to particular cases is usually confidential and, further, statistics regarding the number of cases and their outcomes either have not been collected or are not made available.

The focus of this study is on official policy, not on grassroots perceptions; for example, I cannot make any claims regarding the perception or awareness of such policies or approaches by the religious tradition's members. It may be that in some religious institutions, the majority of involved people are not aware that a policy exists or may perceive any policy as unhelpful or helpful.

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## **Chapter 2 – The Roman Catholic Church in Canada**

### **(i) Introduction**

The research for the Roman Catholic Church of Canada was done using a variety of sources. The Canadian Conference of Catholic Bishops' (CCCCB) website and particular diocesan websites were investigated first. A number of these websites contain helpful information and are updated regularly. For example, the Diocese of London, which I have found to be one of the more transparent dioceses, has their sexual abuse policy available on the web and provides updates on sexual abuse issues in the Diocese.

Next, I sent an email message to all of the dioceses and eparchies in Canada (Crouch, email template, [Appendix 1]). I used a standard template message and where information was available on the particular diocesan website, I generally included reference to that information.

Responses varied with the most common being no response. There were responses that were mildly antagonistic, for example one of the responses from the Diocese of Calgary (Henry E-mail, 23 Jan 2007 [Appendix 1]). A request to visit the Diocese of Kingston archives was met with little response that did not lead to access to the archives. In some cases there was a language barrier since my emails were sent out in English and some dioceses are French. The focus of this report is on dioceses with whom

I was able to communicate in English. I have included three policies from dioceses in Quebec (Quebec policies [Appendix 1]) based on some limited interaction.

There were some engaged and helpful responses. A number of dioceses and archdioceses, such as London, Ottawa, Antigonish, and Edmonton, were very communicative over email. I have included the dialogue with the Diocese of London's Chair of the Committee on Sexual Abuse, Rev. John Sharpe, as an example (Sharpe, emails [Appendix 1]).

Two requests for meetings and archival visits were responded to with offers of assistance. Representatives from the Archdiocese of Toronto – the Archdiocesan lawyer, media relations director, and judicial vicar -- met with me formally. They also provided me with copies of the Archdiocesan policies as they have evolved [Appendix 2].

I discuss the approaches and policies of a cross section of Canadian dioceses in this chapter. Many dioceses simply refer to the central document, *From Pain to Hope*, and have followed the guidelines set forth in that document. I include more information from those dioceses with policies that are either in some way distinct or more thorough and forthcoming.

Additional research was done using news articles, reputable Web sites, and reading relevant secondary sources.

### *Church Structure and Description of the Context*

The leader of the Catholic Church is the Pope who considered the successor to Saint Peter. The Church is administered out of the Vatican City, which is “an

autonomous State,” and administration is done by the Roman Curia, which acts under the Vatican’s Secretary of State (Francis Morrissey, *Report of the Rev. Francis G. Morrissey, O.M.I., in Response to Questions Relating to Financial Management in the Roman Catholic Church in Canada*, 4 [Appendix 1]). The major administrative departments within the Vatican are called congregations. Each congregation is headed by a Cardinal.

The Catholic Church in Canada represents the largest religious community in the country. An analysis of the 2001 census data from Statistics Canada states that Roman Catholics are “the largest religious group, drawing the faith of just under 12.8 million people, or 43% of the population” (Statistics Canada, <http://www.statcan.ca>). Geographically, this group is divided into ecclesiastical jurisdictions known as Dioceses and Archdioceses, each of which is under the direction of a Bishop or Archbishop respectively.

The distinction between a Diocese and Archdiocese comes from the grouping together of Dioceses into ecclesiastical provinces. An ecclesiastical province is a collection of dioceses, in each ecclesiastical province there is one diocese which is recognized as the first diocese, so the archdiocese, and the bishop of that diocese is an archbishop. The Archbishop has no structural power over other Bishops within the same ecclesiastical province, rather the role is considered honorific.

There are 71 Dioceses and one Military Ordinariate that make up the Catholic Church in Canada, and each is run as its own jurisdiction. Of the 71 Dioceses, 62 are from the Latin Rite, and 8 are Eparchies. Eparchies are churches that arise out of the

Oriental tradition, and are under the jurisdiction of the Congregation for Oriental Churches.

The Canadian Conference of Catholic Bishops (CCCC) “is the assembly of the Bishops of Canada” (CCCC, *Directory 2006*, 7 [Appendix 1]). It is collegial in purpose and carries little authority over the individual jurisdictions within Canada, “respecting the autonomy of each Bishop in the service of his particular Church” (CCCC, *Overview*, <http://www.cccb.ca/site/content/view/1895/987/lang,eng/>, [Appendix 1]). The role of the Conference is to provide “ways for assisting the Canadian bishops in their pastoral responsibilities and in different areas such as ecumenism, theology, liturgy, social affairs, Christian education and communications.... [It] provides the bishops a forum where they can share their experience and insight on the life of the Church” (CCCC, *Directory*, 7).

There are four regional assemblies of Canadian Catholic Bishops. These are the Western Catholic Conference (WCC), the Ontario Conference of Catholic Bishops (OCCB), the Assembly of Quebec Catholic Bishops (AQCB), and the Atlantic Episcopal Assembly (AEA). “These regional assemblies enable the bishops to deal directly with pastoral questions related to regional matters” (CCCC, *Directory*, 78).

The laws of the Catholic Church were first codified in 1917 and formed the *Code of Canon Law*. “Prior to 1917, existing laws were in the form of decrees or other norms, but were not codified” (Morrisey, *Report*, 2). In 1983 the code was revised, and this code remains the acting law for Catholics of the Latin Rite. In 1990, the Eastern Rite Churches codified their laws, which are distinct from the Latin Code. These laws are “considered to be universal law applicable to Catholics everywhere. This law is



complemented by what is known as a ‘particular law’, that is, laws applicable to a given territory” (Morrisey, *Report*, 2).

**(ii) Approach to Child Sexual Abuse Including Relevant Statements, Policies and Practices: 1960-1980**

The initial response of the Catholic Church to reports of clergy sexual abuse of minors had been reluctant. “At first, accusations were generally met with denial.” There was little guidance for the Church and “although some canons, such as c. 1395, alluded to sexual acts committed by clerics against minors, they did little to address long-term issues” (Morrisey, *Addressing the issue of clergy abuse*, “Introduction” [Appendix 3]).

*A Brief Note on Canon Law*

As in other faith communities, child sexual abuse was not dealt with in the manner that is expected today. In earlier periods, attention to the matter within Roman Catholic Canon Law was usually in the context of dealing with a variety of church defined sexual and non-sexual sins. In the case of the laity of the church, offences were detailed in Canon 2357, which explicitly states that adultery committed with minors under the age of 16 is a punishable offence (*1917 Canon Code*). Additional offences in Canon 2357 include the commission of rape, incest, inciting prostitution and sodomy (*1917 Canon Code*). Those found guilty of these offences were subject to the penalties the Ordinary judged reasonable to impose (Can. 2357 *1917 Canon Code*). Similarly, a priest or member of a religious order found guilty of committing an offence against the “sixth commandment of the Decalogue with a minor under the age of sixteen” or of committing adultery, bestiality, sodomy, inciting prostitution or incest, was to be stripped

of his/her office and any benefits thereto attached, and in the most serious cases deposed (Can. 2359 1917 Canon Code).

A specific area of concern was with the crime of soliciting, by a priest, from those seeking the sacrament of confession. The 1962 document *Instructio De modo procedendi in causis de crimen sollicitationis* provided instruction to “Patriarchs, Archbishops, Bishops and other Diocesan Ordinaries” of all Roman Catholic rites on the interpretation of the 1917 Canon Law dealing with solicitation, and the internal judicial process in the case of accusations.<sup>1</sup> The process for dealing with “this unspeakable crime” was to the responsibility of the Ordinary of the territorial area in which “the accused person has residence” (*Crimen Sollicitationis* S. 2). In accordance with the 1917 Canon Law, victims had to take the action of “denouncing” (setting forth an accusation) within one month of the event occurring (S. 16). There was also the provision, in accordance with Can. 1935, for “anyone of the faithful . . . [to] denounce the delict of solicitation, of which he will have had a certain knowledge” and for anyone who knowingly fails to take such action within a month to fall “into an excommunication reserved latae sententiae” (*Crimen Sollicitationis* S. 17-18).

Denunciations were to be completed in written form, signed by the Ordinary and the accuser and then investigated using the process outlined through the 1917 Canon Law (*Crimen Sollicitationis* S. 19-28). When considering the matter, the Ordinary was to

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<sup>1</sup> The researchers have been made aware that the 1962 version replaced a previous (1922) version of this document. However, we were unable to obtain a copy of the 1922 document. Secondary material, from Thomas Doyle, O.P. J.C.D., indicates that the two documents were substantially similar. The information can be found on Mr. Doyle’s webpage (<http://www.crusadeagainstclergyabuse.com/html/AShortHistory.htm>), and copies documents found at <http://www.richardsipe.com/> (e.g. *The 1962 Vatican Instruction “Crimen Sollicitationis” Promulgated on March 16, 1962*).

examine evidence of past complaints (*Crimen Solicitationis* S. 30). He was also to question two witnesses who can speak to the character of the accuser and the accused interrogating them

concerning the life, morals and public reputation of both [parties] . . . whether they think the one denouncing is worthy of credence; or whether, on the other hand, that person is capable of lying, of calumniating and of perjuring himself; and whether these persons know whether there has even been any case of hatred, grudge or reason for enmity between the one denouncing and the denounced person.

(*Crimen Solicitationis* S. 33).

Of interest to many is the matter of secrecy relating to the proceedings. Section 11 of *Crimen Solicitationis* states “because, however, what is treated in these cases has to have a greater degree of care and observance so that those same matters be pursued in a most secretive way” and “are to be restrained in a perpetual silence”; the potential penalties for breaking secrecy ranged as high as excommunication. At the time of its writing, all persons connected with the case, including both accused and accuser, were to swear an oath of secrecy (*Crimen Solicitationis* S. 11-14). The reasons behind this secrecy may have been motivated by a desire to hide such cases from public scrutiny and avoid accountability. Or, as some canon lawyers have argued, the primary motivation may have been to “allow witnesses and other parties to speak freely, knowing that their responses” would be kept confidential. Additionally, it would permit “the accused party to protect his good name until guilt” was established, and permit “victims to come forward without exposing themselves to publicity”; such protection of privacy was also thought necessary given that investigations would be dealing with matters that may have occurred under the protection of the confessional (Allen). Motivation cannot be

determined but it has become clear that this concern for secrecy has not functioned, usually, to the benefit of the victim.

It is not possible to assess definitively whether *Crimen Solicitationis* has had any ongoing effect on the manner in which child sexual abuse processes are engaged within the Roman Catholic Church. Since coming to light, some opine that *Crimen Solicitationis* is evidence of an explicit plan to hide crimes of a sexual nature. Others contend that “few bishops had ever heard of” this obscure document, and that it in no way “tied the hands of a bishop, or anyone else, who wanted to report a crime by a priest to the police” (Allen). (Please see pp.26-27 of this document for a continuation of this brief note on Canon law.)

#### *A Brief Historical Contextual Overview*

Charles Sylvestre, a former priest with the Diocese of London (DoL), recently charged with crimes related to the sexual abuse of minors, pleaded guilty to cases that dated as far back as 1954. The Diocese recently announced that in the course of a court mandated search of diocesan documents, “staff discovered copies of three police witness statements from 1962 alleging abuse by Charles Sylvestre” (DoL, *A Progress Report*, [http://www.rcec.london.on.ca/Abuse/20061220\\_Progress\\_Report.htm](http://www.rcec.london.on.ca/Abuse/20061220_Progress_Report.htm) [Appendix 3]). As reported by the CBC this contradicts earlier claims that the Diocese had “believed reports of his abuse were first made in 1989” (CBC, *Earlier reports of priest’s abuse surface in diocese’ files*, <http://www.cbc.ca/canada/toronto/story/2006/12/21/priest-victims.html> [Appendix 3]). According to the article, in “the documents were transcribed interviews with three girls who told police how Sylvestre had touched them and exposed himself.”

In their statement announcing the existence of the documents, the Diocese states that there “is no indication how or when the documents were first received by the Diocese but it is certainly possible that they were given to diocesan officials in 1962” (DoL, *Progress*).

The discovery of these documents validates a statement made by former Bishop John Michael Sherlock, whose tenure as Bishop ran from 1978 to his retirement in 2002. In an article entitled *Our former Bishop reflects on personal experience of Church’s journey from pain to hope regarding sexual abuse scandals* [Appendix 3] the author writes:

an early response...was to protect the priesthood and the church. He [ie Sherlock] ventured that “the culture of silence” around sexual abuse cases may have resulted from priests being “victims of their own theology.” There was a belief that “a priest is a priest forever...” and should not be removed from ministry. “It took time for the protection of children to become foremost,” he said. (Marie Carter, Para 4, 1)

The CBC article cites the present Bishop, Ronald Fabbro, as stating that “his counterpart in 1962 would have been told about the police reports” (CBC, *Earlier*). And the *Windsor Star* describes a “culture of secrecy that allowed Sylvestre to continue preying on young girls after victims complained to nuns, priests, police, parents, and the Bishop over the decades” (Trevor Wilhelm, *Canadian Bishop works to regain trust after pedophile priest*, [http://www.snapnetwork.org/news/canada/canadian\\_bishop\\_works.htm](http://www.snapnetwork.org/news/canada/canadian_bishop_works.htm), [Appendix 3]). In the CBC article a woman who claims to be a victim of Sylvestre from the mid-70s is quoted as saying “I would imagine that there are many more. Certainly, I myself had gone to the diocese and reported abuse and...I also reported it to police, and it was buried by both [the police and the diocese]” (CBC, *Earlier*).

This is not the only documented case of church inaction during this time period. In Newfoundland in the 1970s, a number of cases arose that were quietly removed from the public eye and public accountability. Father James Hickey, a Roman Catholic Priest, served in a variety of positions in the Archdiocese of St. John's before the Mount Cashel scandals broke open in the late 1980s. As early as 1975 complaints against him were put to the Archdiocese, "but the church never did anything about these complaints, partly to avoid a scandal and partly because Hickey managed to convince his superiors that the allegations against him were false" (Michael Harris, *Unholy Orders: The Tragedy at Mount Cashel*, 4).

At the same time in Newfoundland, the Christian Brothers' Mount Cashel Orphanage abuses began to surface; Mount Cashel was "a place where they [the residents] were sexually and physically abused by a brutal coterie of Christian Brothers" (Harris, xxiii). In the 1970s the Newfoundland Constabulary began to uncover the child sexual abuse but "the justice system terminated an ongoing criminal investigation that had uncovered massive child abuse at the orphanage; worse, the same authorities tried to get the police report of the Mount Cashel investigation altered to remove all references to sexual abuse" (Harris, xxiii-xxiv).

Mount Cashel was an orphanage located in Newfoundland run by the Irish Christian Brothers. "The Christian Brothers were an independent lay order within the Catholic Church, with their own superior in Rome to whom they reported.... [They] specifically dedicated themselves to the free instruction of male children, especially those boys who were abandoned or impoverished" (Harris, 22). In 1887 the Bishop of St. John's donated a large plot of familial land on which the orphanage was built. Much of

the orphanage burnt down in 1926, but within a week “the people of St. John’s had miraculously raised \$40,000 to erect a new home for the 165 displaced orphans” (Harris, 28). This quick influx of cash was representative of the esteem the Brothers and the orphanage had within the community. In the 1950s the Department of Social Services began using the orphanage for wards of the province. “The Department of Social Services began making significant financial contributions to the operating costs of Mount Cashel. Although the Department would have liked a greater say in how Mount Cashel was run, the Christian Brothers continued to exercise almost total control of the institution” (Harris, 28).

An early case of sexual abuse in the orphanage was brought to the attention of the superintendent by a group of boys. Brother John Barron dealt with the offending brother by having him “dispatched to a nearby monastery, which housed Christian Brothers who taught at nearby St. Patrick’s boys’ school.... He would soon be put in charge of a Boy Scout troop at St. Pat’s, and, two years later, would be back at Mount Cashel” (Harris, 35). The wayward brother returned under a new superintendent who did not follow up on the reports. Reports of abuse were given to public officials in the mid 1970s, and the reaction was minimal. A memorandum filed by a social services liaison to Mount Cashel states:

This accusation...is undoubtedly partly an emotional reaction to the punishment deemed justifiable by the Brothers; and since the boy had few marks as evidence for a severe beating, perhaps little can be accomplished by bringing strong charges at this time. But just the same, charges of severe punishment by the Brothers are not new and could indicate a limited but still present level of child abuse in the institution. (Harris, 47)

The investigation was handed over to the superintendent of the orphanage, Brother Douglas Kenny, along with numerous reports that had been brought to the attention of the superintendent by public officials and complainants. When the case hit the public's attention in the 1980s, he was one of those charged with physical and sexual abuse.

Eventually, a complaint was made to the police who began an investigation of their own. At the same time, an internal investigation began when social services called the chief advisor to the executive head of the Christian Brothers in Canada and the West Indies. This followed the inclusion of Brother Kenny in a formal complaint. The two Brothers who had confessed to sexual abuse without formal charges ever being laid were removed by the Brotherhood.

The "Canada-West Indies Province of the Christian Brothers had a policy of providing counseling to any Brother in difficulty" (Harris, 124). Although the Christian Brothers funded this counseling for their own, there was no similar provision of care for the victims of the abuse. As a Brother later testified, "I certainly don't recall any such discussion, to my shame" (Harris, 132). By 1977, the two Brothers who had confessed were finished with treatment and were teaching again. Other Brothers who had been involved were reassigned to different positions around Canada.



**(iii) Approach to Child Sexual Abuse Including Relevant Statements, Policies and Practices: 1981-1991**

*Background: A Brief Note on Canon Law*

The *Code of Canon Law* (1983) provides current canon law concerning all matters of church governance, including dealing with crimes of a sexual nature. Can. 1395.2 deals specifically with offenses, by priests, against the sixth commandment of the Decalogue, when “committed by force or threats or publicly or with a minor below the age of sixteen years”. The punishment is to consist of “just penalties, not excluding dismissal from the clerical state if the case so warrants.” Similarly, Can. 1387 states that a priest “in the act, on the occasion, or under the pretext of confession solicits a penitent to sin against the sixth commandment of the Decalogue is to be punished, according to the gravity of the delict, by suspension, prohibitions, and privations; in graver cases he is to be dismissed from the clerical state”. Taken together, these Canons provide a basis for acting upon complaints of crimes of a sexual nature. (*Code of Canon Law (1983)*, English Language Translation. [http://www.vatican.va/archive/ENG1104/\\_INDEX.HTM](http://www.vatican.va/archive/ENG1104/_INDEX.HTM))

*Background: The Greater Emergence of Child Sexual Abuse Complaints*

The issue of child sexual abuse by clergy and religious “began to make headline news in Canada in 1988-89” (Stephen Rossetti, *A Tragic Grace*, 7). The coming to light of the events that occurred at Mount Cashel marked a turning point in the church’s responses to allegations of child sexual abuse in Canada.

In Newfoundland, the case of Father James Hickey entered the public consciousness. In 1987, a priest who had formerly been a victim of Father Hickey’s

wrote a letter to Child Welfare in St. John's and approached the Archbishop, making a formal complaint against Hickey, as his past guidance counselor. Through the Child Welfare office, Father Hickey was charged formally two months later on January 12, 1988; he "was charged with thirty-two counts of criminal sexual behaviour" (Harris, 6). A handful of other priests in Newfoundland faced similar charges (Rossetti, 7).

The questions that arose out of the different cases in Newfoundland "compelled Archbishop Alphonsus Penney to establish the Winter Commission, an inquiry charged with finding out how such widespread sexual abuse of children by priests could have gone undetected for so long" (Harris, xxii). The commission was headed up by Gordon Winter, a former lieutenant governor of Newfoundland and a non-Catholic. "Commissioner Winter would make recommendations to the Archbishop on the spiritual healing of victims and the problems of selecting suitable candidates for the priesthood" (Harris, 15).

The Winter Commission held its first meeting on July 11, 1989 in Portugal Cove, where Father James Hickey had once served. A series of witnesses came forward, "cried cover-up and demanded the resignation of Archbishop Penney" (Harris, 16). More meetings brought forward more witnesses and angry crowds. The second such meeting occurred "just hours after two members of another Roman Catholic order, the Congregation of Irish Christian Brothers, were arraigned in Provincial Court on sex charges" (Harris, 17). It was from meetings such as this that the Commission "acknowledged the charges of a 'cover-up' were made by many" (Rossetti, 8). During one of these sessions Winter explained to those in attendance that the Commission was

not “under the thumb of the Archbishop, or being unable to ask him questions” (Harris, 17).

In the fall of 1989, the Commission sent out letters to the different dioceses with hopes of “becom[ing] as fully informed as possible of protocols and administrative procedures that may be in place in the light of canon law, or civil law, or both” (Gordon Winter, Letter to Mgr. Eugene P. LaRocque, 30 October 1989, [Appendix 4]).

One of the major responses of the Winter Commission (1990) was that it “recommended a revision of the diocesan protocols [that began to emerge in 1987], trying to give them a more pastoral tone” (Morrisey, *Addressing*, Sec. 2.1). Furthermore, “the Commission discovered that the Archdiocesan leadership, did, in fact, have knowledge, since the mid-1970s, of deviant or sexually inappropriate behaviours among some Roman Catholic clergy” (Winter, Sec 3:2, as quoted in Rossetti, 8).

*1987: Canada’s First Roman Catholic Diocesan Child Abuse Protocols*

Francis Morrissey writes that when “the first cases came to light in the mid 1980s, there was confusion, consternation, and at times even panic in chancery offices and religious institutes” (Morrisey, *Addressing*, Sec 2.0). Rossetti writes, the “problem of Church professionals, usually priests, sexually abusing children began to receive extensive national media coverage in the United States in the mid 1980s” (Rossetti, 5). He cites the case of the Reverend Gilbert Gauthé, from the Diocese of Lafayette in Louisiana, as the “case that first brought priest-child sexual abuse into the public eye” in the United States (Rossetti, 5). In this case “lawsuits were brought against the Catholic

Church in 1983 alleging it failed to respond adequately to incidents of Reverend Gauthé sexually abusing children in his parish. The lawsuits were settled for a cumulative total of over ten million dollars” (Rossetti, 5).

“In many instances, it was the secular authorities who handled the matter and Church authorities had to stand by and let justice take its course” (Morrisey, *Addressing*, Sec. 2.0). Church authorities began to struggle with how to relate cases of sexual abuse to canon law. “One of the first canonists who attempted to apply the then new canonical legislation to the situation was Father Thomas P. Doyle, who at that time was working at the Apostolic Nunciature in Washington” (Morrisey, *Addressing*, Sec. 2.1). In response to the Gauthé case, Doyle, along with Ray Mouton and Reverend Michael Peterson, MD, began to work together as advisory counsel to the American Bishops. “Reverend Peterson was president of St. Luke Institute, a hospital that provides residential psychological care for clergy. Ray Mouton was a lawyer in Lafayette, Louisiana” (Rossetti, 5-6). These three “collaborated on a ninety-two-page paper which was the first comprehensive attempt to address the issue of clergy-child sexual abuse in the Catholic Church” (Rossetti, 6). These “overall proposals were not immediately accepted by the United States’ bishops, although in later years many of his insights were integrated in diocesan protocols” (Morrisey, *Addressing*, Sec. 2.1).

Individual dioceses began to implement their own diocesan protocols; in “...Canada, in 1987, and building on Father Doyle’s work, an initial protocol was prepared and received by the bishops, leaving each diocese free, however, to accept or adapt it as required” (Morrisey, *Addressing*, Sec. 2.1). These protocols were established

to ensure dioceses followed proper legal (civil and canonical) procedures, and fulfilled all of their legal and pastoral obligations.

The first section of these guidelines involves the establishment of appropriate response procedures when a complaint is received. Of the eleven points put forward, one makes reference to ensuring proper care for the victims and families: “*suitable persons* should be designated to meet with the parents, and eventually the children involved, provided the parents so consent” (Francis Morrissey, *Proposed Procedure to be Applied in Cases of Alleged Sexual Misconduct by a Priest*, 122, [Appendix 4]). There is no definition provided for “suitable persons.” In terms of care and response to the accused, one reference is made to the need for care from a psychological treatment facility that would “offer complete medical and neurological facilities, etc” (Morrissey, *Proposed*, 122). The other articles deal with legalities, finances, and the establishment of individual policies for dioceses. The document calls for a team consisting of, “at minimum a canonist, a specialist in civil and criminal law, [and] a medical doctor who is experienced in the treatment of persons who suffer from disorders related to pedophilia and similar illnesses” (Morrissey, *Proposed*, 121). The mandate of this team is to “establish a *basic policy* or contingency plan which would take into account existing Church and civil laws applicable to the territory” (Morrissey, *Proposed*, 121). The rest of the guidelines encourage proper insurance coverage and procedures, financial contingencies, media relations, and the education of diocesan priests and religious on the policy.

The second section gives guidelines for how a policy should work following an allegation. The first recommendation is in regards to the victim, whereby a clergy delegate would “meet with the parents on behalf of the diocese” (Morrissey, *Proposed*,

122). Following this initial meeting the victim “should...with the parents’ consent, be interviewed by a mental health professional familiar with the problems of children in this age group. If the parents do not consent, advice should be offered to them as to where to obtain appropriate professional counseling for themselves and the children” (Morrisey, *Proposed*, 122). There are numerous recommendations that legal counsel be obtained for the accused cleric as well as ensuring that lawyers are present at all times during the inquiry. An immediate leave of absence from duties, presumably with pay though this is unstated is recommended. These guidelines were directed primarily at complaints of current child sexual abuse but did not exclude complaints of historic abuse.

Further, “at no time after a denunciation has been made should the diocesan bishop or any of the priests involved hear the sacramental confession of the accused cleric” (Morrisey, *Proposed*, 122). In an article written a couple of years later, Morrisey writes that the purpose for this was to make sure “that the persons directly involved in the process (the diocesan bishop, the delegate, other priests conducting the inquiry) are not in conflict with obligation arising from applicable secular laws and from the inviolable law pertaining to the sacramental seal” (Francis Morrisey, *Procedures to be Applied in Cases of Sexual Misconduct by a Priest*, 56-57, [Appendix 4]). This Roman requirement to never break the seal of the confessional continues to pose a potential ethical dilemma for many priests: is the harm done by breaking the seal greater or less than the harm done by allowing someone to harm another?

Next, an inquiry was to be directed by the designate with lawyers in attendance. Following the inquiry, the designate would report to the bishop whether or not there was “substance to the accusations” (Morrisey, *Proposed*, 123). This preliminary inquiry

consisted of the designated priest “hearing those who are bringing the complaint...[as well as] the accused priest is to be heard” (Morrisey, *Proposed*, 123). If the decision was to proceed then the priest would be “referred immediately (no later than the next day) to the selected treatment center for medical and psychological evaluation” (Morrisey, *Proposed*, 123). After the cleric had been evaluated, the aforementioned team was to determine whether or not to proceed to a canonical trial. A trial would decide if there ought to be further prohibitions on the cleric’s functioning. If “the cleric is found guilty, then the appropriate canonical penalties are to be applied (not excluding the eventual possibility of depriving the cleric of the clerical state)” (Morrisey, *Proposed*, 123).

The third section deals with responses to the involved parties if sexual abuse has been verified through a canonical trial. It states that “assistance should be continued in various ways for the child (or children) involved, for the family, and so forth” (Morrisey, *Proposed*, 123). The document does not explicitly address the needs of adults who experienced sexual abuse as children. The document underscores the importance of this care for children: “special care should be taken to show the Church’s concern for the victims of such actions, even though the matter is painful. The spiritual well-being of the children and of the parents is of primary concern” (Morrisey, *Proposed*, 124).

Regarding responses to the offender, he must be assessed carefully before his return to active ministry is considered by the advisory team; clearly the document’s primary concern is with offending male priests but complaints against others in positions of trust are not excluded. Should the cleric return to ministry he would be required to continue receiving therapy (Morrisey, *Proposed*, 123).

The fourth section deals with the keeping of written records of all proceedings for “the benefit of the legal counsel of the diocese” (Morrisey, *Proposed*, 123).

There are some notable omissions within this early set of guidelines and recommendations. First, there is little mention of church interaction with secular authorities. Legal reporting standards may have been presupposed, but they are not discussed in this document. Nor does the document deal with the question of any potential overlap between a secular investigation and a church investigation. Another omission concerns financial responsibility. For example, does the “advice” offered to parents around professional counseling include financial support? Further, the policy is directed at allegations made at clerics, not other people in positions of trust or authority. Also, complaints of historic child sexual abuse are not explicitly addressed.

*Diocesan Case Examples: 1. Archdiocese of Toronto*

The Archdiocese of Toronto created a policy in 1989 (Interview with Fr. Brian Clough, Peter D. Lauwers, and Neil MacCarthy, Toronto, 27 Feb 2007). This protocol is different from the 1987 guidelines. It includes an in depth investigative step and focuses more on the care of the victims, calling for “appropriate professional counseling services for the child, the parents and siblings, to begin immediately” (ADoT, 1989 *Procedures*, 5, [Appendix 2]). Further, the protocol explicitly applies to allegations of sexual misconduct against anyone, not only clerics, under the employ of the Archdiocese.

A diocesan investigation is engaged following any secular investigation, and will proceed even if secular investigations result in no charges (Clough Interview). Further,



for the diocesan process to continue, the investigator need not “be satisfied beyond a reasonable doubt that the allegation is true, or even that the allegation is probably true. The investigator should find that there is substance to the allegations unless he or she has been persuaded that there is a substantial probability that the allegations are not true” (ADoT, 1989 *Procedures*, Commentary 2). This preliminary investigation is to occur quickly, “within one hour if possible and should be completed as quickly as possible” (ADoT, 1989 *Procedures*, Commentary 1). This initial investigation calls for “the investigator [to] meet with the person or persons making the allegation, and the accused” (ADoT, 1989 *Procedures*, 2). The Judicial Vicar will follow with canonical proceedings and immediate treatment for the accused following this preliminary investigation if the complaint is found to have substance.

Under the updated 1991 procedures the investigator must request the Judicial Vicar to make arrangements for an investigatory hearing if the preliminary investigation finds the complaint to have substance (ADoT, 1991 *Procedures*, sec 13, [Appendix 2]). The investigatory hearing is closed; only invited parties may attend. At this hearing a “party may...(a) be represented by counsel; (b) call and examine witnesses and present arguments and submissions, (c) conduct cross-examinations of witnesses at the hearing reasonably required for a full and fair disclosure of the facts in relation to which they have given evidence” (ADoT, 1991 *Procedures*, sec 6.1). This hearing involves submission of evidence, including testimonies and other documents “whether or not given or proven under oath or affirmation or admissible as evidence in canonical proceedings or a court of law” (ADoT, 1991 *Procedures*, sec 7.1). Again, this hearing is distinct from secular proceedings; the “...Investigator is not bound by the decisions of

other investigations, including criminal or civil jurisdiction, in respect of an issue of fact, but may consider and give weight to such decisions” (ADoT, 1991 *Procedures*, sec 8.2).

The regulations delineate the conduct of hearings, the order of proceedings, and issues concerning the questioning of parties. Based on this hearing, the Investigator is to make a report to the Archbishop as to how to proceed within the Roman Catholic Church system.

The Archdiocese under the discretion of the Chancellor “will pay the legal and other expenses of the complainant incurred in respect of an investigatory hearing” (ADoT, 1991 *Procedures*, sec 22). Similarly the respondent’s legal and other fees will be paid. In both situations, such payment is under the direction of the Chancellor who may “terminate the obligation of the Archdiocese to pay under this paragraph from and after the date fixed in the notice” (ADoT, 1991 *Procedures*, sec 22.d & 23.d).

The original policy neither prescribes nor recommends preventative measures, according to the Judicial Vicar and Lawyer responsible for drawing it up (Clough Interview). The policy was updated in 1991 with further minor revisions. These revisions include a change to the age where reporting is required; it used to be mandatory if the child or youth was 18 or under, now it is mandatory only for those 16 and under. Complaints of historic abuse will be received and investigated although it can be more difficult to investigate such complaints.

The diocese will receive complaints directly from the complainant and also from third parties. However, there are difficulties regarding how best to deal with the alleged victim when a third party complaint is filed. These difficulties include how best to

approach the alleged victim; how best to provide further pastoral care; and the possibility of having to put the person who allegedly experienced abuse through more investigation of there are conflicting stories. The Archdiocese does not accept anonymous complaints. Also, if a complaint is withdrawn the Archdiocese will continue with an investigation (Clough Interview).

## 2. London Diocese

The Diocese of London (DoL) in Ontario implemented a protocol in 1989 and, in so doing, joined the Archdiocese of Toronto in becoming “one of the first in Canada to do so” (Diocese of London, “What Has Been Done,” <http://www.rcec.london.on.ca/Abuse/SexualAbuseHistory.htm>, [Appendix 4]). The DoL process is quite consistent with the *Morrisey Guidelines*. According to Father John Sharpe, the present chair of the Diocese’ Sexual Abuse Committee, it is probable that the *Morrisey Guidelines* greatly influenced the development of the protocol (Sharpe, e-mail, 26 January 2007).

The Diocese of London protocol requires that any allegation made to a cleric “whether it involves themselves or another priest or person who may be considered under the direction or control of the Roman Catholic Church” (DoL, *Committee Procedures Regarding Allegations of Sexual Impropriety*, Sec. 3, [Appendix 4]) must be reported immediately to the Chair of the Committee on Sexual Abuse. Furthermore, members “of the priesthood are not to exercise any discretion in fulfilling this reporting obligation” (DoL, *Committee Procedures*, Sec. 3). Once the complaint has been reported to the committee, the investigation begins. Next, the chair of the Committee meets with the

respondent. (The policy does not say what will be done in the case that the respondent is deceased.) Following that meeting, “two persons would do the investigation and certainly one thing we would be looking for would be the involvement of minors or vulnerable persons” (Sharpe, email). If a decision is made not to proceed, the lawyer on the committee must first be consulted. It is the responsibility of the chair of the Committee to make the necessary reports, including ones to the Diocesan authorities (sec. a), Child Welfare authorities (sec. b), and insurers (sec. j). The investigation proceeds with meetings with the alleged victim or his/her legal guardians, and there are further meetings and examinations of the alleged offender (sec. d – h). Following the investigation, the protocol outlines steps to be taken including the provision of legal counsel, possible leave for the alleged offender, and possible canonical proceedings such as trial (sec. 6.lff).

Under the London policy, care for both the alleged offender and victim is to be provided: “referral of the alleged victim or family members to a professional counselor, or in the alternative, provision of advice and information as to the availability of such assistance” (DoL, *Committee Procedures*, Sec 6.k). Provision of care continues to be recommended following the adjournment of proceedings: “the Committee should consider the continued provision of assistance to the victim or family, and therapy or other assistance to a priest or other person” (DoL, *Committee Procedures*, Sec. 7).

The DoL protocol was reviewed in 1994, following the publication of *From Pain to Hope (FPtH)*, see further down), with the conclusion that no revisions were necessary to make the protocol consistent with *FPtH* (DoL, “What Has Been Done”).

**(iv) Approach to Child Sexual Abuse Including Relevant Statements, Policies and Practices: 1992-2006**

In October of 1989, the "...Ad Hoc Committee on child sexual abuse by priests or male religious was created at the annual Plenary Meeting of the Canadian Conference of Catholic Bishops" (CCCB, *FPtH*, 13 [Appendix 5]). This arose out of reports given by the Canadian Bishops that "said that the first response to allegations of child sexual abuse by clergy should be handled by each individual diocese. However, they agreed that additional guidelines were needed at the national level" (Rossetti, 8). Again, the CCCB has no official authority over the individual dioceses in matters of policy administration but can provide guidance and resources. In November of the same year, a bishop, the Most Rev Roger Ebacher, was named chairperson and the work began.

The initial mandate given to the Ad Hoc Committee in November consisted of five parts:

- 1) Completion/expansion of the 1987 suggested guidelines, in the light of their use in dioceses, other recent experiences, etc.
- 2) Additional guidelines/policies for the extended pastoral care of victims and their families.
- 3) Guidelines/policies for the extended pastoral care and future of priest offenders.
- 4) Guidelines (models) for diocesan community self-awareness ("auto-critique") and prevention strategies and mechanisms, which foster and facilitate a fuller human support system for all priests and indeed for all parishioners.
- 5) Guidelines for affirmative activities at the local level, to help Church members join other people of good will to help break the cycle of sexual abuse. (*FPtH*, 14)

The committee revised this mandate in August of 1990. "We decided to combine points 4 and 5 into a single project. In addition we identified 'the selection and training of candidates for the priesthood' as a specific question that needed to be addressed"

(*FPtH*, 14). The committee met over the course of two years, from April 1990 to April 1992. What came out of this committee was the report *From Pain to Hope: Report from the CCCB Ad Hoc Committee on Child Sexual Abuse* that was released in June 1992.

The group also produced a study guide where the “intention was to raise consciousness at the most basic levels of the Church to the reality of child sexual abuse” (Rossetti, 8-9). This guide was entitled *Breach of Trust--Breach of Faith* and also came out in 1992.

*Complaints of Child Sexual Abuse and Complaints by Adults of Historical Childhood Sexual Abuse*

*FPtH* defines “direct victims of sexual abuse against children” as “the child who has been abused by an adult; or the adult survivor of child abuse” (*FPtH*, 18). The RCC, according to *FPtH*, has an obligation to provide pastoral care to “children who are victims of sexual abuse and to adults who were sexually abused in their childhood” (*FPtH*, 26). The RCC is to seek justice and care for all who claim to have experienced childhood sexual abuse, according to *FPtH*. *FPtH* advises that diocesan policies are to address complaints made regarding current and historical child sexual abuse.

The authors of *FPtH* wrote the document with a commitment to breaking the silence around child sexual abuse and working for justice. Accordingly, they outlined four “truths.” The first truth is in stating that, “child sexual abuse occurs and will continue to occur in a climate of deception, hypocrisy, and lies” (*FPtH*, 64). Into this is tied the second truth of humility, an admission that there are problems, and that they need to be resolved rather than justified or hidden. The third is conversion. When it is

resolved that “something is lacking within the Church” (*FPtH*, 64), the Church is called to change. Forgiveness is the final truth, and can neither come easily, nor be demanded at the cost of “concealing an unhealed wound” (*FPtH*, 64).

The recommendations made in *FPtH* are directed towards five different groups: the Catholics of Canada, the Bishops, those who direct priestly formation, those responsible for priests, and the CCCB. The first set is the “Recommendations to the Catholics of Canada” (*FPtH*, 45). These recommendations are very general. The first recommendation is to encourage openness, asking Catholics “to break the silence and become actively involved in addressing and eradicating this social affliction” (*FPtH*, 45). The recommendations promote support for the victims (recs. 2 and 3), and for priests as they often bear the brunt of the fallout from allegations (rec. 5). Education is also encouraged regarding the legalities around sexual abuse (rec. 4).

The second set of recommendations is directed towards the Canadian Catholic Bishops. These recommendations include more concrete guidelines for action than those given in the first section. First, a committee and a diocesan protocol that deals with allegations of child sexual abuse ought to be created (recs. 6 - 8). All priests and religious personnel must be made aware of that protocol (rec. 9). The uniqueness of each situation presented in each Diocese is the reason given within the report for not recommending one universally binding protocol. Specifically, the authors cite the differences between “various provincial laws on reporting...; the [differences involved in] coordination of interventions between child protection agencies and the office of the local Provincial Crown Attorney...; [and the differences between] the basic diocesan organizational structures” (*FPtH*, 72). Although it is recommended that each diocese

establish its own protocol, “dioceses can inform one another of their experiences in this regards” (*FPtH*, 47); collegiality between dioceses is encouraged.

Recommendation 13 calls for the Bishop to “designate, if this has not already been done, one competent person who will be responsible for dealing with the media and who will answer all questions concerning sexual abuse or allegations of abuse in the diocese” (*FPtH*, 48). This recommendation is in part intended to assist the Church in being “open...and truth[ful] when responding to allegations of child sexual abuse by a priest or a religious” (*FPtH*, 40) while “protecting the right of the accused to a fair trial; safeguarding the right of the victims to maximum privacy; [and] safeguarding the right of the state to initiate legal proceedings” (*FPtH*, 48). Further recommendations directed towards the Bishops can be found in the “Responses” section of this chapter. Recommendations to those in charge of priestly formation can be found in the “Screening” section of this report.

The final set of recommendations is directed to the CCCB. These call for proactive initiatives on a national level. Such actions include creating distressed youth telephone services (rec. 47) and “working towards healing as initiated with the Native peoples following revelations concerning the former Indian residential schools” (*FPtH*, 61). It also calls “for immediate and continuing research in the social sciences regarding the complex reality of human sexuality (both heterosexual and homosexual orientations), the sexuality of celibates, and the issues linked to the deviant expression of sexuality” (*FPtH*, 62).



Diocesan Case Examples: 1. The Archdiocese of Ottawa

Following the publication of *FPtH*, more dioceses began to create protocols that dealt specifically with sexual abuse complaints. In 1993, for example, the Archdiocese of Ottawa (AdoO) produced a policy and protocol using *FPtH* as a guide (Archdiocese of Ottawa, *Protocol 1993*, [Appendix 5]). For more on the ADoO 1993 protocol, see the “Investigative Procedures” and “Responses” sections of this chapter. The Archbishop’s delegate, in forming a response to a complaint, is to take “the recommendation of the Committee and, as directed by the Archbishop, do what is needed to remedy the situation” (AdoO, *Protocol 1993*, Sec 5d). This protocol was reviewed in 2001, with minimal updates (AdoO, *Protocol 2001* [Appendix 5]).

2. The Archdiocese of Edmonton

The Archdiocese of Edmonton published *Guidelines for Dealing with Cases of Sexual Abuse* in June of 2000 [Appendix 5]. This protocol is divided into three sections. The first deals with adult complaints of abuse against adults, whether by those in church positions or not. The second concerns complaints involving youth and children, again whether or not it involves church personnel. The third deals specifically with complaints against priests, religious, and members of the pastoral team. The first two sections deal generally with how to respond when any complaint is made, but should such a situation arise, the third section is intended to act as an addendum of additional guidelines in situations of reported abuse against employees of the Church. For example, should a priest be informed of an abusive situation to a child on the part of someone not involved with the church, the priest would follow the guidelines for reporting and care found in

section two. Should a priest be informed of child abuse perpetrated by church personnel, the priest would follow the guidelines for reporting and care given in sections two and three.

The first section lists the contexts in which sexual abuse can occur between adults. It makes specific notes of contact that “is apparently consensual, but which involves a breach of the boundaries that exist in a relationship of trust” (AdoE, *Guidelines*, I.1a). There is no legal obligation on the part of the priest or other person who hears this complaint to report, however, this person may “wish to discuss the option of reporting the matter with the survivor, or the party making the complaint” (AdoE, *Guidelines*, I.4). The protocol provides for third party complaints; “in some cases the person receiving the report will feel morally obliged to report the matter, especially if that seems to be the only way of preventing the re-occurrence” (AdoE, *Guidelines*, I.4).

Special recommendations are made should the reported abuse involve a child. The Edmonton *Guidelines*, in accordance with the law, call for the person receiving the complaint to “report the allegations and the information on which it is based to a director of Child Welfare immediately, that is, on the same day as the determination that there are reasonable and probable grounds” (ADoE, *Guidelines*, II.9). It is only after this report has been made to Child Welfare agency that a report is to be made to Archdiocesan authorities (or within the Religious Order if the allegation involves a Religious).

The *Guidelines* identify circumstances in which there is no obligation to report. “Mere suspicion or rumour do not raise an obligation to report” (ADoE, *Guidelines*, II.10). Other such circumstances include cases where the abuse occurred in the past and

there is “no prospect of it reoccurring in the future” (AdoE, *Guidelines*, II.11). Also, if the survivor of child sexual abuse is an adult at the time of the complaint, there is not a duty to report it, but it can be reported and investigated under the policy.

Another feature that stands out in these *Guidelines* is that they provide a list of circumstances to help decide “on the disposition of a particular case” (AdoE, *Guidelines*, III.37), making discernment far less subjective. These include assessment of the situation, assessment of the survivor and the need for protection, and the response of the perpetrator to accusations. For further discussion on these *Guidelines* see later sections of this chapter.

### 3. Other Dioceses

Other dioceses and archdioceses have procedures that reflect many of the issues raised in the Edmonton Guidelines. For example, the Archdiocese of Regina [Appendix 5] also makes distinctions between abuses against different age groups, and provides basic procedures for dealing with different reports, cases involving adults or children, and cases involving priests, parish ministers or religious.

In April of 2002, the OCCB released a statement that declaring that “all Ontario dioceses have policies and protocols in place for processing these cases of abuse in an open, fair and firm manner and in cooperation with civil authorities” (OCCB, *Statement*, 2002, [Appendix 5]). Across Canada, policies began to be revised and published publicly.

In May of that same year, the Bishop of Calgary discussed a policy similar to the one laid out in *FPtH* in his Message (DoCal, *Message* [Appendix 5]). In July of 2002 Antigonish released a revised policy “regarding complaints of sexual misconduct made against clergy or anyone employed by the Diocese” (DoAnt, *Guidelines*, Introduction, [Appendix 5]). Again, this document follows the recommendations established in *FPtH*. It does go into depth in dealing with expenses incurred during the process (see the “Responses” section of this chapter).

Changes in policy have begun to extend beyond responses to sexual misconduct complaints. In particular, screening policies have developed together with policies that are designed to proactively safeguard youth and children under the care of church personnel. (See “Screening Policies” section in the chapter.)

#### *A Brief Note on Canon Law*

In 2001 *Crimen Solicitationis* was replaced by *Delictis Gravioribus* which outlined a new process for dealing with crimes of a sexual nature (Allen). At this time, Canonical proceedings regarding allegations of sexual abuse of minors continue to be examined under the auspices of the territorial Ordinary concerned, however, the Congregation for the Doctrine of the Faith is to be notified of such proceedings and it may choose to instead carry out the proceedings itself (*Delictis Gravioribus*). *Delictis Gravioribus* notes that the statute of limitation on such cases is 10 years from the commission of the act, however, in the case of minors “the prescription begins to run from the day when the minor has completed the 18<sup>th</sup> year of age.”

Although canon law is certainly relevant to child sexual abuse policy in the Roman Catholic Church, it has been most relevant in terms of the judicial procedures to be followed to determine specific disciplinary actions. The key contemporary document regarding child sexual abuse – *From Pain to Hope* – does not have the status of canon law and, as a result, a lot of the policy and procedures occur with the backdrop of canon law but are not necessarily built on it.

*From Pain to Hope: 2005 Review*

“On the 10<sup>th</sup> anniversary of the publication of *From Pain to Hope*, the CCCB established a *Special Taskforce* to review this document, assess its effectiveness and update it or propose necessary modifications” (CCCB, *Special Taskforce*, 3 [Appendix 5]). The mandate of this Taskforce was:

- 1) To review the document *From Pain to Hope* in the light of the experience of Canadian dioceses since its publication and in view of related worldwide developments,
- 2) To examine specific elements:
  - a) Creation of safe environments for pastoral work, especially with regard to the protection of children
  - b) Improvement of transparency at all levels
  - c) Establishment of accountability at all levels without reducing diocesan autonomy
- 3) To recommend changes to general policies and the development of resources, including measures needed for follow-up by the Conference. (CCCB, *Special Taskforce*, 4)

The primary resources for the review came from information gathered from experts in the field after ten years of experience with *FPtH*, as well as interviews and discussions with both complainants and respondents. In September of 2005, the Taskforce released its report.

The responses given by the complainants contacted were mixed; individuals were “pleased with the review process undertaken by the CCCB...[however] their comments were generally critical of the management and orientation of the institutional Church in cases of sexual abuse by clergy, as well as with the way the Catholic Bishops of Canada had implemented the recommendations in *From Pain to Hope*” (CCCB, *Special Taskforce*, 5).

The complainants indicated that they experienced little sensitivity. The review states that though “*From Pain to Hope* contains recommendations on care and attention for victims, their perception is that the Church’s actions and the measures it implements are aimed more at preserving the financial and pastoral integrity of the institution, protecting priests, even known abusers, and the systematic challenging of victims, rather than their protection” (CCCB, *Special Taskforce*, 6).

Further, many complainants experienced isolation from the wider Church, and it “was suggested that victims would be less mistrustful of the institutional Church if effective, publicly known measures for the prevention of sexual abuse of minors were fully implemented in the dioceses” (CCCB, *Special Taskforce*, 7). Such preventative measures as articulated by complainants included not ever allowing those who are found guilty to minister among children again.

Also given as feedback were comments that “focused on the reliability of the implementation of its recommendations” (CCCB, *Special Taskforce*, 7). Further, there was a call for “the bishop to be responsible for his acts before the community and, when sexual abuse occurs by a member of his clergy, to acknowledge his responsibility as well

as to express his remorse and his willingness to settle the situation in a pastoral manner” (CCCB, *Special Taskforce*, 8). Overall, previous victims wanted more transparency and accountability:

victims were critical of the lack of information and the reluctance of the bishop to communicate, even regarding the general procedures or policies implemented to address cases of sexual abuse... This lack of communication taints the credibility of the bishop and supports the perception that the Church has something to hide. Victims expressed the wish that information on existing sexual abuse concerns be made available: case statistics, implementation or preventive measures, and the corrective measures in place, as well as an evaluation of the effectiveness of these measures. (CCCB, *Special Taskforce*, 8)

The Taskforce subsequently proposed “a mechanism to strengthen the application of the recommendations in the 1992 report and to ensure that all Catholic dioceses in Canada adopt measures and implement them effectively” (CCCB, *Special Taskforce*, 14). Also it encouraged greater transparency on the part of the dioceses “so that bishops are accountable for their management of this issue” (CCCB, *Special Taskforce*, 14). Due to the autonomy of individual dioceses, the hope is that there will be “a decree of adherence to the national protocol, [whereby] each bishop would oblige himself not only to implement the mechanisms for the prevention and treatment of cases of sexual abuse in his diocese as described in the protocol, but also be accountable for his management by producing an annual report to his regional Episcopal assembly” (CCCB, *Special Taskforce*, 15). This report would be made public through the regional assembly and the national body.

The Taskforce also declared a strong commitment to the protection of children stating that “protecting clergy and diocesan employees, preserving the integrity of the institutional Church, economic and legal issues related to sexual abuse cases, and the

shame and general discomfort surrounding these acts must not relegate the protection and safety of children to a position of secondary importance” (CCCB, *Special Taskforce*, 15).

The report carries with it a draft series of protocols entitled “Protocol of the Canadian Conference of Catholic Bishops for the management and prevention of sexual abuse of minors in the Catholic dioceses of Canada” (CCCB, *Special Taskforce*, 17). This draft reinforces many of the recommendations put forward in *FPtH*, and makes some additions. It calls for the bishop to appoint a delegate and create an advisory committee that is responsible for dealing with all reports of sexual abuse, whether the abuse is committed by clergy or a layperson. The committee is responsible for developing and updating a protocol specific to each diocese, and this protocol is to be communicated to all who work or serve within the church. These recommendations also stipulate that the diocesan protocol be made “available to the faithful of the diocese and the general public, whether by brochure or on the diocesan website if one exists” (CCCB, *Special Taskforce*, 21).

It also calls for the committee to name someone to be in charge of the care of victims. This person is responsible for offering support and indicating resources available for counseling, therapy, and other forms of care.

Although most of the procedures for responding to complaints have remained the same, the document makes some significant additions and changes to *FPtH*. For most of these see the “Responses” and “Screening” sections later in this chapter.

This review also recommends that this protocol be updated at least once every four years (article 2.15), by consulting feedback submitted via bi-annual reports by the



bishops to their respective regional assemblies (such as the OCCB), who will then make reports to the CCCB every four years (articles 3 and 4).

### *Investigative Procedures Regarding Complaints*

All of the protocols accessed and reviewed for the purposes of this chapter included an investigative step that was delineated in varying degrees of detail. *FPtH* includes an investigative step and urges all dioceses and archdioceses to follow accordingly.

#### *1. The Archdiocese of Ottawa*

The Archdiocese of Ottawa's policy begins the investigative process with the Archbishop appointing a delegate to "secure as much information about the matter as possible" within the first 24 hours (ADoO, *Protocol* 1993, Sec 2a). The delegate is to discern any legal reporting obligation, and proceed accordingly. The delegate keeps the Archbishop informed regarding all complaints. Where Religious may be accused, and dependant on their role within the diocese, the delegate is to handle the situation with the assistance of the Superior, or hand the matter over to the Superior. If the Religious works under the Archdiocese, the Archbishop is involved. However, if the Religious is not working under the Archdiocese, the matter is referred to the Religious' Superior. Through the investigation the delegate is to "secure as much information as possible" (ADoO, *Protocol* 1993, Sec 2a). Furthermore, "a canonical inquiry, if desired by the Archbishop, will begin only after criminal proceedings, and if any, civil proceedings, have been concluded" (ADoO, *Protocol* 1993, Sec 11).

## 2. The ArchDiocese of Edmonton

In the Edmonton *Guidelines* the standard protocol, similar to the above, is for an investigation to be conducted by a delegate (who is generally the Chancellor, though this is not a necessity) (ADoE, *Guidelines*, III.18) of the Archbishop. Meetings are held with the complainant and the alleged perpetrator. The protocol stipulates that during the meeting, the alleged perpetrator “should not be permitted to resign or make other final decisions about his ministry” at this point (ADoE, *Guidelines*, III.25).

The delegate conducts the interviews and then makes a recommendation to the Advisory Committee who makes the final decision regarding the guilt or innocence of the accused (ADoE, *Guidelines*, III.32). The designate carries out an in depth assessment that includes “meet[ing] separately with the person or persons making the allegation, and with any other person as may seem appropriate” (ADoE, *Guidelines*, III.23).

Throughout this investigation those involved are encouraged to “cooperate with civil authorities carrying our statutory responsibilities” (ADoE, *Guidelines*, III.31).

Should the alleged perpetrator be a member of a religious community, “the Archbishop’s Delegate will refer it immediately to the competent Superior” (ADoE, *Guidelines*, III.20). The Superior is then given three options, “(a) consent to the application of the Procedure in respect of the allegation; (b) taking the place of the Archbishop’s Delegate, utilize the Procedure; or (c) with the approval of the Archbishop, invoke the Religious community’s own procedure for dealing with such matters” (ADoE, *Guidelines*, III.20).

*Complaints Regarding Persons who are not Church Personnel and Complaints Regarding Persons who are Church Officials, and/or Employees*

Policy has developed specifically around complaints of sexual abuse committed by priests, deacons, lay personnel and Religious. In the Archdiocese of Edmonton, for example, the special procedures in the third portion of the guidelines deal with “offence[s] alleged to have been committed by a person over whom the Archbishop has jurisdiction” (AdoE, *Guidelines*, III.17). This includes priests, religious, and other members of the pastoral team. The Edmonton protocol is selected as an example for this section because it seems to be representative of most other diocesan and archdiocesan protocols regarding application of the policy to persons who are church officials, employees, or lay members. A complaint can be made by anyone who experiences sexual abuse by church officials, employees, or lay members in positions of trust such as Sunday school teachers and youth leaders; this complaint can be regarding current sexual abuse or historical sexual abuse, particularly if the alleged perpetrator continues to be in a position of trust with children and/or youth.

The Edmonton protocol states: “the Archdiocese will work towards eliminating sexual abuse that arises out of positions of trust. Positions of trust include the relationships of family members among themselves, and the relationships that priests, religious and other members of the pastoral team have with parishioners” (ADoE, *Guidelines*, Preamble).

In the case of Religious (eg. those who are in a specific order in the Catholic community) some special circumstances exist. As is stated in many of the policies, the responsibility should any Religious be accused of abuse, falls to the Superior of that

order, not to the Diocesan Bishop. For some examples of this, please see the aforementioned “Investigative Procedures.”

Although the policies apply to the identified people in positions of authority or trust, there are distinctions made between those to whom canonical law applies and those to whom it does not, after the initial investigative step. Where the accused is a priest or Religious, additional canonical procedures must be followed. If the alleged perpetrator is deemed to be even partly responsible, then options are given that include “to submit the allegation to an Arbitral Tribunal appointed by the Archbishop for adjudication; to resign; to retire; or to petition for a rescript from the Apostolic See returning him to the lay state” (AdoE, *Guidelines*, III.41). Should the request of the accused be considered inappropriate, a Judicial vicar may be brought in from outside the Archdiocese, “to determine whether it is appropriate to recommend that a canonical penal trial be commenced” (AdoE, *Guidelines*, III.43).

### Third Party Complaints

Third party complaints are received in the Catholic Church. Although they are dealt with seriously, third party complaints can be difficult (Clough Interview). The Archdiocese of Edmonton writes in its guidelines that should the report be made by someone other than the survivor, “the person receiving the report can discreetly invite the alleged survivor to discuss the matter” (AdoE, *Guidelines*, I.5). A question, in the case of third party complaints, concerns the potential involvement of the victim. In all protocols reviewed for this study, the possibility of contacting the victim is permitted as part of the investigation. Presumably, the victim may choose to participate or not and this choice

could be formative regarding the conclusions of both the investigator and Advisory Committee.

In Toronto, anonymous complaints are not investigated, and measures are taken to encourage those who make complaints to do so formally in person. Furthermore, there was no specific mention of dealing with anonymous complaints in any of the diocesan policies reviewed.

A serious issue regarding third party complaints concerns priests who may hear about sexual abuse in the confessional. The confessional seal is understood as inviolable; “it is absolutely forbidden for a confessor to betray in any way a penitent in words or in any manner and for any reason” (*Code of Canon Law*, [http://www.vatican.va/archive/ENG1104/\\_P3G.HTM](http://www.vatican.va/archive/ENG1104/_P3G.HTM), c.983, [Appendix 5]). As stated in the Edmonton guidelines, “the confessional seal is inviolable despite the requirements of the civil law... although the penitent should be encouraged to make disclosure outside the confessional” (AdoE, *Guidelines*, II.15).

It is for this reason that neither the Bishop nor any other priest involved in an investigation is to hear the confession of the accused. For example, the Regina Guidelines state that “care must be taken not to give unqualified undertakings of confidentiality to persons who want to discuss undefined ‘problems’” in the confessional (AdoR, *Guidelines*, 1.2).

The punishment for breaking the sacramental seal is excommunication (c. 1388). The reasoning behind this is twofold. First, if one is penitent then one is aware of the moral implications of one’s actions, and subsequently is more open to turning oneself in.

In the case of a victim's confession usually help is being sought and they can be encouraged to seek it outside of the confessional. Furthermore, if the sacrament of confession is broken, then even that access to ending abuse may be lost as people may no longer feel safe in speaking behind the seal. The second argument is the legal argument that follows from the Gruenky case that states disclosure of the sacramental seal will not be called for (Clough Interview).

If an offender tells someone about their abusive behaviour, the person who has been told can and should lodge a third party complaint if the offender will not do this officially him/herself. The Archdiocese of Edmonton accordingly states in their *Guidelines*:

If no child is in immediate danger, it is permissible to give the offender a chance to turn himself or herself in to the civil authorities. The person receiving the information should advise the offender of the recipient's obligation to report, and should give the offender reasonable time (usually three business days) to consult a lawyer and report to the authorities. At the expiration of the time given, the person who received the report from the offender must make an independent report to the civil authorities; unless the information was received in a sacramental forum. (AdoE, *Guidelines*, II.13)

#### *Responses to Involved Persons*

In *FPtH* the Bishop's responsibilities include the care of those involved. Recommendations 10, 11 and 12 focus on the victims. The bishop is encouraged to "provide a sympathetic hearing within the church to each victim of sexual abuse committed by a priest or a religious" (*FPtH*, 47). Further, the formation of a multidisciplinary committee to provide care for the victim is recommended before the allegations are assessed (rec. 11). The document goes on to state that victims should

receive “the services of qualified resource persons who can provide the pastoral support wanted, counseling and if necessary, therapy” (*FPtH*, 48) following the pronouncement of sentence against a priest for sexual abuse (rec. 12). For example, the 2000 Edmonton guidelines encourage the following action on the part of the person receiving the report, “(a) to counsel the survivor and/or affected parties; (b) where appropriate, to counsel the offender; (c) to assist the survivor in withdrawing from a situation that leaves him or her vulnerable to further abuse; (d) to refer the survivor to the Sexual Abuse Survivors Assistance Committee, Catholic Social Services or another professional or social agency” (ADoE, *Guidelines*, I.6).

Any assistance offered through the church to the victim, however, must receive “proper authorization... from police or judicial authorities, in order to avoid unwarranted interference” (*FPtH*, 47); secular proceedings are to be respected and not in any way hindered. The provision of pastoral care may also be limited by the terms of insurance company contracts (*FPtH*, 50). Moreover, when dealing with the care of those who have been abused, dioceses encourage their priests to be aware of their own limitations. The Archdiocese of Toronto advises that “if it is going to take more than three sessions, then you are not competent” (Clough Interview). Recommendation 19 names the parish community as being among the victims of child sexual abuse, and pushes for an intentional effort to be made to pastorally support the community as well as brother priests of the accused. However, no concrete plan or directives are presented.

Accused persons are also to be cared for pastorally. The section regarding those *responsible for priests in a diocese* (recs. 39-42) states that priests are to be cared for throughout the process and afterwards.

Full salary and benefits continue should the priest be put on leave. (This is the case, in accordance with the law, in all dioceses and archdioceses.) An accused priest may be placed on leave during the proceedings because of possible risk to involved parties. The Archdiocese of Ottawa states that administrative leave “will be granted to anyone who stands accused of sexual abuse” but not necessarily required (ADoO, *Protocol* 1993, 2).

In addition to mandatory or permitted leave, an accused priest or religious may face other consequences for the duration of the proceedings. The Edmonton *Guidelines*, for example, provide recommendations that the Advisory Committee could make to the Archbishop in section III.36. These include immediate leaves of absence, restrictions of contact with vulnerable parties, assignment of residence, and the removal of certain faculties.

For priests or religious, a legal finding of guilt could result in: voluntary laicization, retirement, canonical penal proceedings, or remaining priests under formal prohibition of exercising any pastoral ministry while earning their own living (rec. 23). Additionally, any convicted priest “should be asked to contribute as much as possible... towards paying the expenses incurred because of his conduct” (*FPtH*, 50), and may be required to repay the diocese for legal counsel following a guilty verdict (rec. 41). Other consequences, as deemed appropriate, could be assigned following a guilty verdict or an out of court settlement. For example, in the Diocese of London in March of 2004, “Bishop Fabbro agree[d] to dispense with the ‘confidentiality clause’ in legal settlements for all persons who request it” (DoL, “What has been Done,” 13 November 2006), in order to aid in the victims’ healing. This order allowed anyone who had been bound by



such a clause in cases settled out-of-court, to speak publicly. The first person to gain this release stated that “the gag order prevented her from achieving closure and healing, keeping her a victim of abuse” (Peter Geigen-Miller, “Canadian Diocese Lifts Gag Order,” 3 March 2004).

In the past, it has been possible for a priest to be reintegrated following the confirmation of an allegation (recs. 17-23). The decision about reintegration was to be made in consultation with relevant parties. The dioceses were encouraged to enter into a contract with a clinic that allows for the sharing of “professional information” (*FPtH*, 50) acquired during treatment so that professional therapeutic assessments can be part of such consultation. The Archdiocese of Edmonton, for example, identifies relevant factors when assessing “the re-employment of lay personnel or the return of a priest or Religious to the ministry, either conditionally or unconditionally...:

- the nature of the offence;
- the outcome of any program of therapy, and the recommendations of the professional therapists;
- the risk of re-offending, and the protection of the public;
- the wishes of the survivor, the parish, the priest or employee, the Senate of Priests, and the Catholic Community;
- the effect of re-employment or return of the priest on the Church, and on Catholic institutions;
- all other relevant considerations. (*AdoE, Guidelines*, III.38)

The original *FPtH*, encourages dioceses to avoid “extreme positions for or against re-entry” (*FPtH*, 31). Of greatest concern is the safety of children (*FPtH*, 50). If reintegration was recommended, ongoing monitoring was necessary. Further, “before appointing a priest who has been reintegrated into the pastoral ministry, ...the receiving

parish community [must be told of the priest's history and must agree to]... support the initiative of this appointment" (*FPtH*, 60).

However, the re-appointment of an offending priest to public ministry is now very unlikely: The revised *FPtH* recommends that the bishop prohibit "a priest who has been convicted of sexual abuse of a minor, and who has been either sentenced or received a suspended sentence, from exercising any public ministry, that is any pastoral charge or activity which is exercised in the presence of the members of the community" (CCCB, *Special Taskforce*, article 2.10, 22).

Legally, not only is the convicted abuser responsible for his/her actions, so too is the diocese. For example, the Diocese of St. George's was forced to seek bankruptcy protection following abuse lawsuits, after the Supreme Court of Canada "assigned blame to the Episcopal Corporation of St. George's [not the Roman Catholic Church]... ruling that it is legally liable" (Janice Tibbets, "Catholic Church in Canada Escapes Liability," 26 March 2004). The argument made by the Roman Catholic Church was that "there is no foreign or corporate entity known as the 'Roman Catholic Church'" (Factum, Part III.a.5). The Roman Catholic Church in Canada, as a whole, officially became an unsueble entity; only individual dioceses can be sued.

*Screening Policies and/or Mandatory Education for Church Volunteers, Employees, and/or Officials*

*FPtH* makes recommendations to those responsible for priestly formation. The purpose of these recommendations is "to indicate some of the conditions needed for the psycho-affective development of the candidate to the priesthood in order to foster the

interiorization of his vocation, the strengthening of his commitment, and the integration of his vocation as priest” (*FPtH*, 53). One of the hopes expressed is that this work will contribute to the candidate’s desire to “strive for, attain, and grow in personal maturity by an increased self awareness and the deliberate integration of the various facets of his identity” (*FPtH*, 79). The first recommendation is that a suitable mentor be found for each candidate (rec. 24): “for example, an advisor who is a wise and experienced counselor, and whose life work is proven and inspiring” (*FPtH*, 53). Many of the initial recommendations made in this section address the development and support of a candidate’s strengths. Recommendation 26, for example, encourages those responsible for priestly formation to “implement a selection process for candidates which focuses more on the candidate’s personal fundamental strengths, rather than on factors of vulnerability, without however disregarding the latter” (*FPtH*, 54). A psychological assessment of each candidate is also strongly advised:

most bishops ask that those responsible for formation be assisted in the formation process by experts on the team of an accredited centre, so as to obtain a detailed assessment of each candidate. The results of the psychological tests, recorded in a report given to the candidate and, with his permission, forwarded to the rector of the seminary, are an important and indispensable part of his admission file.  
(*FPtH*, 54)

The document goes on to recommend “Integral Human Formation,” and encourages the involvement of a counselor (distinct from the mentor) to help “examine with the candidate his own insight into himself, and identify the strengths and weaknesses of his key life experiences” (*FPtH*, 55). This formation process should involve “various resource people who have special responsibilities in the formation of candidates (including the academic, spiritual, human, pastoral, artistic, missionary, and community

dimensions)” (*FPtH*, 56). Further, special note is made that “women be among those who collaborate in the formation of candidates” (*FPtH*, 56). Many of these recommendations can be addressed through a Clinical Pastoral Education Unit, which most Bishops require of their priests and seminarians.

Recommendation 32 calls for mandatory education regarding family and sexual violence. It calls for a “noting especially of the frequency of child sexual abuse, and paying special attention to child sexual abuse by priests (i.e., its incidence, the psychological profile of offenders, the risk factors, pastoral care of victims, etc.)” (*FPtH*, 57). The plan lays out four points that must be identified and explored through such education. The first is an admission that child sexual abuse by priests is a reality. The second is that child sexual abuse is intolerable. Third, provincial regulations for reporting must be known by priests, as well as how to respond to allegations and situations of child sexual abuse. Finally it is noted that

in times of personal crisis, certain priests may feel overwhelmed by the urge to act out their sexual fantasies. Church authorities must be able to listen to their problems *before* abuse actually occurs, and provide a pastoral and clinical response. Once a sexual offence has been committed against a minor, the canonical and secular laws must be allowed to follow their course without hindrance, since the life of a child could be seriously affected. (*FPtH*, 57)

While emphasis in these notes is towards sexual abuse by clergy, there is an overall concern for education on all matters of sexual abuse and violence. The third note especially encourages priestly involvement in any parish situation of sexual abuse that may arise.

The next recommendations are intended for those responsible for priests in each diocese. Recs. 34-36 address newly ordained priests and their integration into the vocation. Recs. 37 and 38 are both educational in nature. Rec. 37 deals with preparing “policies regarding the need for periodic up-dating, renewal and specialized training” (*FPtH*, 58). Rec. 38 further encourages education, and specifically addresses child sexual abuse calling for “priests [to be provided] with regular opportunities for up-dating their pastoral knowledge through seminars. These seminars should periodically address the issue of child sexual abuse, from three angles: new scientific knowledge, Church policy as well as civil and criminal laws, issues concerning moral theology, professional ethics, and the theology of sexuality” (*FPtH*, 59).

The Taskforce for reviewing *FPtH* calls for the dioceses to “participate in a program for prevention of sexual abuse of minors” (CCCB, *Special Taskforce*, 23). This should include such things as screening programs and risk management. Education on sexual abuse, and the prevention of child sexual abuse should be given to anyone who works with children in any capacity. Furthermore, the document calls for “an information program on sexual abuse [to be] given to all children receiving pastoral services” (CCCB, *Special Taskforce*, 23).

A release put out by the OCCB states that “approval was given [at a 1999 Plenary meeting] for participation by our dioceses in a program called the Ontario Screening Initiative... The purpose of the OSI is to raise awareness for the need to screen volunteers who will be dealing with vulnerable people and to teach the techniques to do so adequately” (OCCB, *Ontario Screening Initiative*, [Appendix 6]). Funded by the Ontario Government and managed by Volunteer Canada, a consortium was gathered to share their

“screening experience and respond to common challenges” (Government of Ontario, *Ontario Screening Initiative*, 1, [Appendix 6]). The Catholic contingent came out of the OSI meeting believing “that a beginning should be made in introducing the concept of screening to dioceses and parishes” (OCCB, *Ontario Screening Initiative*).

The Initiative’s objectives were to:

1. Raise awareness about screening;
  2. Create leadership on screening within consortium members' organizational structures;
  3. Provide training and support to community-based branch or organizational affiliates of the provincial consortium partners; and
  4. Increase access to resources, materials, tools (i.e. Internet, public libraries).
- (Volunteer Canada, *Screening – Provincial Initiatives*, [Appendix 6])

The hope is “the adoption of volunteer screening as standard operating procedure for an increasing number of Ontario charities and nonprofit agencies” (Volunteer Canada, *Screening*).

Dioceses in Ontario began to respond and some early screening policies have been established in such Dioceses as Hearst. In 1999 Volunteer Canada released *Screening in Faith*, a program that aims to “provide each faith community with tools to create and maintain a safe environment, to protect those who are to be cared for and to prevent sexual, physical, and emotional misconduct from occurring in places of ministry” (Brenda Gallagher, *Screening in Faith*, iii [Appendix 6]).

The Diocese of Hearst created a protocol that was approved in December of 2000 using this ten step process. The assessment of risk in the position is the first step. The Diocese laid out the factors necessary to evaluate the level of risk. The first is an

assessment of the “vulnerability of the person or persons being served – children, teens, mentally or physically challenged, and the elderly – all these being the most vulnerable” (Diocese of Hearst, *Screening in Faith – Ten Steps*, sec 2.1, [Appendix 6]). Other factors included the “‘perceived authority’ of the person delivering the service” (DoH, *Ten Steps*, sec 2.1), the setting in which the services are take place, the intimacy and “intensity of the relationship” (DoH, *Ten Steps*, sec 2.1), and the need for supervision.

Interviews are to be given to all applicants, with the discussion attending to the assessed level of risk. For higher risk positions multiple interviewers are to be involved (DoH, *Ten Steps*, sec 2.5). References cannot not include an applicant’s family members, and must “confirm the background, gifts, talents and skill of the applicant and. . . provide an outside opinion as to the suitability of the person for the ministry” (DoH, *Ten Steps*, sec. 2.6). The policy recommends reference checks for people applying for any position including volunteer positions. For high risk positions, the policy mandates a police record check. (DoH, *Ten Steps*, sec. 2.7).

Once the position has been filled, the next step is for “orientation to the ministry... [to be] provided along with guidelines for working within the volunteer ministry or paid position” (DoH, *Ten Steps*, sec. 2.8). There will also be appropriate supervision provided. “This entails a ‘senior’ person, or peer, spending time with the incumbent to observe, support, and give feedback on their gifts, skills, style, strengths and challenges. In the case of high risk ministries, the supervision should be systematic and recorded” (DoH, *Ten Steps*, sec. 2.9). The final recommendation of the policy is for supervisors to follow up, ensuring satisfaction on the part of the volunteer, as well as making random spot checks where deemed appropriate.

If a position is assessed as high risk, the diocese suggests that perhaps the position ought not exist; for example, a “parish may decide an overnight camping trip with altar services is an activity with unacceptable risks” (DoH, *Screening in Faith – Strategies for the Management of Risks*, sec. 1, [Appendix 6]). The level of risks should be lessened where possible.

In February 2001, the OCCB released its *Provincial Guidelines for Development of Diocesan Policies on Screening*, which follows the *Screening in Faith* protocol. The OCCB gives the same 10 steps provided by *Screening in Faith* in its recommendations. (OCCB, *Provincial*, 13, [Appendix 6]).

Different dioceses across Ontario developed their own policies with similar recommendations to those of *Screening in Faith*. The Diocese of Thunder Bay created a policy and added examples of how to lessen risk in different situations. For example, in Sunday School “the rooms must have doors with windows so that anyone at any given time may be able to look from outside without being noticed” (Diocese of Thunder Bay, *Screening*, 7, [Appendix 6]).

The Archdiocese of Toronto created a manual entitled *Strengthening the Caring Community: Parish Volunteer Screening Program*. Within this manual there are guidelines for volunteers that “are intended to provide a general overview of how ministry interaction should incur” (Archdiocese of Toronto, *Strengthening*, 18, [Appendix 2]). Furthermore, it includes a detailed section that is specific to work with children. These guidelines include such rules as “adults who form a relationship with children through our faith community’s activities should not seek out opportunities to



spend time with the child 'off site'.... If help with toileting is required permission must be given by the parent or guardian before toileting or changing help is given" (ADoT, *Strengthening*, 19).

It provides a protocol for reporting abuse and misconduct by or towards a volunteer. For children under sixteen years of age the first step is to contact the Children's Aid Society if there is any suspicion of abuse. The person who suspects abuse is "not to pass the information to the Pastor with the expectation that he will report it" (ADoT, *Strengthening*, 20). Rather, once CAS has been informed, the Pastor is to be contacted. The Pastor will then "notify the volunteer that she/he is to immediately withdraw from her/his ministry until further notice" (ADoT, *Strengthening*, 20). It is then the Pastor's responsibility to notify authorities within the Church, in this case the Manager of Human Resources at the Catholic Pastoral Centre. For persons above the age of 16, the Pastor is to be informed, and he will subsequently notify the aforementioned manager. The Archdiocese also provides procedures on how to move a volunteer between parishes. It calls for the screening process to be followed through in the new environment with a reference from the former Pastor and a copy of the volunteer's file if deemed necessary.

The Diocese of Hamilton calls for a screening committee to be established in each parish. Pastors are responsible for forming the committee, which must have at least two members. The responsibilities of this committee include, "reviewing position descriptions, updating volunteer lists from the ministry leaders, and updating the Offence Declarations. The screening committees are also responsible to help ministry leaders

implement the ongoing screening measures” (Diocese of Hamilton, *Volunteer*, 13, [Appendix 6]).

Outside of Ontario, policies of training and conduct are coming into practice. The Diocese of Prince Albert, for example, has created a policy for working with young people. This includes a set of guidelines dealing with intimacy, drugs and alcohol, and driving standards. The policy sets out number ratios for supervision and age including a requirement that at “least two qualified adults...be present on all trips and outings. If both male and female youth are present, both male and female adult leadership is required” (DoPA, *Policy for Persons Working with Children & Youth*, 3, [Appendix 6]). Furthermore, it sets out standards for training and orientation for both Youth Ministry and Catechetics.

The Diocese of Calgary created a code of conduct that deals with issues such as confidentiality and conflicts of interest, as well as sexual conduct and conduct with youth (DoCal, *Model Code of Pastoral Conduct*, [Appendix 6]). This code requires “Priests, Deacons and Religious Brothers and Sisters. . . review and know the contents of the child abuse regulations and reporting requirements for the Province of Alberta” (DoCal, *Model*, sec 4.5). When working alone with youth it encourages those involved to “be aware of their own and others’ vulnerability” (DoCal, *Model*, sec 3.1).

#### **(iv) Chapter Summary**

In the late 1980s Fr Hickey and his abuses made the national media; child sexual abuse by RC priests had made the headlines. In 1987 based largely on Fr Doyle’s work a

protocol was designed by the CCCB and suggested to the dioceses. *From Pain to Hope* remains the most significant document regarding child sexual abuse in the Roman Catholic Church. Created in 1992 and significantly updated since, this has been the guiding document for the church. Transparency and accountability have been governing principles for the taskforce that has been working on these updates since 2002. The taskforce released its review - *Report of the Special Taskforce for the Review of 'From Pain to Hope'* - in September 2005, with the implementation of this report anticipated shortly.

The structure of the Roman Catholic Church is such that individual dioceses and archdioceses are governed by their own policies and do not have to adopt any one policy such as *From Pain to Hope* but most dioceses seem to have used it as their base. *From Pain to Hope* does not have the status of canon law and, as a result, a lot of the policy and procedures occur with the backdrop of canon law but are not necessarily built on it. Further, as it has not achieved the weight of canon law, the document is not binding for use in every diocese and archdiocese.

Not surprisingly, the focus of Roman Catholic Church sexual abuse policies has been on children as potential victims and priests as potential perpetrators. This was not so for other religious institutions in Canada who were establishing policies at about the same time; the focus of the Anglican and United Churches, for example, was on adults, especially adult women, as potential victims and clergy as potential perpetrators. Nonetheless, there is more direct attention to other persons in positions of authority and trust, in Anglican and United Church policies, than there is in most Roman Catholic policies. Although the focus is undeniably on priests, complaints against anyone in

positions of trust in the Roman Catholic Church can have a complaint lodged against them within the purview of all diocesan policies seen for this study.

The policies seem most explicitly concerned with complaints of ongoing child sexual abuse and refer to the necessary involvement of organizations such as CAS. However, *From Pain to Hope* provides for complaints of historical child sexual abuse, as well.

A few significant issues have emerged from the Roman Catholic Church's experiences with their sexual abuse policies. First, moral and legal conflicts are potential consequences of the seal of the confessional. If someone reports child sexual abuse under the seal of the confessional, confidence cannot be broken. Excommunication is the consequence of any breaking of the seal. Second, although third party complaints are received, they are problematic in terms of the role of the victim(s); usually the victim's story is essential to an investigation and potential finding of guilt. Third, there is ongoing concern for the proactive training of candidates for the priesthood. Lastly, effective after care of parishes that have been subject to child sexual abuse by a person in authority remains a concern. Some dioceses seem better able in this regard than others. Certainly these last three issues are also issues for the other religious institutions examined in this study; these issues are not peculiar to the Roman Catholic Church. Much work has been done and, of course, more remains.

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### **Chapter 3 – The United Church of Canada**

#### **Introduction**

This chapter examines the approach taken by The United Church of Canada to child sexual abuse, from 1960 to 2007. This religious institution has developed a more binding policy than the other such institutions examined in this report. Similar to the Roman Catholic and Anglican churches, it was not until the early 1990s that such a policy was developed for addressing internal complaints of child sexual abuse.

The research for this chapter was accessed primarily through the United Church Archives located at Victoria University of the University of Toronto (Toronto, Ontario); consultations with the United Church legal counsel; consultations with former members of the national church sexual abuse policy members; examination of my personal files as a former member of this national committee (1996-2004); the United Church's official *Records of Proceedings* of General Council meetings; and copies of the revised sexual abused policy received through offices of the United Church.

I had no difficulty accessing information except for statistics regarding the number of complaints made.

#### **Church Structure and Description of the Context**

The United Church of Canada (UCC) has a conciliar structure. Individual churches are grouped into pastoral charges. A pastoral charge may have one or more churches in it. Most urban charges have one church whereas rural pastoral charges are

usually “multi-point” meaning that they contain more than one church. Pastoral charges are grouped into presbyteries. There are 91 presbyteries in the UCC. Presbyteries are organized into conferences of which there are 13. General Council is the church’s highest court. The official United Church web page describes the function of General Council as follows:

Ordained, commissioned, and lay commissioners are elected by the Conferences and meet every three years to set church policy. An Executive and Sub-Executive govern between meetings of the council. Policy is implemented through four permanent committees of the General Council and a staff group organized into eleven working units. There are also about 100 committees and task groups, composed of voting members from across the country and General Council staff as corresponding members. ([www.united-church.ca/ucc/structure](http://www.united-church.ca/ucc/structure))

The moderator of the UCC is the elected (by General Council) head of the church in a figurative sense. He or she has no voting or policy making power (except in the case of a tie) but can hold a great deal of influential power. There are “close to 3 million members and adherents worshiping in 3,527 congregations or preaching places across the country. Pastoral care is provided to some 480,634 known households” ([www.united-church.ca/ucc/structure](http://www.united-church.ca/ucc/structure)) [Appendix 1].

It was not until the 1960s that the United Church turned critical attention to its own identity as a fallible “family” that was not only the nation’s conscience but also stood inside the nation, and, as such, was vulnerable to the same flaws and abuses of power as was the rest of Canada. Although this stopped the pre-1960 UCC from considering, on an official level, the need for policy and procedures to address child sexual abuse by church members, volunteers, or employed leaders including ministers,

the UCC took a more progressive stance on issues related to human sexuality than did other mainline churches.

Perhaps most notably, in 1932 and 1936 the UCC advocated for the availability of birth control. Although the primary purpose of marriage was thought to be procreation, the UCC argued that there were some conditions that warranted the use of birth control including the possibility that a child would not be adequately cared for (*ROP* 1932, 280). The 1932 report entitled *The Meaning and Responsibilities of Christian Marriage* contended that the “primary function of marriage...was the rearing of children and the protection of the mother during the period of infancy” (*ROP* 1932, 277). The bearing and rearing of children by women were considered the best examples of the then lauded virtue of sacrificial love: “The Church believes that the highest values can never be attained in the pursuit of selfish ease and pleasure at the cost of a childless home” (*ROP* 1932, 279). With the persistence of the Depression throughout the 1930s, the UCC issued an even stronger statement regarding the availability and use of contraception in 1936 contending that contraception could strengthen family life (*ROP* 1936, 326-27).

The traditionally defined nuclear family was seen as necessary to salvation; as the Board of Evangelism and Social Service later noted, “As fares the family so fares the nation and her citizens overseas and at home” (*ROP* 1942, 83). The Christian family, as defined by the 1932 report, consisted of two parents--a woman and a man--and their children. The wife was expected to be the domestic care-giver while the husband was to provide economically for his family. This normative definition placed the traditional family beyond scrutiny. The preservation of the nuclear family, during these early years, took precedence over the well-being of individual members largely due to a glorification

of the assumed goodness of this so-called private realm: “It was not so much that the maintenance of the nuclear family unit was valued above the well-being of individual family members, but that the very question of the well-being of individual family members, within an intact nuclear family, was posed rarely” (Trothen 2003, 27).

Another window into the UCC’s early approach to children and abuse is their participation in the work and leadership of “redemptive homes.” The Methodist Church began this work in 1910 (*ROP* 1925, 125) with the express purpose of rescuing young women and girls who had “gone astray.” Until 1935 there were eight redemptive homes. The main purpose of these homes was to provide a place for and moral education to (usually) pregnant unmarried young females. The “inmates”, as they were called (*ROP* 1930, 109), were all “considered to be ‘fallen’ by virtue of the fact that they were in a Rescue Home.... The practices of rescue work continued to treat all women in rescue homes as requiring conversion and reform, regardless of their guilt or innocence” (Valverde 1991, 102-3). This rescue work, replete with these assumptions and understandings of fallen-ness and sexual sin, continued into the 1960s. Clearly, pregnancy when unmarried was perceived as equivalent to sexual and therefore moral sin regardless of age or consent; the act of sex outside of marriage was sinful by definition for both involved persons even if one was very young and/or was forced.

### **Approach to Child Sexual Abuse Including Relevant Statements, Policies and Practices: 1960-1980**

During these years, the UCC deepened its awareness that not all could be assumed good regarding both the nuclear family and the UCC family. The deepening of this

awareness was necessary to the eventual recognition of child sexual abuse within the church. Part of this shift included the recognition that mutual consent was a necessary part of “sexual union” within marriage and did not automatically characterize every such “union” (*ROP* 1960, 157). The goodness of sexual union within marriage was no longer assumed at an official church level.

Questions regarding the expressions of human sexuality continued to gain volume. In response, the 25th General Council (1972) affirmed the need for further study and education regarding human sexuality and, accordingly, mandated the Executive of General Council to appoint a committee to explore this issue (*ROP* 1972, 70). Significantly, this committee understood human sexuality as “interpersonal rather than merely technological or physiological” (*ROP* 1972, 70, 164-173).

The 28<sup>th</sup> General Council, in 1980, approved the report on *Contraception and Abortion* that included a similar claim and linked this understanding of sexuality to a need to educate children accordingly: “We call on all persons to appreciate their own sexuality primarily in terms of personal relationships and only secondarily in terms of physiology, programs, techniques and services; and charge parents, educators and churches to represent adequately sexuality as intimate, awesome and holy... We call on all parents to accept the responsibility to discuss sexual attitudes and information with their children as frankly and as fully as necessary, from the time children begin to ask such questions or need such enlightenment” (UCC, 1982). This position was a significant move away from a primarily act-centered sexual ethic that focused on the moral rightness or wrongness of particular sexual acts towards a primarily relational centered sexual ethic that considered the whole person. This committee preceded what

would become a series of such UCC committees and task groups on human sexuality in the 1980s.

This increased attention to sexuality reflected a growing willingness to address aloud the topic of sexuality in the church. Historically, anything to do with sexuality was understood through a primarily act-centered lens through which all sexual activity outside of marriage was morally wrong primarily for that reason and all inside was morally right. Increasingly, the UCC was calling these assumptions in question and raising concerns regarding the quality of the relationship within which sexual expressions occurred. This meant that topics related to sexuality began to be talked about. This slow breaking of silence, combined with a new questioning of the nuclear and church families as holding the potential to be harmful and not only healthy for its members, helped pave the way for the naming of child sexual abuse within the church.

By the late 1970s, at an official level the UCC began to recognize some forms of sexual abuse including pornography in particular and sexual harassment. By the late 1970s the UCC was moving to condemn pornography not primarily because it exerted an “unhealthy influence” but because it was abusive and hateful towards women and children (*ROP* 1977, 112-13). Earlier, in keeping with a primarily act based sexual morality, the Board of Evangelism and Social Services expressed concern regarding the moral “challenge” to the family and nation posed by “printed and photographic material and movies of the baser sort” (*ROP* 1942, 312). At that point in time there was little if any recognition of pornography’s systemic roots and, therefore, no explicit connection drawn between child pornography and child sexual abuse. However, the meaning of sin as related to sexuality was shifting; reports to General Councils in the late 1970s and

1980s defined pornography as sinful on the basis that it is “degrading, abusive and/or violent” (*ROP* 1984, 63) to the human person and to women and children in particular. This was a change from earlier reports that understood sexual sin as “base” or dirty sexual acts instead of focusing on the harm done to sexually violated people. This shift helped to pave the way to a clearer recognition of child sexual abuse both outside and within the church, as the 1980s unfolded.

### **Approach to Child Sexual Abuse Including Relevant Statements, Policies and Practices: 1981-1992**

The 1980s began with clear attention paid to children and also to sexuality and abuse, although at the beginning of the 1980s the two topics were not explicitly linked. By the end of the 1980s child sexual abuse had been named at an official level but policy and procedures regarding complaints within the church were not developed until 1992.

Two reports expressly addressing human sexuality were received by General Council in the first half of the 1980s: *In God’s Image...Male & Female* (1980) and *Gift, Dilemma and Promise* (1984), with the latter’s “affirmations” officially endorsed by the church. Although both critiqued the “enshrinement of the nuclear family” (Trothen, 82) there was very little mention of sexual abuse (although included in the endorsed affirmations was general mention of abuse: “We affirm the church’s call to proclaim the worth of human sexuality and to speak out concerning the abuses of human sexuality.... [and] We affirm that the church is called to initiate and support research and educational programs to increase our understanding of the causes of exploitative sexual behaviour



and other destructive expressions of sexuality...”, [*Gift*, 20-21]) and no specific reference to the sexual abuse of children in either.

Regarding sexual abuse, pornography continued to gain the most attention in the early 1980s of any form of abuse. The 1980 General Council recommended, in response to a petition from Alberta Conference, that "in any further work on the issue of human sexuality, that sexploitation (sex and violence) be a matter of serious concern for both the Division of Mission in Canada, and the Division of Communication" (*ROP* 1980, 756 and 964).

In 1983, in response to grassroots' concerns such as those named above, the Task Force on Pornography was established by the Division of Mission in Canada. The Task Force produced a report and an educational kit on pornography. General Council (1984) received and supported the report, endorsed the recommendations and requested the widespread distribution of the kit. The report, which forms the core of the study kit, was important for two reasons in particular: it defined pornography in relation to systemic marginalization, and as violence not sex; pornography "is about injustice toward women and children" (*ROP* 1984, 311). The main criteria that the task force relied on to formulate this ethical position were their interpretations of the teachings of Jesus and of human experience, particularly experiences of suffering.

Further, the authors claimed that the perpetrator of sexual violence that was linked to pornography was almost without exception male, and the victim was almost always a woman or child (*ROP* 1984, 313). Building on these claims, the authors suggested that the central ethical question was this: "is the right of male gratification more important

than the rights of women and children?" (*ROP* 1984, 314). The *Pornography Kit* became one of the first resources available that examined pornography in a theological context, and the task force disbanded after the kit was produced (UCC, 1985). The United Church's Division of Mission in Canada (DMC) established an ad-hoc committee on pornography to continue work in this area. In subsequent years, the General Council continued to receive and respond to petitions regarding pornography (see *ROP* 1986, 683-84; *ROP* 1988, 114, 731).

In addition to pornography, sexual harassment was identified by the mid 1980s as a form of sexual abuse to which the church had a responsibility to respond. In 1986, as a result of this increasing concern, General Council approved a policy statement on sexual harassment, as proposed by the Women in Ministry Committee (WIM) in consultation with the Standing Committee on Sexism. The theological statement approved by the Executive reads in part:

Sexual harassment is a sin. We believe that women and men are equal before God and in creation. Sexual harassment is a violation of the integrity of persons based on unequal power relationships. Sexual harassment degrades persons and does not allow their gifts of creativity and wholeness to be used in the Church. Jesus emphasizes mutuality and respect in relationships. To harass is to misuse power and to distort relationships. It leads to alienation and distrust. (*ROP* 1986, 221)

WIM explained the importance of the power dynamics in sexual harassment cases: sexual harassment involves the "exploitation of a power relationship;" it is not "an exclusively sexual issue." Sexual harassment was defined to include anything from "verbal innuendo and subtle suggestions to overt demands and physical abuse." Thus, this

type of sexual violence was defined primarily as an abuse of power. The adopted "principles and assumptions" were as follows:

- \* Sexual harassment is unacceptable within The United Church of Canada;
- \* All complaints of sexual harassment need to be taken seriously;
- \* The intent of these policies and procedures is to stop the violations of personhood resulting from sexual harassment and to attempt to heal the personal and corporate frailty that we share with all humanity;
- \* All policies and procedures need to minimize further distress for the complainant;
- \* Confidentiality needs to be assured;
- \* Each stage in dealing with a case of harassment needs to involve as few people as possible;
- \* Everyone dealing with a case should be familiar with the issues involved in sexual harassment;
- \* At any stage prior to a decision to proceed with a Formal Hearing, the complainant has the right to decide not to proceed with the case;
- \* Every effort needs to be made to stop the harassment without Formal Hearing procedures (See *ROP* 1986, 206-8).

With the acceptance and implementation of this policy, the UCC took a strong stand against sexual harassment and clearly acknowledged that such harassment occurred not only in society in general but within the UCC. This was the first policy statement and set of procedures established in the UCC regarding any form of sexual abuse complaints occurring within the church.

Sexuality was not the only relevant topic to be addressed in new depth during this decade; children and the family were also foci of new concerns. These new concerns began with a re-consideration of the role and well-being of children (for example, *ROP*

1980, 167ff; *ROP* 1982, 166ff; and *ROP* 1986, 547ff). This paved the way for a new found awareness, at an official level, regarding various types of child abuse, including sexual abuse. For example, the United Church's Division of Mission in Canada (DMC) published a series of pamphlets, beginning in February 1985, regarding abuse, sexuality, and families. The first of these pamphlets was entitled "Child Abuse" and addressed a variety of types of abuse including child sexual abuse; suggestions regarding what a congregation could do in response as well as a list of some resources were included in the pamphlet. The possibility of child abuse by church employees, clergy, or volunteers was not identified explicitly in the pamphlet.

In the latter part of the 1980s, General Council began to receive petitions pertaining to child and youth sexual abuse. Previous to these years, I found only one petition that was in any way related to sexual abuse (*ROP* 1948, 258); a resolution was received by General Council regarding "sex offenders" and referred to the Department of Evangelism and Social Service. In 1986, General Council received a petition from Winnipeg Presbytery that requested that the report of the Badgely Commission (i.e. a nationally represented committee appointed by the federal Department of Justice and Department of Health and Welfare to study and report on sexual offences committed against children and youth) be studied by the United Church, that the church urge the federal government to implement the main recommendation, and that "the DMC present recommendations to the 1988 General Council to guide the thinking and action of the church on the issue of child sexual victimization" (*ROP* 1986, 645). The 32nd General Council (1988), in response to this petition, reported that the DMC had established a programme unit--"Children, Adults and Family Ministries"--to "coordinate work in the

areas of pornography, prostitution, and family violence." More specifically, this unit corresponded with the federal Minister of National Health and Welfare regarding "violence in the family" (*ROP* 1988, 513).

This General Council received two further petitions regarding "sexual molestation." One requested that the United Church urge the government to create legislation that would ensure that victims of "intrafamilial and/or incestuous sexual molestation" be given the right to bring charges against their abusers "without time limit" (*ROP* 1988, 113). This petition recognized that, for various reasons, a "victim" may not be able or willing to come forward for many years after the abuse began. The second petition was directed primarily at the need to educate and train people in the United Church to become more aware of the dynamics of "sexual molestation" and better equip them to provide pastoral care for those in their midst who have been or are being sexually molested (*ROP* 1988, 114). The recommendations of both petitions were carried.

The 1988 General Council received further petitions that were concerned with the "abuse and exploitation of children" in "underdeveloped countries" (partly in response to "the fact that 22 countries have now ratified the [United Nations'] Convention on the Rights of Children," *ROP* 1990, 182) the availability of child abuse counselling resources, and the issue of confidentiality and reporting of child abuse (*ROP* 1990, 182-3 and 187). The first clear requests at a national level for a comprehensive policy addressing disclosures of child sexual abuse were made at this time. It should be noted that these petitions did not specifically address the issue of child sexual abuse complaints - neither historical nor current - directed at church volunteers, employees, or officials. Although child sexual abuse had become much more prominent at the General Council

level, most of this General Council's energy and time were directed towards the issue of sexual orientation and ordered ministry.

Also in the latter part of the 1980s, greater awareness had been generated in the UCC regarding the damaging effects of Aboriginal residential schools and the need to own a share of the responsibility for this damage and make amends. Canadian residential schools were "operated in Canada through arrangements between the Government of Canada and the Roman Catholic, Anglican, Methodist, United and Presbyterian churches. Although the Government was no longer officially involved after 1969, a few schools and hostels continued to operate into the 1970s and 1980s" ([www.wherearethechildren.ca/en/home.html](http://www.wherearethechildren.ca/en/home.html)). Many Aboriginal boys and girls who attended these schools were abused in numerous ways including sexually. Lawsuits have followed these revelations of abuse. In 1986, General Council extended a formal apology to First Nations people saying in part, "...In our zeal to tell you of the good news of Jesus Christ we were closed to the value of your spirituality. ... We imposed our civilization as a condition of accepting the gospel.... We ask you to forgive us and to walk together with us in the Spirit of Christ so that our peoples maybe blessed and God's creation healed" (*ROP* 1986, 230-31). The apology was "received" as a beginning, but not accepted as a sufficient response in and of itself, by the newly created All-Native Circle Conference in 1988 (*ROP* 1988, 79).

The UCC has been clear that it accepts "moral responsibility" to the survivors regardless of court judgments. Many financial legal judgments and out of court settlements have been paid. The Healing Fund, created by General Council in 1994 was intended as a five-year campaign "to address the impacts of residential schools on

Aboriginal people. It now continues as one facet of the United Church's ongoing reconciliation work with Aboriginal people" ([www.united-church.ca/healing/](http://www.united-church.ca/healing/)). At its spring 2005 meeting, the UCC's Healing Fund Council considered 32 proposals and approved 18, for a total of \$146,242.00 in funding. At its fall 2005 meeting, \$144,979.30 was given in funding projects directed towards healing ([www.united-church.ca/healing/grants/2005/](http://www.united-church.ca/healing/grants/2005/)). In addition to breaking more of the silence around child sexual abuse in relation to the church, the residential school crisis contributed much to the use and development of alternative dispute resolution processes regarding child sexual abuse complaints. In particular, healing circles have been very helpful to some complainants ("Update on the ADR Process" and "Aboriginal Solidarity Sharing Circle", <http://www.united-church.ca/residentialschools/2006/04.shtm>, April 2006).

At the close of the 1980s, in the United Church child abuse was understood primarily as part of family violence. As awareness of child abuse increased, the need to respond to such abuse perpetrated by people outside as well as inside the child's family became increasingly important. This new awareness was related to a changing understanding of the family as a system that could be destructive as well as nurturing.

On 19 April 1991, a motion at the General Council Executive was passed to create the Moderator's Task Group on Sexual Abuse, Exploitation and Harassment. The mandate of the Task Group was approved as follows:

- I Sexual Harassment
  - (a) Gather existing policies on Sexual Harassment.
  - (b) Determine areas of deficiency in the present policies.
  - (c) Prepare recommendations for filling deficiencies in present

policies and practices...

- II Other forms of Harassment/Abuse
  - (a) Prepare a theological statement on such matters as legitimize dissent, means of dealing with conflict, et cetera appropriate to the polity and tradition of The United Church of Canada.
  - (b) Define the forms of Harassment/Abuse to which the Church needs to address itself.
  - (c) Develop guidelines for grievance procedures and conflict resolution. (*ROP* 1992, 327)

The Task Group had its first meeting in October 1991. At this meeting it was determined that “parallel” sub-groups needed to be formed in order to address adequately the mandate. The Task Group recorded the following rationale for the formation of two sub-groups: “...Group members recognized the need for the church to address these issues [i.e. harassment and abuse] from the perspective of those who have experienced harassment and/or abuse in terms of sexuality, discipline within the life of the church, and culture/race” (*ROP* 1992, 328). Accordingly, one group focused on sexual harassment/abuse, and the other looked at discipline within the church.

At its second meeting in November 1991, the group as a whole agreed on their main objective: “our task is to address the result of sexual abuse, exploitation and harassment within the United Church of Canada from the point of view of the victims” (*ROP* 1992, 329). This focus on the voices and empowerment of victims (later identified as complainants) was to continue.



**Approach to Child Sexual Abuse Including Relevant Statements, Policies and Practices: 1992 – 2006**

The Moderator's Task Group on Sexual Abuse, Exploitation and Harassment presented its first report to the General Council Executive in February, 1992. Although this Group had only been functioning for five months, it had authored three reports for presentation to the Executive. The first report included a faith statement reading, in part,

as a faith community we have not heard the cry of the abused, exploited and harassed in our midst nor have we acknowledged the truth of their experience and pain; we have failed to respect one another's worth as children of God who have been created as equals in God's image; we have violated our sacred trust through acts of sexual, racial and cultural oppression; we have failed to sustain and inspire those who have stood with the abused. We acknowledge the growing sense that we must hear and act now. We ask God's forgiveness and the forgiveness of those who have suffered. We call for the Church to repent and respond to our recommendations ... (*ROP* 1992, 329-330).

Addressing sexual abuse had become a priority in the United Church.

There were many factors leading to this new attention to abuse in general and child sexual abuse in particular. As outlined in the previous pages, part of the reason was the gradual shift from a primarily act-centered sexual ethic to a primarily relational sexual ethic. Other significant causes included the media reporting on clergy sexual misconduct and child abuse, particularly regarding the Mount Cashel cases and the Galienne abuses at St George's Anglican Cathedral in Kingston, and the federal government's Badgely Commission Report (1984). In general, the increasing awareness generated by the media and by the emergence, in the 1980s, of theological publications regarding abuse and clergy sexual abuse helped to break the silence and the belief that clergy and church officials were above reproach. It had been difficult enough to begin a

critique of the nuclear family, let alone the heretofore assumed conscience of the nation, the church: “During the past six years the awareness of issues related to sexual abuse in society has increased dramatically. Churches have been slower to accept the reality of sexual abuse within our midst, particularly abuse which is perpetrated by those to whom we have entrusted positions of leadership” (*ROP* 1992, 442).

The three reports presented by the Moderator’s Task Group on Sexual Abuse, Exploitation and Harassment collectively addressed a broad understanding of those subjects. One sub-group addressed abuse, exploitation and harassment regarding race and cultural issues. The work of this sub-group clearly recognized and drew attention to the relationship between racial and cultural prejudice and a higher incidence of abuse not only in wider society but also within the UCC (*ROP* 1992, 333-335). Another sub-group considered abuse and harassment experienced by some as a result of their differing views or faith claims: “The ‘harassment’ with which this group has been concerned has its roots in theological differences and differences in perspective on the nature of the church and its role in the world” (*ROP* 1992, 338). In particular, this sub-group identified the controversy regarding same-sex issues in the UCC as an issue that had left some feeling persecuted or harassed. The remaining sub-group looked at sexual abuse as its primary concern. This sub-group interviewed several people with various roles in the UCC who discussed their experiences of sexual abuse, harassment or exploitation with the church. Based on these stories and some pertinent writings on abuse, the sub-group found “indication[s] of widespread sexual abuse within the United Church” (*ROP* 1992, 331).

Each of the sub-groups presented a series of recommendations to General Council to further address these very serious issues. The recommendations of the last sub-group

described above are most relevant to this report. These recommendations included: the need for the UCC to “adopt a standard procedure for abuse/harassment allegations”; to insure that “victims” receive as much care and protection as do “alleged perpetrators”; to hear the “stories of harassment and abuse” and ensure that the wider church knows of the abuse in its midst; to address the dangers around “confidentiality and secrecy” regarding abuse; to build in, as part of policy, “standard procedures for the immediate suspension...with full pay and benefits, of a staff person when a Formal Hearing is called on harassment/abuse allegations”; that the UCC develop “a clear re-entry process” “whenever a person in paid accountable ministry is reinstated or continues in that position after having been found guilty of charges of harassment/abuse”; that students training for ministry be both protected from potential harassment/abuse and be educated so as to help prevent them from perpetrating such harassment/abuse; and that people in paid accountable ministry participate in continuing education on harassment/abuse. General Council received the report “for information” and responded to each of the recommendations. Most of the recommendations, it was determined, were “dealt with” by the Division of Ministry Personnel and Education (DMPE) Report as discussed below. General Council passed two motions addressing the points raised regarding candidates for ordered ministry and their educational experiences (*ROP* 1992, 137-138). Finally, the report as a whole was referred to “the Division of Ministry Personnel and Education in cooperation with [the] Committee on Sexism” to “continue to extend the work begun by the Moderator’s Task Group on Sexual Abuse, Exploitation and Harassment” and to follow up on the Task Group’s recommendations (*ROP* 1992, 138).

The DMPE approved and presented a report and policy by the Women in Ministry Committee “with later involvement” of the Pastoral Relations Committee entitled “Sexual Abuse: Harassment, Exploitation, Misconduct, Assault and Child Abuse” to the 1992 General Council for discussion and approval. This team of writers and the Moderator’s Task Group on Sexual Abuse, Exploitation and Harassment, conferred and the latter sent a response to the policy document before it went to General Council (*ROP* 1992, 331). The writers also consulted with others in the UCC as well as “a number of ecumenical colleagues” (*ROP* 1992, 442).

After the policy was approved for official use in the UCC, and “experience was gained” in its application, future General Councils approved policy revisions accordingly (*ROP* 1997, 408) [Appendix 3]. Further, in 1996 a National Committee on Sexual Abuse (Sexual Harassment, Sexual Exploitation, Pastoral Sexual Misconduct, Sexual Assault) and Child Abuse was established in the Division of Ministry Personnel and Education to replace the initially involved groups with the following mandate:

- monitoring the Church’s policy on sexual abuse,
- advising the Pastoral Relations Policy Specialist with regard to policy and procedures, and
- making recommendations to the Division of Ministry Personnel and Education for the development and redevelopment of the sexual abuse policy (Division of Ministry Personnel and Education, Minutes of the Annual General Meeting, 1996, 15).

This mandate was updated in March 2003 to more accurately reflect the expanded work of the Committee:

1. Monitoring the Church's policy on sexual abuse;
2. Advising the Pastoral Relations Policy Specialist with regard to policy and procedures;
3. Making recommendations to the Division of Ministry Personnel and Education for the development and redevelopment of the policy;
4. Reviewing and approving requests for funding for applicants to the Fund for Survivors of Sexual Abuse;
5. Maintaining connections with the Network (such as gathering additions to the bibliography and distributing and assisting with resources);
6. Gathering conference committee representatives for ongoing education and updates about the policy during the fall prior to the next General Council meeting.

The Committee's terms of reference directed that membership include "three to four people with extensive knowledge of issues related to sexual abuse, at least one of whom has experience in working with the United Church's policy. All members of the Committee should understand the pastoral, ethical and theological issues involved in the work of the policy" (Division of Ministry Personnel and Education, Minutes of the Annual General Meeting, 1996, 15). The membership of this committee retained significant continuity until 2004, when it was decided that existing members had fulfilled their commitment and new people needed an opportunity to work on this important committee.

### **Complaints of Child Sexual Abuse and Complaints of Child Sexual Abuse and Complaints by Adults of Historical Childhood Sexual Abuse**

The document "Sexual Abuse: Harassment, Exploitation, Misconduct, Assault and Child Abuse" was amended and approved for official use by the 1992 General

Council and so became the first set of policies and procedures in the UCC that specifically addressed child sexual abuse as one form of sexual abuse [Appendix 2]. This policy has been built upon in the years following 1992 with changes made in response to lived experiences, legal cases, and an ongoing desire to seek the best possible justice and care.

The policy begins with a theological statement outlining the church's commitment to the vulnerable. Such a statement has been included in all revisions with little changes. Definitions of all the terms in the documents title are also included and have remained constant apart from the following revisions: "Sexual Exploitation" was removed from the list of definitions and the policy title in 1997 since "the term is more descriptive of a power dynamic (present in all categories of sexual abuse) than it is definitive of a category of abuse" (*ROP* 1997, 411) [Appendix 3]; and the definition of "Sexual Harassment" was expanded to include "harassment based on marital status and sexual orientation" to more accurately reflect the Consultants' experiences of complaints (*ROP* 1997, 412). The well-being and healing of all involved including the "victim" and "offender" is identified as a primary goal of the policy (*ROP* 1992, 446). The document uses the terms "complainant" and "responder" when referring specifically to those who are using the UCC process for addressing a complaint (*ROP* 1992, 447).

Concerning current child sexual abuse, the report outlines specific instructions in accordance with Canada's laws: "When a complaint of sexual or physical abuse of a child designated by provincial law as a legal minor is disclosed or where there are reasonable grounds to suspect such abuse, the person to whom the disclose is made or who suspects such abuse shall immediately report the suspicion and the information on which it is

based to the authority or agency as defined in the provincial statutes...” (ROP 1992, 446). The document is clear that the duty to report outweighs any commitment to confidentiality whether in an informal setting, counseling setting, or confessional setting (ROP 1992, 458). The authors advise the person who reports child abuse to keep careful notes regarding the incident. Further, “When the alleged perpetrator in a case involving a legal minor is in an accountable relationship to a court of The United Church of Canada the matter shall be reported to the appropriate court of the church by the person who has taken the allegations to the authorities. This shall be done as soon as it is permitted by provincial/territorial legislation...” (ROP 1992, 446). The church is not to interfere by interviewing the people involved but the offering of pastoral care to all involved is strongly encouraged.

The document makes clear that it would be inappropriate for the same person “to offer pastoral care to both the victim and the alleged offender” (ROP 1992, 446). Later, in 1997, the policy was amended to refer policy users to updated information regarding the reporting of child abuse, which was added in a “Resource Packet” supplementing the policy (ROP 1997, 421).

While the law requires and the church clearly supports complaints of current child abuse to be dealt with through the legal system, the UCC sexual abuse policy can be used by legal guardians after the “provincial or territorial agency, authority and/or police” have dealt with the case and indicated that “such questioning may proceed” (Policy 2007, 8) [Appendix 6]. Further, if a person serving as ministry personnel is charged with a criminal offence, there are procedures outlined in another section of *The Manual* (Section 364), apart from the sexual abuse policy, to be followed. Only once in the UCC has a

complainant of child sexual abuse immediately used the church procedure following legal permission to proceed (Trothen, Interview with Cynthia Gunn, United Church Legal/Judicial Counsel, 11 January 2007). Further, normally the UCC will not agree to proceed without the child's assent in addition to the request of the legal guardians'. The 1992 policy includes the following statement in this regard: "If the complainant is a child/teenager, a parent/guardian responsible adult could be involved in the initial consultation and throughout the process. Such situations need to be treated with particular sensitivity with the well-being of the complainant being given utmost consideration. All cases involving allegations of abuse of a legal minor should be referred to the required authority as designated by provincial law" (*ROP* 1992, 450).

The UCC policy most often has been used by adult complainants of historical child sexual abuse: "there shall be no time limit regarding the filing of a complaint" (*ROP* 1992, 450), although the policy also states that incidents of historical child abuse need to be reported, as well, to the legal authorities (Policy 2007, 8). Further, in 2002 an addition was made to the policy regarding complaints involving respondents who are deceased: "In cases where the respondent has died subsequent to a complaint, a Formal Hearing cannot proceed after the death of a Respondent. In these situations, an alternative process will be offered to the complainant by the church court (e.g. Listening Team)... [and] In cases where the respondent is dead, an alternative process will be offered to the complainant by the church court (e.g. Listening Team)."

In the next number of pages, I will outline the basic procedures and expand on the parts of the policy, as it was first created and approved in 1992 and the changes that have been made to it since, that address the identified sub-topics. It should be noted that the



1997 General Council passed a motion authorizing the General Council Executive to approve revisions recommended by the DMPE as necessary between General Councils (*ROP* 1997, 447). Further policy details are available in the Appendices, including copies of the 1992 [Appendix 2], 1997 [Appendix 3], and 2001 [Appendix 5] versions, and the most recent version to come into effect July 1, 2007 [Appendix 6].

Each Conference Executive appoints 3-5 persons, including both men and women and at least two-thirds women, to form the Coordinating Committee. The Coordinating Committee is responsible for educating Apeople within the Conference on issues related to sexual abuse: sexual harassment, sexual exploitation, pastoral sexual misconduct, sexual assault and child abuse; to advertise their existence and availability, and that of the Consultants; and to train and support the Consultants. Each Conference Coordinating Committee appoints a team of 5-8 Consultants (including men and women, lay and ministry personnel) who satisfy a list of qualities and possess relevant knowledge (*ROP* 1992, 447-448; Policy 2007, 13-14).

A “complainant may approach any of the consultants” (*ROP* 1992, 450; Policy 2007, 9). The Consultant’s primary role is to listen, explain the options, determine “if the complaint is one to which the policy applies” (Policy 2007, 9), and ensure that the complainant understands the policy. In 1997 the Consultant’s role was further clarified by stating that “the Consultant may not also function as the support person, pastoral caregiver or Advocate in relation to the Complainant” (*ROP* 1997, 413; see also Policy 2007, 13). Someone else outside formal policy roles would be designated to provide this care and/or advocacy. It was also made clearer that Consultant A would be the complainant’s consultant and a different consultant - Consultant B - would be designated

to ensure that the respondent had “access to information” and “ongoing consultation” in a way similar to the complainant (*ROP* 1997, 413 and 418). In the most recent version, the policy does not use the terminology of “Consultant A” or “B”; rather the reference is simply to a “consultant” who is contacted by the complainant and a consultant who is assigned to the respondent (Policy 2007, 9).

As a complainant driven process, the policy as created in 1992 clearly stated that “at no point can action be taken without the complainant’s permission to proceed” (*ROP* 1992, 450). The 2007 Policy, to be implemented July 1, 2007, changed this and provides for the possibility of the consultant filing the complaint: “In the event the complainant chooses not to put the complaint in writing the notes made by the consultant of the conversation with the complainant will serve as the written record of the complaint. A complaint by a third party must be made in writing” (Policy 2007, 9) (see “Third Party Complaints” section below).

Under the original policy the complainant had the following options before signing a written complaint: attempt to resolve the issue informally by, for example, asking the respondent to stop “the offensive behaviour” (*ROP* 1992, 450); not to proceed further through UCC sexual abuse procedures (for one of the following reasons: the issue is resolved informally; it is determined not to be a case of sexual abuse; the complainant decides, for any reason, that they do not want to proceed; or the complainant chooses to proceed through “external routes); to proceed directly to a Formal Hearing (“in cases where the harassment/exploitation/abuse is extreme” [*ROP* 1992, 451]); or to proceed by writing a signing a complaint form and giving it to Consultant A (*ROP* 1997, 415). Under the 2007 policy, it may be that the complainant, in consultation with the consultant,

decides: to address the issue outside of the policy; that the policy does not apply to the issue; or not to proceed for any reason. The consultant, under the 2007 policy, is to advise any person who wishes to consult with them that the person ought not to identify the potential respondent unless they are prepared to have the consultant file a third party complaint with or without the complainant's agreement.

If a written complaint is submitted, the Conference Personnel Minister (CPM) is notified by the consultant of the complaint and receives the written complaint. After this, the 1992 policy included a "fact finding" step - which was re-named "The Response" in 1997 (please see the subsequent section regarding "investigation" for further explanation) - and notification of the respondent and appropriate church court. The updated policy is different. Relevant parties in the UCC are notified (Policy 2007, 9) and the respondent is contacted by a consultant and provided with a copy of the complaint. Pastoral care and the policy are both discussed with the respondent.

Under the original policy, there were four subsequent possible courses of action: not to proceed; the consultant could assist in finding an agreeable way in which to settle the case (for example, the respondent might write a letter of apology to the complainant) (this option was later, in April 2000, revised to read "to consider an offer from the Respondent to seek a negotiated settlement [6(a)]"); to proceed to an Informal Hearing; or to proceed to a Formal Hearing.

The same procedures outlined in section 73 of *The Manual* for Informal Hearings in general are followed with two additional requirements: "at least half of the Informal Hearing Committee shall be of the same sex as the complainant" and both men and

women shall be on the Committee. Further, all Committee members must be “fully knowledgeable of the policies and procedures of The United Church of Canada in relation to sexual abuse...” (*ROP* 1992, 454).

When informal “efforts at resolution have not succeeded in stopping the sexual abuse [in the case of adult complainants]...or that...the abuse is so severe and/or the possibility of resolution [is]...remote” or if either the complainant or the respondent request it, Formal Hearing procedures are begun as outlined in Section 74 of *The Manual* with the same two additional requirements included in Informal Hearings (*ROP* 1992, 454). To summarize,

the term ‘formal’ is a good descriptor. This is a formal process like a court of law. There is a Complainant and a Respondent and the “judge” is a panel of 3-5 United Church members. Often one of the members of the Formal Hearing Committee (panel) is a lawyer. Where this does not happen, the panel will usually have legal counsel.

A Formal Hearing will receive and consider material in evidence. There will also be a time to hear testimony and to cross-examine witnesses. The Rules of Evidence for the provincial jurisdiction apply.

Usually, the Complainant and Respondent are represented by legal counsel. It is for the Complainant (and counsel) to present the case and for the Respondent to defend.

A verbatim record...or a tape recording is taken of all the proceedings.

After the panel has received the evidence and heard the testimony, there are closing arguments by each of the parties and the panel is left to make a decision.

When the Formal Hearing Committee makes its decisions, they become the decisions of the court that appointed them. They may also make recommendations which the church court will need to consider, debate, amend and/or accept.

Decisions of a Formal Hearing are subject to appeal to the next higher court. (Bob Campbell, Sexual Abuse Committee Meeting, Minutes, June 26-28, 2003, 6) [See Appendix 4 for more detailed information].

In April 2000, the General Council Committee on Sexual Abuse began to draft a proposal for an investigative piece (General Council Sexual Abuse Committee, letter to all involved in the administration of the policy, January 2001) that was approved by the 2003 General Council. Additionally, in 2003, the option of an Informal Hearing was removed since it was decided that the Alternative Dispute Resolution process was an adequate alternative. This change is to be implemented in the next revised policy document effective July 1, 2007.

Under the new policy, the next step following the initial discussion with the respondent is to make a decision regarding the possible suspension, with full pay and benefits, of the respondent (See section below regarding “Responses to Involved Persons”). Next, an investigator is assigned. After the investigator’s report and recommendation is received, a decision is made by the court of accountability [e.g. “For the purposes of this policy the appropriate Church Court is the Court of the United Church of Canada to which a respondent to a complaint of sexual abuse or child abuse has a primary accountable relationship” (Policy 2007, 21)] regarding the subsequent step. There are three such possible steps: it is determined that there are no grounds for a hearing and no further action under the policy taken; informal procedures toward resolution are pursued “on agreement of the complainant and the respondent”; or it is determined that there are reasonable grounds to proceed with a Formal Hearing where the complaint will be heard by the next higher court (Policy 2007, 10). It is estimated that at least nine out of ten cases are resolved before reaching a Formal Hearing (Interview with Cynthia Gunn, United Church Legal Counsel, Toronto, 11 January 2007). The Court of Accountability is responsible for all costs associated with a Formal Hearing, as part of the

implementation of the investigative piece (July 1, 2007), “except for costs for legal counsel for individuals” (Policy 2007, 22).

### **Investigative Procedures Regarding Complaints**

The 1992 policy did not include an investigative piece. A “fact-finding process” was proposed and approved by General Council in 1992 with a significant amendment; the proposed policy directed a fact-finding process to be undertaken by a second consultant “named by the Conference Coordinating Committee...who accompanies the initial consultant [who was approached by the complainant] to a meeting with the respondent” at which the consultant would gather “information” from the respondent (*ROP* 1992, 452). The amended and approved policy instructed that the “fact-finding process shall be the responsibility of the court to whom the respondent is accountable; and shall be undertaken by an officer of that court, assisted by a Conference consultant on Sexual Abuse (Harassment, Exploitation, Misconduct, Assault), and Child Abuse who has not been in communication with either the complainant or the respondent regarding the charge or complaint” (*ROP* 1992, 131).

In 1997, the National Committee on the sexual abuse policy recommended a change to this process that was approved by General Council: the fact-finding step was re-named “The Response” because “fact-finding” inaccurately led people to understand this step as investigative “rather than one in which a response was elicited from the Respondent” (*ROP* 1997, 417). Consultants and coordinating Committees had found that the term “fact-finding” tended to communicate that “facts” were unearthed by the respondent telling their side of the story rather than this being simply understood as a

“response”. Therefore, the name change was understood to more accurately reflect the purpose of this step. In addition to the Response Meeting, there was also a Clarification Meeting with the respondent during which the process was clarified and discussed. At this time, there was no investigative piece.

As noted in the preceding section, the National Committee began to create a proposal for an investigative step in 2000 that was to be approved by the 2003 General Council but not implemented until July 1, 2007. This investigative step and the provision for third party complaints are the first significant changes to the original 1992 policy. The National Committee was motivated to create this investigative piece in the interest of making the policy as just as possible by increasing the church’s responsibility to support the Complainant financially, morally, and procedurally in the cases of complaints that have reasonable grounds. As is recorded in the Minutes of the December 1-3, 2000 Sexual Abuse Committee meeting:

In the light of the changes recommended through petitions to the 37<sup>th</sup> General Council, we want to be pro-active in suggesting changes to the policy that will reflect the growing experience of the church in its implementation. To that end, we are determined to keep the policy complainant driven but we want to explore possibilities of changes to the Formal Hearing procedures by including an investigative procedure. Moved that we begin with conversations with GC Legal Counsel and perhaps the judicial committee. Our primary concern is to develop ways for complaints that go to Formal Hearings to go forward without the sole financial burden being borne by the Complainant. **Linda Murray/Tracy Trothen CARRIED**.

Petitions regarding the Policy that were approved by General Council in 2000 were relevant to the development of both an investigative procedure as well as the issue of third party complaints (Petition 45 and Petition 44).

Under the proposed investigative procedure, after the results of an investigation are determined, the church court could “assess if there is merit in lodging a complaint on behalf of the Complainant (with the Complainant’s permission). This would include moral and financial support, if the decision of the court is to proceed” (General Council Committee on Sexual Abuse Policy Meeting, Minutes, November 13-15, 2001, 4). If the court decides, on the basis of the investigation, that there is sufficient merit to proceed, then the appropriate church court [e.g. the court “to which a respondent to a complaint...has a primary accountable relationship” (Policy 2007, 21-22)] would pay the costs, not the complainant.

The General Council Committee on Sexual Abuse Policy decided, in consultation with relevant others, to hold a consultation in October 2002 for all the Conference Personal Ministers and Conference Coordinating Committee Chairs to review the policy, discuss and share experiences and concerns, and consult regarding the proposed investigative piece (General Council Committee on Sexual Abuse Policy Meeting, Minutes, November 13-15, 2001, 3-4, 6-7). The feedback was largely supportive of the proposed investigative piece with some minor adjustments.

Accordingly, in April 2003, the Sub-Executive of the General Council adopted the recommendation of the Sexual Abuse Committee regarding the implementation of an investigative step, with the amendment that “all information obtained by the investigator, including any written report prepared for the church court, will be kept confidential, unless required by law to disclose it in a legal proceeding” (Sub-Executive of the General Council Meeting, Minutes, April 25-28, 2003, 272 and 274). The Sexual Abuse Committee then proceeded to work on the implementation of the new procedural step,



which was initially planned for July 1, 2004 (Sexual Abuse Committee Meeting, Minutes, June 26-28, 2003, 3). However, much more preparation and planning were needed and the investigation step will come into effect July 1, 2007.

The newest version of the Policy (2007, 10 and 18-19) describes the investigative step. After it is determined that the complaint is appropriate to the Policy, the written complaint is submitted and parties are informed of the complaint. Next, a consultant is assigned to the respondent and the complaint is communicated to the respondent, after which a decision is made regarding the possible suspension (with pay and benefits) of the respondent. It is at this point that a qualified investigator is assigned to the case. The investigator's written report forms the basis on which the church court of accountability decides how to proceed; it will be decided if there are reasonable grounds to proceed with a Formal Hearing, or an informal resolution approach, or "no reasonable grounds to proceed with the complaint...under this policy." There is no appeal (Policy 2007, 10-11).

### **Complaints Regarding Persons Who are not Church Personnel and Complaints Regarding Persons Who are Church Officials, and/or Employees**

Complaints may be brought against a United Church "member, adherent, candidate for the ministry, or member of the Order of Ministry" (*ROP* 1992, 132 and *The Manual*, section 72). The 2007 policy reads almost the same way with one change: instead of "member of the Order of Ministry", it reads, "a person who is Ministry Personnel" (Policy 2007, 6). Further, "any person who is not a member or adherent who has sought out the professional or pastoral services of The United Church of Canada's employees as cited above for purposes of pastoral care, counselling, marriage workshops,

day care, et cetera, has the right not to be abused in any way. Such person is also extended the right to full protection of the denomination's policies and procedures for the addressing of such matters, and may therefore lay a charge within the courts of The United Church of Canada" (*ROP* 1992, 132; Policy 2007, 6; and *The Manual*, section 72). In 1997, General Council approved an addition to the beginning of the policy that explicitly states:

A formal complaint may be made against:

- o a person serving as Ministry Personnel
- o a member of the Order of Ministry
- o an Inquirer
- o a Candidate
- o a lay member or adherent of The United Church of Canada who is not currently serving as Ministry Personnel and who is not an Inquirer or a Candidate (*ROP* 1997, 907)

A complainant may choose to avail themselves of the sexual abuse policy. It is also possible for people to use other relevant provisions of *The Manual*: "iii. When a question is raised by a Pastoral Charge or by the Presbytery regarding: (1) the efficiency of a member of the Order of Ministry or person under Presbytery Appointment; (2) the failure of a member of the Order of Ministry or person under Presbytery Appointment to maintain the peace and welfare of the church; or (3) a member of the Order of Ministry or person under Presbytery Appointment who refuses the authority of Presbytery" (*The Manual*, section 363).

The most recent version of the policy makes clear that this “policy does not apply and is not intended to be used for complaints which may be brought between members or adherents in a congregation” (Policy 2007, 7).

### **Third Party Complaints**

Until 2007 the UCC was committed to a complainant driven policy: “no action involving any third party or court of the church will be taken without a formal written complaint signed by the complainant. At no point can action be taken without the complainant’s permission to proceed” (*ROP* 1992, 450); and “When the charge is one of sexual abuse (sexual harassment, sexual exploitation, pastoral sexual misconduct or sexual assault), only the person experiencing the unwanted sexual attention may lay the charge” (*The Manual*, Section 72 as amended by the 1992 General Council). This did not apply to current cases of suspected child abuse that must be reported by law. From its initial implementation, third party complaints were raised as an issue: the 1992 General Council referred back to the Women in Ministry and Pastoral Relations Committees further questions including “readiness to return” to ministry positions after a charge had been processed, and “clarification of the possibilities and the limits of third party complaints” (*ROP* 1992, 443).

Petition 45, approved and referred to DMPE by the 2000 General Council, paved the way for a very significant policy change that was to occur in 2006 and be implemented in 2007. The Petition, received from Hamilton Conference, reads:

WHEREAS the current procedures for dealing with a complaint of sexual abuse depend heavily upon the abilities of the Complainant and Respondent to present their case; and

WHEREAS the current procedures for dealing with a complaint of sexual abuse are very costly emotionally, physically and monetarily for the Complainant and Respondent; and

WHEREAS the United Church has provided the mechanism for a court of the church to lay a charge where it has reasonable and probable grounds to believe that an offence has occurred (s. 72(b) of *The Manual*, 1998); and

WHEREAS there may be occasions where a church court is aware that abuse may be taking place and therefore has an obligation to maintain and keep a safe environment for worship, work, and study;

THEREFORE BE IT RESOLVED THAT Hamilton Conference petition the 37<sup>th</sup> General Council to make provision for a court of the church to be able to investigate allegations of sexual abuse brought by an individual who believes that they have experienced sexual abuse as defined in the United Church's Sexual Abuse (Sexual Harassment, Pastoral Sexual Misconduct, Sexual Assault) and Child Abuse Policy and if there are reasonable and probable grounds for the allegations and, with the consent of the individual who believes that they have experienced sexual abuse, to bring a complaint under the sexual abuse policy. (*ROP* 2000, 1028)

As was reported on the Web news page for the United Church, there was significant division amongst those familiar with the policy; some argued strongly in support for a change that was believed to be supportive of the complainant while others argued that the petition was going too far towards a third party complaint system that would further dis-empower the complainant (John Asling, "Church courts can investigate sexual abuse allegations," August 19, 2000).

The Executive of DMPE responded to the referred petition by first stating clearly that the policy document does not currently "allow for a complaint initiated by a third party". Further, the Executive pointed out that there were already provisions in *The Manual* to address an unsafe church environment:

The Division Executive believed that the intent of the petition was not clear; how could a church court bring forward a complaint based on allegations? (The Presbytery already has the authority to conduct a review of the conduct of ministry personnel and recommend remedial action under Section 363 of *The Manual*.) ... The Division Executive was concerned that this lack of clarity could lead to an action where the Complainant is disempowered or the Respondent is put at risk due to rumours. The Division Executive requested the General Council Executive refer Petition 45 back to the next General Council for clarification as per *The Manual* Section 524(d). The GCE agreed to this request. (E-mail Message, 8 February 2001)

No further action was taken in response to Petition 45.

However, the push to institute a mechanism to review third party complaints continued until such a provision was approved first by the Executive of the General Council (April 28 - May 1, 2006) and subsequently by the 39<sup>th</sup> General Council (2006) for implementation July 1, 2007. The 2006 General Council referred the following changes to allow for third party complaints to the Executive who subsequently approved them: “072(a) Delete the final sentence of this section which is the provision that only the person experiencing the sexual abuse may make a complaint; 072(b) Delete the clause which prohibits a Court from making a complaint of sexual abuse” (GC39 Summary of Council Actions, 2006, 26). The new policy reads in part:

A complaint may be made by an individual who has been sexually abused by a person to whom this policy applies, by a third party who has first-hand knowledge (has observed or has evidence) of sexual abuse by a person to whom this policy applies, or by a court of the church. In the case of the abuse of a minor, a parent or guardian may initiate a complaint as third party.

Anonymous complaints will not be acted upon under this policy. (Policy 2007, 7)

Concerns continued to be raised regarding the possibility of a complainant being further disempowered or re-victimized by the possibility of their consultant filing a third party complaint against the complainant's wishes. Yet, on the other hand, all were interested in a policy that would best support the vulnerable and uphold justice. As is stated in the preface to the new policy:

The United Church seeks to ensure that the voice of the complainant is listened to and heard, and that pastoral care and support are provided to that individual and her or his family. It recognizes that sexual abuse occurs when one uses her or his power to take advantage of the vulnerability of another. Consent to a sexual relationship or act can be given only by an individual who is in a position to make such a choice, and that choice cannot be made by an individual who acts out of fear or who is taken advantage of by a person in a position of trust. While seeking to respect the difficult decision a complainant makes when deciding to initiate a complaint, the church also seeks to honour the duty of care that it has to its members, adherents, employees, and those who avail themselves of our services. (Policy 2007, 5)

The new policy seeks to address all of these concerns particularly by providing for the possibility of a consultant carrying a complaint forward, with the permission of the one who has claimed the experience of abuse and who may not want to shoulder that burden. Accordingly, information in the resource package, which is appended to the policy, directs the consultants to advise any potential complainant to refrain from using the respondent's name or identifying them in any way until they decide that they wish the complaint to go forward. How successful the church will be, through its new policy, in balancing a duty of care and the empowerment of those who experience abuse will be learned through experience. Regardless, the commitments to seek justice, and protect the vulnerable, remain guiding principles for the UCC.

## **Responses to Involved Persons**

*The Manual* had stated previously that when a criminal charge is laid against a member of the Order of Ministry or other person serving as ministry personnel, the minister may or may not be permitted to continue to function in that position “pending the final disposition of the matter” (*The Manual*, section 34). Due largely to “the judgment of the Ontario Division Court regarding two cases in Bay of Quinte Conference” (*ROP* 1992, 443), the Judicial Committee/the Manual Committee proposed an amendment to “suspend the minister immediately” in the case of a criminal charge of “child abuse or aggravated sexual assault” (*ROP* 1992, 471). General Council approved a much more lenient amendment that stated that in the case of a criminal charge of “child abuse or sexual assault” (*ROP* 1992, 131), the “Decision” of whether or not to suspend must be made within “7 days of receipt of notification that a charge has been made” and conveyed to the Pastoral Charge at a meeting chaired and called by an appointee of the Presbytery. The only significant change was that a specific time line became required; the ministry personnel person (respondent) could remain active in their position pending the outcome of the charge, if a preliminary hearing so decides (*ROP* 1992, 131-132). The decision to suspend or not will be made at a “preliminary hearing...convened by the Chairperson of the appropriate court, or acting designate of the same, who with two other officers of that court, shall determine whether the respondent should be relieved of all responsibilities pertaining to their office(s) or position(s)...” (*ROP* 1992, 130-131). As the 2007 policy explains, “This is a Decision to be made in the best interests of the community served by the church court. It is not, nor is intended to be, a Decision with respect to the innocence or guilt of the respondent” (Policy 2007, 10).

Further, if “the respondent is understood to be in the employ of The United Church of Canada, then full pay and benefits shall continue pending the outcome of the Formal Hearing”. If the respondent is placed on leave pending the outcome of a Formal Hearing, the “cost of salary and benefits” is the continuing responsibility of the “pastoral charge/employing unit budget” (*ROP* 1992, 130; Policy 2007, 10). The rationale for a rejection of the Committee’s proposed change was that “automatic suspension tends to presume guilt..., even though in many/most cases a suspension will happen, it needs to be the result of a ‘preliminary hearing’ within seven... days” (*ROP* 1992, 312).

Regarding the issue of costs incurred by the complainant and other restitution issues, the 1992 General Council raised the issue of restitution “so that the victim may not have to resort to civil court processes” (*ROP* 1992, 130) but no conclusion was recommended at this time. Later, with the implementation of the investigative step, the court of accountability assumed any costs apart from the costs of legal counsel, if chosen by either party. Further the policy has stated since 1992 that “It is normally inappropriate to assess costs against complainants of sexual abuse” [*ROP* 1992, 136, and *The Manual*, Section 75 (m)].

Later, the 1994 General Council received three petitions requesting that the church provide financial support for the counseling needs of United Church members or personnel who are survivors of sexual abuse, and for those who claim to have been abused by anyone representing the United Church. General Council agreed to refer the matter to appropriate committees to “develop a plan for an Employee Assistance Program” (*ROP* 1994, 170). Two assistance funds were created and began funding survivors in 1998: the Survivors of Sexual Abuse Fund and the Ministry



Personnel/Survivors of Sexual Abuse Fund. The only stipulations for receiving up to \$1,000 per calendar year are a letter from a therapist attesting to the importance of therapy to address a history of sexual abuse that occurred in the United Church of Canada context (it is not necessary to have the incidence of such abuse proven or supported except by the therapist and applicant), and the approval of the National Sexual Abuse Committee in consultation with the relevant Conference Coordinating Committee on Sexual Abuse. “Applications can be from lay and non-United Church individuals.” There is a maximum of \$25,000 available for disbursement each calendar year. The purpose of the second fund is “to help ordained ministers who are survivors of sexual abuse to stay in active ministry while participating in therapy to deal with sexual abuse issues that are part of their history” (*Sexual Abuse Policy*, Resource Packet, 2001, 54-56) [Appendix 5].

In 1992 it was stated that if a Formal Hearing determines the complaint is proven, consequences to the respondent may include “monetary payment or other form of symbolic restoration” on the part of the respondent [*ROP* 1992, 134, *The Manual*, Section 74(f)]. It was also moved and carried “that the 34<sup>th</sup> General Council direct the Division of Ministry Personnel and Education and in cooperation and consultation with the Division of Mission in Canada to develop guidelines to assist Formal Hearing committees in determining the nature and extent of restitution” (*ROP* 1992, 136-137). Financial contribution toward “counselling expenses of the complainant” is suggested as an appropriate form of restitution. Formal hearings, in general, “when the charge has been proven...[result in] a Decision to admonish, rebuke, suspend, depose or expel” the respondent (*The Manual*, Section 74(f)). Provision for restitution, as mentioned above,

was added to *The Manual* specifically in response to the sexual abuse policy (*ROP* 1992, 313).

Since the policy's inception, disciplinary actions have been recommended if the Hearing Committee finds cause including a decision regarding "what type of directed programme to recommend for the respondent." Further, "an oversight committee shall be appointed to monitor the respondent's progress in the directed programme, to receive a report from the director of the programme, and to make a recommendation to the respondent's court of accountability regarding readiness to return to church leadership positions" (*ROP* 1992, 457). The "respondent's readiness to return to positions of authority" is to be assessed using the following "minimal requirements": "letters of apology" are to be written and sent to affected people; "evidence of genuine remorse"; "evidence of repentance"; "undertaking of some form of restitution"; and "satisfactory progress in a directed programme" (*ROP* 1992, 457). Further, the respondent must be supervised for "at least one year following return to a ministry position" (*ROP* 1992, 458).

The new policy spells out possible consequences, in accordance with the most recent version of *The Manual*, clearly:

(a) If the Formal Hearing panel determines the complaint is proven it may make a Decision that any of the actions provided for in section 075(k) and (l) of *The Manual* be taken as the panel determines appropriate. These actions include but are not limited to Admonition, Rebuke, Suspension, Deposition, Discontinued Service List (Disciplinary) or Discontinued Lay Ministry Appointment List, Expulsion, and other actions as provided for. The Decision of the Formal Hearing panel is to be implemented as provided for in section 075(m) of *The Manual*.

(b) If the complaint is not proven, the Formal Hearing panel shall dismiss the complaint. (Policy 2007, 11)

All records of the complaint are kept confidential and are retained using an anonymous coding system so that the files can be located in the event that future complaints are filed against the same respondent (*ROP* 1992, 456-457; Policy 2007, 11). In the original policy, the Conference Personnel Minister was to “ascertain whether there was confidential material related to previous complaints of sexual abuse” against the respondent, immediately after receiving the signed complaint. In 1997 this step was delayed until after the charge had been proven at the end of a Formal Hearing process. This change was made in order to better insure that such information be used only in the development of the Formal Hearing Committee’s recommendations (*ROP* 1997, 416). Further, “in accordance with principles of natural justice” the respondent is to be informed in writing “in the event that confidential information relating to action taken on previous complaints of sexual abuse brought against the Respondent is obtained by the Formal Hearing Committee for use in developing its recommendations” so that he/she can have “an opportunity to address the Formal Hearing Committee in regard to the information” (*ROP* 1997, 420).

Throughout the process, the Policy states that “...Presbytery (or other appropriate church court) needs to ensure appropriate pastoral support to the complainant, the respondent and their respective families, and to the Pastoral Charge/employing unit” (*ROP* 1992, 455). This commitment led to petitions to the 2000 General Council requesting that a “consultant be appointed for the Pastoral Charge” (Petition 53 and see Petition 54, *ROP* 2000, 1044- 1047). These petitions and other feedback to the General

Council Committee led to discussion regarding the creation of a Consultant C - a consultant assigned specifically to the involved pastoral charge. Hamilton Conference proceeded with their creation of a Consultant C although it is not part of the policy. The General Council Committee understood part of the cause for this independent action to be a lack of pro-activity on the Committee's part -- the Committee needed to be meeting more often and doing more; this is a demanding and important subject area (General Council Committee on Sexual Abuse Policy Meeting, Minutes, November 13-15, 2001, 2-3).

The UCC recognizes that congregations and other involved parties need pastoral care throughout and after the process of addressing a complaint, regardless of the outcome. More work in terms of policy and education could be done to ensure that such care is adequate.

**Screening Policies and/or Mandatory Education for Church Volunteers, Employees, and/or Officials (in Positions of Responsibility Regarding Children and Youth)**

*Faithful Footsteps - screening procedures for positions of trust and authority in the United Church of Canada: A Handbook* (The UCC, 2000) [Appendix 7] is the result of the mandate given by the 1997 General Council to the Division of Ministry Personnel and Education and the Human Resources Committee "to develop policy, protocol and educational resources for the screening of people in positions of trust and authority in the United Church of Canada" (*ROP* 2000, 637; *Footsteps*, 4). Two supplementary brochures "A Tender Trust" and "Trustworthy Care" were also designed as educational aids. This mandate was understood to build upon the 1992 Sexual Abuse policy document and also

to respond to “recent court rulings on vicarious liability [that] have underscored that institutions can and will be held responsible for the actions of their employees and volunteers” (*Footsteps*, 4). In 1998 a Task Group was created comprised of members from the two mandated groups began work on the project.

Coincidentally, “the Ontario Screening Initiative, a project of Volunteer Canada, was meeting with faith groups to begin work on resource development and education for the screening of volunteers within the faith communities” in which the UCC participated through the Task Group (*ROP* 2000, 637). Volunteer Canada developed a thorough resource entitled SAFE STEPS: A Volunteer Screening Process for the Faith Community. The UCC drew on it but decided to create their particular resource that included a faith statement and was tailored to the particular context of the UCC (*ROP* 2000, 638).

A news release on June 17, 1999 from the UCC said “that the Supreme Court decision regarding vicarious liability in the Children’s Foundation appeal could have wide ranging ramifications for many community groups, including church related programs involving children and youth. Further study of the decision is needed before the church is able to offer advice as to what this ruling may mean for a wide variety of church programs, including camps, youth groups and other outreach ministries of the United Church.” Church spokesperson Rev. David Iverson, then General Secretary of the Division of Mission in Canada, further explained that the UCC has “very clear policy guidelines” established in the 1992 sexual abuse policy, and these will be built on to address the more particular issues related to the Supreme Court decision. As is explained in the introduction to *Faithful Footsteps*,

The United Church of Canada has a legal, moral, and spiritual duty to care for and protect participants in our church programs. This is a legal principle called “Duty of Care”, and church groups have been, and will be, held legally responsible for ensuring reasonable measures are taken to ensure safety.

This handbook is provided by the United Church of Canada to help our institutions, organizations, ministries, camps and congregations understand the principles of screening, as one measure of our “Duty Of Care”, and to put these procedures into practice in the recruitment and selection of both staff and volunteers. Screening is a process designed to create and maintain a safe environment. The process involves identifying any activity or aspect of a ministry program which, by virtue of the position, could bring about harm to vulnerable individuals. (*Footsteps*, 1)

Theologically, the authors of this UCC document were clear regarding the relationship of this set of guidelines to the church’s faith claims: “The principle which supports this statement on ‘Screening Procedures for Positions of Trust and Authority in the United Church of Canada’ is that followers of Jesus must demonstrate love, respect and honour for one another as members of the body of Christ. For Jesus reminds us that as we do to the most vulnerable among us we do unto him (Matthew 25: 35-40)” (*Footsteps*, 4).

The document is divided into four parts: an introduction; a part explaining risk and risk assessment; a part outlining screening procedures in some detail; and a conclusion. The purpose of this handbook is to serve as a guide in screening UCC volunteers and employees in “many contexts” including: “Christian Education committees selecting Sunday School teachers, mid-week children’s program leaders, etc.; Sexual Abuse Policy Committees selecting Sexual Harassment/Abuse consultants; Church boards responsible for the oversights of volunteer pastoral care visitors; Church

Camp Boards; Presbytery or Conference Youth event planners; [and] Ministry and Personnel Committees” (*Footsteps*, 1-2).

Determining the level of risk in a particular ministry setting is the first step in screening, and the document outlines criteria by which to make such a determination. Factors identified are: the age of the participants (for assessing vulnerability); the setting (how physically safe is it for vulnerable participants?); the activity; the “supervision provided”; and “the nature of the relationship between participant and leader” (what is the power differential?) (*Footsteps*, 6). Each factor is evaluated on a 1 to 10 scale (1 is the lowest level of risk and 10 the highest) and, accordingly, assessed as a low, medium, or high risk factor which are defined as follows:

- o Low Risk: minimal or no contact with children or other vulnerable people or programs take place in large groups.
- o Medium Risk: activities with vulnerable people, but no private or one-on-one sessions.
- o High Risk: position presents opportunities to be alone with children or vulnerable persons, or opportunities to exert influence over youth or seniors. (*Footsteps*, 7)

Perhaps most helpful is the example case assessment included to illustrate how to apply the risk assessment scale (*Footsteps*, 7-8). This second section concludes with “options for reducing risk” ranging from eliminating the risky activity to minimizing the risk (*Footsteps*, 9).

The third section outlines the concrete steps involved in screening *all* people who are candidates for positions involving some level of risk. The 10 steps are described in detail. They are: 1. design an appropriate and clear job description that “formaliz[es]

roles and...send[s] a clear message to any potential abuser that safety of participants is a primary value”; 2. engage in the risk assessment process as outlined earlier; 3. be careful regarding how recruitment is undertaken and emphasize that you have a diligent screening process; 4. design thorough, non-discriminatory application forms that include, if needed, the possibility that if an offer is made, a police records check will apply; 5. use an interview to assess fairly the candidate’s “fit”, explain your screening process, and to develop a written record of the interview team’s assessment which will be kept confidential and, if the candidate is unsuccessful, destroyed; 6. complete thorough reference checks; 7. complete a Police Records Check (PRC) if the position involves sufficient risk, consider what types of offences are relevant to the position, and know the limitations of information attained via a PRC; 8. understand that screening is ongoing: orientation and training offer opportunities to confirm (during a probationary period) that the person is suited to the position; 9. ongoing supervision and evaluation can be effective monitoring and support tools; and 10. gather evaluative feedback from program participants, staff, and volunteers (*Footsteps*, 12-18).

Lastly, concluding words and appendices containing references to additional sources, further case examples, and template forms and letters are offered.

In addition to this document identifying screening procedures for all positions of trust and authority in the UCC, there are some more peripheral but significant documents that extend from this guide book. Immediately prior to the release of *Faithful Footsteps*, the General Council Executive passed a motion stating that “all camps, schools, residences, outreach ministries, and congregations using the name of ‘The United Church of Canada’ and all groups incorporated under Appendix IV of *The Manual* shall follow



the national standards of the church in relation to the protection of vulnerable people served by church ministries” (October 1999). Accordingly, for example, the UCC developed (2004 and revised slightly in 2005 and 2006 to make the questions clearer) an “accreditation site visit tool” for United Church associated camps. The extensive checklists are consistent with the screening procedures outlined in *Faithful Footsteps*; all staff and volunteer positions are treated as positions of authority and trust. Further, clear policies regarding “sexual conduct” at the camps are required. Child abuse is explicitly identified in terms of camp policies, procedures, and education for staff and volunteers. Additionally, The United Church has long had a *Camping Standards Manual*, originally published in 1982 and most recently revised in 2007 (previous revised version were released in 1993 and 2002) [Appendix 7]. The rationale for such a manual is described in the introduction: “it is our privilege and obligation as a church to ensure that all United Church camps continue to offer safe and high-quality programming for the thousands of people who come to camp each year” (The United Church of Canada, *Camping Standards Manual*, 5).

One further relevant piece to screening in the UCC is the education and screening that is required for ordered ministry personnel. The work on *Faithful Footsteps* gave rise to further discussion amongst the relevant UCC groups regarding the creation of “a comprehensive plan for ongoing screening for all Ministry Personnel indicating the importance placed on making our church a safe place” (*ROP* 2000, 638). This 2000 General Council Resolution affirmed current screening procedures and added the only missing element, which was a Police Records Check [PRC]. All candidates for UCC ordered ministry, all ministry personnel, all Staff Associates, all Candidates for Lay

Pastoral Ministry in Training, all seeking UCC endorsement, and all others retained on the roll of Presbytery/District, must provide up-to-date (within three years) PRCs (*ROP* 2000, 638-640). As of the 2006 General Council, there have been some substantial changes. All persons seeking candidacy for Ordered Ministry or Designated Lay Ministry, all persons seeking appointment as Congregational Designated Ministers [these latter two terms incorporating what we used to call Lay Pastoral Ministers and Staff Associates, plus some other positions we did not use to “order” such as Parish Nurses and paid Youth Workers], and all persons seeking Admission to the UCC ministry must have a current (i.e., issued within the past 12 months) Level 2 Police Records Check. All candidates for Ordination, Commissioning, Recognition as a Designated Lay Minister, and Admission must have a Level 2 Police Records Check that has been issued within the twelve month period prior to their final interview by the Conference Education and Students Committee. All persons seeking a call or appointment in a Presbytery Accountable Ministry in the UCC must have a current (i.e., issued within the past twelve months) level 2 Police Records Check at the time the call or appointment is approved by the Presbytery/Presbyteries involved. Further, all Ministry Personnel who are currently serving a UCC call or appointment or who are on the Roll of Presbytery must obtain a level 2 Police Records Check every six years (*ROP* 2006, forthcoming).

### **Chapter Summary**

Because of the United Church’s conciliar structure, it has been possible for one overarching binding policy to be developed.

The UCC has a history of commitment to social justice. This has meant that at times it took a more progressive approach to sexuality related issues than reflected in the laws of the land. For example, contraception was approved by the UCC in 1932 primarily due to concern for the economic pressures experienced by families during the Depression years. Further, the UCC first ordained a woman in 1936.

The protection of the vulnerable, particularly women and children, have been long standing concerns of the UCC. For some years, this was expressed primarily by encouraging women to remain in their traditional roles of wife and mother. The image of the nuclear family as all good began to be challenged slowly in the 1960s, as did the sole image of women as wives and mothers. This challenge was largely due to the claiming of voice by women within the UCC; task groups and committees dedicated to the examination of the changing roles of women emerged throughout the late 1970s and 1980s.

The same years brought a new focus on human sexuality; a move from a primarily act-centered sexual ethic to a primarily relational sexual ethic was well underway in the 1980s. Sin became much more clearly understood as violation of right relationship, and particularly as harm done to the vulnerable.

Children and children's voices emerged more loudly throughout the 1980s. Liturgically, the UCC took more official steps to encourage the inclusion of children in the celebration of the Lord's Supper, for example. Most notably, by the later 1980s abuse began to be discussed in relation to the family in general and children in particular.

The first policy and set of procedures regarding any form of sexual abuse allegations was developed in 1986 regarding sexual harassment; it had become recognized at an official level that sexual harassment occurred within the UCC.

The 1980s saw the results of the Badgely Report (1984) regarding child sexual abuse, the Mount Cashel traumas and media explosion, and the revelation of the abuses at residential schools. These events combined with other factors including: the gradual emergence of the internal recognition that the church as not immune from abuse; the greater voice taken by women and children; a new found engagement throughout the 1980s with human sexuality; and the emergence of feminist and liberation theologies, paved the way for the development of a sexual abuse policy in the UCC.

Created in 1992, the policy has undergone revisions in response to experience and an ongoing commitment to seeking justice. Most notably, an investigative step and a provision for third party complaints will be implemented July 1, 2007. The latter piece has been particularly controversial; it will be important to assess this piece in the light of experience. The UCC is committed to this process of experiential learning with its ongoing commitment to social justice and confessional faith in a loving, just and merciful God.

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## **Chapter 4 – The Anglican Church in Canada**

### **Introduction**

The following chapter deals with the response of the Anglican Church of Canada (ACC) to issues of child sexual abuse. It chronicles significant policies and resolutions at the national level, as well as examines the practices of selected dioceses. It was necessary to choose particular dioceses, rather than reviewing all dioceses, due to the organisational nature of the Anglican Church of Canada and in order to stay within the time and budgetary constraints of the research.

Documentation from most Anglican dioceses was readily available. Most dioceses list their complete set of canons on their diocesan website, as well as applicable policies; the same is true of the national office of the General Synod. Through the online databases of the General Synod, research assistant Ryan McNally was able to access a record of official statements of the Anglican Church of Canada (ACC). Other sources consulted included the *Journal of Proceedings* of the General Synod meetings, located in the library of Huron University College (London, Ontario). The records of the Diocese of Huron Archives provided access to the *Journal of Proceedings* of the diocesan Synod. The online archives of the *Anglican Journal* (the national publication of the ACC), provided a rich source of information on particular cases and events, and helped to establish the context in which events took place; this source was supplemented by directed searches in other electronic news databases. All of these sources are accessible to the public. Additionally, when contact was made with individuals they were candid and helpful.



## **Church Structure and Description of the Context**

The ACC is the second largest protestant denomination in Canada and has existed within Canadian territory for over 200 years. Today, the church has over 800,000 worshipping members and 2,035,500 persons who affiliate themselves with the ACC (General Synod of the Anglican Church of Canada; Statistics Canada 2003). It has a history of missionary work amongst first nation peoples, particularly in arctic regions of Canada; recently it consecrated its first Bishop responsible for First Nations people.

The ACC is an Episcopal church with a national superstructure. Each national Anglican Church is administratively independent. However, each are “in communion” with the Church of England’s Holy See of Canterbury and its Archbishop, and thereby in communion with other national Anglican churches (General Synod of the Anglican Church of Canada, *The Anglican Communion* 2007).” Member churches exercise jurisdictional independence but share a common heritage. Churches in the Anglican Communion continue to reflect the “balance of Protestant and Catholic principles that characterized the via media of the Elizabethan Settlement” (General Synod of the Anglican Church of Canada, *The Anglican Communion*, 2007). Therefore member Churches do not exercise jurisdiction over each other but seek to work co-operatively through a variety of international forums (General Synod of the Anglican Church of Canada, *The Anglican Communion*, 2007).

The basic organizational unit of the Anglican Church of Canada is the diocese, of which there are 30 covering all of Canada [Appendix 1]. A Diocesan Bishop, who may be assisted by Assistant, Associate or Coadjutor Bishops, is elected to govern each

diocese. Assistant Bishops are “appointed by the diocesan bishop to assist” in fulfilling the diocesan’s duties, but do not have the right of succession or jurisdiction (*Handbook of the General Synod of the Anglican Church of Canada -14th Edition*, 2004, 1). Suffragan and Coadjutor Bishops are elected by their respective diocesan synods “to assist a bishop of a diocese” with Coadjutor bishops having the right of succession and Suffragan Bishops “having no right of succession” (*Handbook of the General Synod of the Anglican Church of Canada -14th Edition*, 2004, 1). “The Bishops’ role is to exercise Christian authority, preside at the Sacraments, and preach the Gospel, as well as exercising responsibility for Doctrinal matters and the unity of the Church” (Diocese of Nova Scotia and Prince Edward Island, *The Role of Synod: The Democratic Model* n.d.). Although Bishops are elected, they must be ordained clergy of the ACC and once elected serve a term without limit (e.g. *Constitution of the Incorporated Synod of the Diocese of Huron*, 2006). The Bishops of the ACC meet twice annually as a House of Bishops, with the Primate (the head Bishop of the ACC) acting as president of the meeting (see Diocese of Nova Scotia and Prince Edward Island, *The Role of Synod: The Democratic Model* n.d.: The Democratic Model). Although the Bishops work towards unity and consistency in Canons (ie church governing law) and administrative practices, variations between dioceses exist. The following is therefore a general picture of the structure of each Diocese; specific examples from the Canons of selected dioceses will be used for illustrative purposes.

Although not originally required, a Diocesan Synod now also governs each diocese (*Constitution of the Incorporated Synod of the Diocese of Huron*, 2006). The Synod meets annually or bi-annually with special meetings occurring at the call of the

Bishop (*Constitution of the Incorporated Synod of the Diocese of Huron*, 2006). Synod is composed of the Bishop (as President of Synod) and “all Coadjutor, Suffragan and Assistant Bishops” as the case may be, the licensed (and ordained) clergy of the Diocese, the legal council of the Diocese (of which there are three or more, entitled Chancellor of the Diocese, Vice-Chancellor, Synod Solicitor, and Chancellor Emeritus), as well as Lay-Representatives and Youth Members “elected in accordance with the Constitution and Canons of Synod (*Constitution of the Incorporated Synod of the Diocese of Huron*, 2006, S.1).” The number of Lay-Representatives elected by each parish varies according to the number of members of the parish (*Constitution of the Incorporated Synod of the Diocese of Huron*, 2006, S.1). Additional members of Synod can include the presidents/principals of ACC related schools within the Diocese, members of the order of Deacons and the presidents of both the Diocesan Anglican Church Women and Diocesan Brotherhood of Anglican Churchman (*Constitution of the Incorporated Synod of the Diocese of Huron*, 2006: S.1). It is not unrealistic for the number of voting members attending Synod to exceed 500 persons.

Synod is the policy-setting legislature of the diocese, and as such must approve all Canons and other major policies of the diocese; it also receives reports from the various committees and working units of the diocese (Diocese of Nova Scotia and Prince Edward Island, *Synod*). In order to be approved, a measure must have the support of the majority of the Order of Clergy (including Coadjutor, Suffragan and Assistant Bishops), a majority of the Order of Laity and the approval of the Bishop of the Diocese (*Constitution of the Incorporated Synod of the Diocese of Huron*, 2006, S. 43). In effect each “Order” and the Bishop hold veto power over each measure. When a measure calls for “the

enactment, amendment or repeal of any part of the Constitution or Canons” it requires support of two-thirds of each Order and the approval of the Bishop before it can take effect.

In the interim between meetings of the Synod, a Diocesan Council (or equivalent) will “generally exercise all the powers and function of the Synod” as well as manage and administer “all the funds, lands and property of the Synod” (*Constitution of the Incorporated Synod of the Diocese of Huron*, 2006, S. 43). The council consists of the Bishop, and Coadjutor and Suffragan Bishops, the three members of legal council, officers of the Synod, Archdeacons, one clerical and one lay member of each Deanery and a number of other Clerical and lay members elected at large from the members of Synod (*Constitution of the Incorporated Synod of the Diocese of Huron*, 2006, S. 43).

Most dioceses also have a number of subsidiary levels of administration, usually called Archdeaconries and Deaneries (General Synod of the Anglican Church of Canada, *Anglican\_\_Church of Canada Organizational/Structural Definitions*, 2007). An Archdeacon, appointed by the Bishop, heads an Archdeaconry. All parishes within the Archdeaconry are under the supervision of the Archdeacon; each parish consists of one or more congregations. Each Archdeaconry is further divided into Regional Deaneries, which again group together parishes by geography (*Canon 30: Archdeaconries and Regional Deaneries*, 2003; *Canon 5: Archdeacons*, 2003). As one example, the function of Archdeacon in the Diocese of Nova Scotia and Prince Edward Island includes the following responsibilities (*Canon 5: Archdeacons*, 2003):

- o [To] interact with Regional Dean in supporting the pastoral and administrative roles of the episcopacy in the Diocese and in their

Regions [with a greater focus on supporting the Bishops' pastoral role] (S. 6.a);

- o [Resolve concerns that] ... cannot be resolved at the parish level (S. 6.b);
- o To examine the ministry of the parish with reference to Diocesan Canons and Guidelines (S. 7.a); [and]
- o To advise and assist clergy in all matters relating to their pastoral duties [and] provide real and moral support to clergy in times of personal difficulty (S. 7.b).

Regional Deans are responsible for ensuring that the Bishops' administrative functions are carried out within their particular Deaneries (*Canon 5: Archdeacons*, 2003, S. 6.a). In the same Diocese as above, the Regional Deans' responsibilities include the following:

- o To make certain that parish business is being conducted properly, that proper records are being kept and that properties and buildings are being maintained in accordance with Diocesan policies and guidelines (S. 6.a);
- o To encourage and assist the Regional Council [Deanery Council] in providing adequate training for all parish and church officials in the fulfilment of their duties (S. 6.b); [and]
- o To ensure that every parish . . . observes the Canons and Guidelines of the Diocese (S. 6.c) (*Canon 20: Regions and Regional Deans*, 2003).

Regional Deans also oversee meetings of the Clericus, that is all clergy of the Deanery, and preside over meetings of the Deanery Council (*Canon 20: Regions and Regional Deans*, 2003, S. 7.a; *Canon 31: Deanery Councils*, 2005, S. 5.e). Deanery Councils, such as those of the Diocese of Huron, consist of the Regional Dean, "all Clergy, all Churchwardens, all Deputy Churchwardens, all Lay Representatives to Synod, all Substitute Lay Representatives and all Youth Representatives"; most diocese have a

similar structure (*Canon 31: Deanery Councils*, 2005: S.1). Deanery Councils function as educational bodies, provide communication links between different parts of the Diocese, and discuss matters placed before them by bodies above or below them within the hierarchy (*Canon 31: Deanery Councils*, 2005).

Each parish is governed by a combination of the Vestry and the Parish Council. The Vestry is “composed of all the baptized members of such congregation who have reached 16 years of age” and who have been “identifiably involved with [the] congregation with regular worship, fellowship and financial support” (*Canon 18: Vestries and Churchwardens*, 2003, S. 1). Vestry meetings are conducted at least “annually during the month of January” at which point reports are received and the members elect one of two Churchwardens (the other is appointed by the incumbent clergyperson) who are responsible to provide leadership in the congregation (*Canon 18: Vestries and Churchwardens*, 2003). Each congregation also has a parish council composed of the clergyperson, Churchwardens, Lay Representatives to Synod and four to twelve members of the Vestry (*Canon 19: Parish Council*, 2003).

Dioceses are grouped into one of four Ecclesiastical Provinces. These Provinces predate the formation of the national General Synod of the Anglican Church of Canada (Ecclesiastical Province of Canada, 2007). A Metropolitan, who is also a Bishop of one of its constituent dioceses, governs each Province along with its Synodical structure, which is similar to that of a diocese. The limited functions of the Ecclesiastical Province include: the setting and amending of Diocesan boundaries; the provision of oversight of Diocesan Bishops by the Metropolitan; and the provision of a Court of Appeal for disciplinary decisions of Diocesan Bishops.

Although the Anglican Church has existed in Canada since 1788 when Bishop Inglis arrived in Halifax, having been ordained to the Bishopric of Nova Scotia and its dependencies in England, the national General Synod of the Anglican Church (then the Church of England in the Dominion of Canada) did not come into being until 1893 (Carrington, 1963).

The General Synod consists of all Bishops (Diocesan, Coadjutor, Suffragan and some Assistants) and representative lay and clergy members elected by each diocese in proportion to the number of church members resident in that diocese (*Constitution of the Incorporated Synod of the Diocese of Huron*, 2006). The General Synod has “responsibility for matters of doctrine and discipline” (General Synod Task Force on Jurisdiction 2002, 7). Doctrine can be defined as “that body of agreed belief concerning the nature of God, the nature of humanity, the nature of God’s redemption of humanity in Jesus Christ, and the nature of humanity’s response to God’s redemption” (General Synod Task Force on Jurisdiction 2002, 7). Discipline is “the corporate witness offered by the Church in its way of life which expresses its common understanding of things which it believes as ‘Doctrine’” (General Synod Task Force on Jurisdiction 2002, 8). Both of these deal with “matters ‘ necessary to salvation’” (General Synod Task Force on Jurisdiction 2002, 8). “The confederal nature of [the] church means that undesignated powers rest with the diocese and/or diocesan bishops” (General Synod Task Force on Jurisdiction 2002, 10).

Of particular interest to this study are the General Synod’s powers related to Residential Schools, and the Discipline of clergy, staff and church members. Although the General Synod has passed resolutions related to Residential Schools, and took a lead

in negotiating with the Government of Canada for the Comprehensive Settlement Agreement, it is the individual dioceses who bare the fiduciary responsibility for the schools. For this reason, although one diocese declared bankruptcy as a result of mounting claims the entire church was not forced into bankruptcy; likewise, all dioceses were required to affirm the Comprehensive Settlement Agreement before it could be declared that the Anglican Church of Canada was a party to the agreements(De Santis and Davidson, 2003). In a similar vein, the General Synod has responsibility for establishing a Canon on Discipline (in the sense of holding to account). Individual dioceses appear to either refer to the national Canon or to have adopted a similar Canon locally, thus preserving the ecclesiastical jurisdiction of each diocesan Bishop (Canon XVIII, S. 7).

### **Approach to Child Sexual Abuse Including Relevant Statements, Policies and Practices: 1960-1980**

Issues of child sexual abuse do not appear to have been at the forefront of discussions of General Synod before 1980. More important were issues concerning divorce and remarriage, and, later, the ordination of women. It was also in the late 1970s that discussions of homosexuality first percolated.

Through the 1960s the ACC contemplated a variety of issues related to family life with much focus on the plight of divorced persons and their children. In 1962, the House of Bishops, when discussing the “solemnization of marriage by the clergy on a more liberal basis than at present,” reported that “parents who have married following divorce . . . regard themselves as excommunicated by the Church” although they may



have children in the Church's confirmation classes; the Bishops asked that this matter be further studied (*Marriage and Related Matters: Civil Marriage*, 1962). At that time individual dioceses set their own policies regarding the participation of divorced and remarried persons in the life of the Church, with some dioceses banning them from the Eucharist (General Synod Task Force on Jurisdiction, 2002). Accordingly, in 1964 the Bishops recommended "that the marital status of the parents should not be a barrier to the admission of their children to baptism and confirmation" (*Remarriage of Divorced Persons*, 1964). In their report the Bishops noted that in "the Province of Quebec, if a child of such a union, when baptized it is recorded for life as an illegitimate." They argued that this "stigma is avoided if the baptism is delayed" until after adoption takes place (*Remarriage of Divorced Persons*, 1964).

At the 23<sup>rd</sup> Session of the General Synod the "Theme of the Day" was the issue of "The Church and the Family" (*GS JOP 23rd Sess.*, 1967, 19). So moved were the delegates by the theme presentation of the Rt. Rev. E.W. Scott that it was published in its entirety in the *Journal of Proceedings* providing a glimpse at how the church viewed the family in 1967. At this meeting, the General Synod considered a major revision to its marriage Canon in order to meet the increasing need to respond to divorce and remarriage. The purpose of marriage was seen to be threefold: "the hallowing a right of the natural instincts and affections implanted by God; the procreation and nurturing, if it may be, of children; and the mutual society, help and comfort that one ought to have to the other in both prosperity and adversity" (*GS JOP 23rd Sess.*, 1967, 89). However, Rev. Scott noted that change was taking place within the family, particularly with respect to the role of women. Women were now seen as "much more concerned about inter-

personal relationships within the marriage than simply with status and security” (*GS JOP 23rd Sess.*, 1967, 90). Both the ability to limit the size of the family through contraception and the lack of extended family relationships were mentioned, as were the changes in the status of women in society and the resulting need to re-evaluate the role of women in the Church (*GS JOP 23rd Sess.*, 1967, 90). Rev. Scott noted, in 1967, that many “women hold profession positions in the secular world and know their ability to give leadership and desire a wider range of activities within the Church than is usually provided” (*GS JOP 23rd Sess.*, 1967, 91).

Linked to this was a perceived need for the church to focus upon the family as a central unit of society and to give strength and support to the family and the needs of its members so that family breakdown could be avoided (*GS JOP 23rd Sess.*, 1967, 91-92). Therefore, motions were centred on “Family Life” including the provision of adequate housing for families, and women. Specifically, there were motions to form a unified Commission on Women to examine the role of women in the Church, and another calling for a policy to recruit, train, and employ more women in the Church (*GS JOP 23rd Sess.*, 1967, 20-21).

At the same General Synod, a motion was adopted regarding abortion requesting that the Primate set up a study committee of “theologians, parish clergy, obstetricians, doctors engaged in family practice, lawyers and specialists in behaviour and medical sciences to prepare a statement on all aspects relating to abortion” and submit a brief to the Government of Canada; no specific mention was made of the inclusion of women on such a committee (*GS JOP 23rd Sess.*, 1967, 20-21).

It was also at this General Synod that major changes to the ACC marriage Canon were affirmed, specifically with regards to the remarriage of divorced persons and their participation in the life of the Church. The Canon agreed to consider granting permission to remarry when: one's previous marriage(s) had been "validly dissolved or terminated in accordance with the law of property applicable thereto;" a divorced man's ex-wife and any children were supported according to his ability; and that the remarriage was not "a mere pro forma marriage to legitimate a child or children," among other criteria (*GS JOP 23rd Sess.*, 1967, 347).

In a landmark decision, the 27<sup>th</sup> General Synod voted to ordain women (1975). Although the General Synod resolved in favour of the ordination of women, it also resolved "that no bishop, priest, deacon or lay persons . . . should be penalized in any manner, nor suffer and canonical disabilities, nor be forced into positions which violate or coerce his or her conscience as a result" of the affirmation on the ordination of women (*GS JOP 27th Sess.*, 1975, Acts 64, 65 and 91). This meant that ordained women could be denied appointment at any church if her appointment contravened the relevant bishop's, priests', deacons' or lay persons' conscience. However, over time, the breadth of this clause has been reduced through subsequent actions of the House of Bishops (see, for example *Conscience Clause - Statement*, 1983). Synod continued to advocate for greater "progress towards sexual equality of opportunity in filling senior positions at the national and diocesan levels of the church" (*GS JOP 29th Sess.*, 1980, Act 22).

During the closing years of the 1970s the House of Bishops set about examining the issue of the inclusion of "homosexuals" within the life of the Church. Although much of the Bishops' discussions would not be made public until the mid-

1980s, they did issue a statement advocating pastoral care of homosexual persons. It affirmed that homosexual persons are “children of God, [and] have a full and equal claim, with all other persons, upon the love, acceptance, concern and pastoral care of the Church,” (*A study resource on human sexuality: Approaches to sexuality and Christian theology*, 1985, 18). The Bishops continued by stating that homosexual persons were entitled to the same protections under the law, but also noted that the biblical purpose of sexuality was for the completion of the male and female through heterosexual unions and for procreation (*A study resource on human sexuality: Approaches to sexuality and Christian theology*, 1985, 18).

### **Approach to Child Sexual Abuse Including Relevant Statements, Policies and Practices: 1981-1991**

The Taskforce on Violence Against Women was first established in 1981 “with a mandate (1) to get the church to recognize and own that violence against women exists, that it is wrong, and that the church must be involved in necessary action to alleviate and prevent it; and (2) to get the church to address the problems as a structural and societal one” (*GS JOP 31st Sess.*, 1986, 43-44). In 1983, the General Synod of the ACC (Fredericton, New Brunswick) passed a motion (Act 27), proposed by the Taskforce, addressing family violence. The motion requested that “every diocese and parish commit itself to using its own resources and to working with community groups to eliminate family violence” focusing particularly on “the battering of women” (Taskforce on Violence Against Women, 1987, 57). Additionally, the dioceses and parishes were asked to undertake six specific actions:

1. To declare publicly that violence is wrong and that it must stop;
2. To support the emergency and longer-term services necessary to protect battered women and to enable them to re-establish their lives;
3. To lobby, where necessary, for changes in law, and in police, court, and social service procedures to ensure that women and men are treated justly;
4. To undertake preventative work in areas of marriage preparation and family life by exploring the issues related to wife-battering, e.g. isolation and dependence for the wife, and the husband's authority over his wife;
5. To provide further education for the clergy and laity in their roles as counsellors in this area (Taskforce on Violence Against Women, 1987, 57-58).

As can be seen, the resolution framed violence against women as a social issue upon which the church should comment and against which it should act. Although the Primate, in his Presidential Address, stated that violence was thought to occur in ten percent of Canadian families, including church families, the ACC did not confess to any complicity in such violence through its theology or structure (*GS JOP 30th Sess.*, 1983, 129). A changing view of the relationship of the church to violence against women can be found in the report of the Taskforce on Violence Against Women presented at the following meeting of the General Synod (Taskforce on Violence Against Women, 1987, 57-58).

A number of other motions related to violence and the abuse of children were also passed by the 30<sup>th</sup> Session of the General Synod. Act 109 stated "that this General synod initiated steps towards the elimination of pornography and depictions of sexual violence, particularly toward women and children by enlisting where possible the co-operation of other churches, pressing governments for stricter enforcements of

existing laws, and if this is inadequate, for passage of such further legislation as may be necessary to achieve this objective, and that this General Synod request the Program Committee to give consideration to this important issue and make appropriate recommendations to the Church” (*GS JOP 30th Sess.*, 1983, 114). The General Synod also requested that every diocese and parish “commit itself to using its own resources and to working with community groups to eliminate violence against children and youth” by stating “that violence and abuse is wrong and must stop;” supporting “emergency and longer term services necessary to protect abused children and youth;” and “foster[ing] the use of education material covering the theological, social and legal aspects of all forms of violence and abuse in the family” (*GS JOP 30th Sess.*, 1983, 114).

At General Synod 1986, the Taskforce on Violence Against Women presented their report *Violence Against Women: Abuse in Society and Church and Proposals for Change*; the report was published in book form in 1987 [Appendix 2]. The report sought to elucidate the causes of violence against women and, in a new vein, to understand the role of the church in sanctioning such violence.

*Violence Against Women* documented the complicity of both church and state in violence against women. “Historically both the church and state gave husbands the absolute right to appropriate and control, if necessary by force, the personal services of their wives, which included sexual services” wrote the Taskforce, noting that until 1983, under Canadian law “husbands could rape their wives with complete legal impunity” (Taskforce on Violence Against Women 1987: 18). In addition to connecting violence against women to both the structure of modern capitalism and social arrangements that codify explicit gender inequality, the authors also acknowledged that

the church had supported the system by seeking and obtaining the free labour of women thus reflecting and supporting patriarchal values (Taskforce on Violence Against Women 1987, 15-17).

The work of the Taskforce on violence against women permitted the ACC to look critically at its conception of family, its theology, and its pastoral responses to reported cases of domestic assault. In criticising the privatization of domestic violence and the attitude that saw the family as “sacrosanct” the Taskforce began to dissolve the glass wall that had kept the church silent. By acknowledging the specific history of the Clapham Sect, a group of British Anglican’s who had proselytised a notion of “‘the cult of true womanhood’ in which male dominance and female submission were systematically elevated as cardinal Christian virtues” a specific historic influence and impediment was acknowledged (Taskforce on Violence Against Women, 1987, 33). Furthermore, the authors spoke of “‘the church’s call to renounce violence as abhorrent to the Christian understanding of ‘family’ and ‘home,’” upholding non-violence and positing that the cycle of violence might be broken if sin were redefined in relational terms informed by mutual love (Taskforce on Violence Against Women, 1987, 41, 49). It was stated that the true church and the true family were “‘where the little ones [including children, victims, and the weak] are heard and healed and honoured,” and not where dominance over others was practiced (Taskforce on Violence Against Women, 1987, 49). Thus the ACC was called to acknowledge its participation in violence against women through theologies that supported notions of male superiority, its use of exclusive language, and an historic tendency to support “‘a pattern of dominance and submission” (Taskforce on Violence Against Women, 1987, 41 and 43).

The authors noted that battered women often experience a great lack of understanding in what they heard from the pulpit and in their experiences of pastoral care (Taskforce on Violence Against Women, 1987, 35-36). One woman, quoted anonymously, described her experience: "My pastor's reaction was to call and confront me. I hoped for some help, or at least some consolation and advice, but I received only a lecture on having deceived him and the community into thinking we had a Christian marriage. So in my shock and loneliness I was given no help. In fact my pastor contributed to my isolation and shame" (Taskforce on Violence Against Women, 1987, 36).

Implicit in the woman's comments was the pastor's inability to comprehend that persons within his parish could experience a marriage that did not match his idealised model. In response, the authors added that isolation of women is augmented when marriage preparation courses do not address the issue of violence, or in a "pastoral approach that minimises suffering, that individualises the problem, or that, passively or actively, upholds the abuser" (Taskforce on Violence Against Women, 1987, 36).

The report identifies but does not present a clear understanding of child abuse and violence against children and youth. In one section the authors wrote that in comparison with violence against women "child abuse is now widely recognized by the state and the helping professions, whereas assaults on wives still tend to be denied or disguised" (Taskforce on Violence Against Women, 1987, 14). Later on, the authors link exclusively male language used in the church with the plight of the child abused by her/his father, wondering as to the impacts this language has on the cycle of abuse (Taskforce on Violence Against Women, 1987, 44-45). The authors observe that the



language of “Mother God” could also be problematic for a sufferer of childhood abuse who connected this image with that of her mother, “too scared to stand up to him [the abusive father] so she didn’t protect me from him” (Taskforce on Violence Against Women, 1987, 44-45).

Theologically, the Taskforce laid out a clear interpretative principle regarding the ACC’s relationship to violence against women specifically and people in general. It concluded, “the standards must be that no reference from scripture can be used to justify abuse of another human being,” thereby arguing against any notion of a scriptural warrant for violence (Taskforce on Violence Against Women, 1987, 38). They held that theologically the ACC had forgotten to identify with women “as the victims within our midst” and proposed the development of liturgical resources dealing with the topic of violence against women (Taskforce on Violence Against Women, 1987, 52). The church was therefore called to “become intimately involved with and aware of the phenomenon of victimisation and violence which results from the pursuit of greatness which is no respecter of persons” (Taskforce on Violence Against Women, 1987, 52).

The Taskforce gave the General Synod six recommendations. The first was that congregations should “devote the penitential season of Lent or Advent to a comprehensive study program in the areas of family violence, with an initial focus on wife assault” (Taskforce on Violence Against Women, 1987, 58-60). Second, it recommended that marriage and family life educators throughout the ACC “undertake a critical review of curriculum materials currently used in the church for marriage preparation, marriage enrichment, and parent courses” with a view to examining the messages being given by these materials (Taskforce on Violence Against Women, 1987,

58-60). Third, there was a call for volunteers and staff at all levels to “evaluate the legislation and legal practices in their area” to ensure it reflected that wife battering was a crime and that perpetrators and not victims should be the subject of prosecutions (Taskforce on Violence Against Women, 1987, 58-60). ACC theological schools were asked to provide mandatory “education about family violence and skills training in dealing with the violent family.” Bishops and diocesan staff were asked to provide training to clergy and to “recognize that wife assault is a problem in clergy families as it is in all other sectors of the population, and [to] develop strategies for responding to the special concerns and needs of battered clergy wives and abusive male clergy” (Taskforce on Violence Against Women, 1987, 58-60).

Upon receiving the report of the Taskforce on Violence Against Women and its recommendations, the General Synod of 1986 commended the report for study and action to the whole church, “with particular reference to recommendations 1-6” (*GS JOP 31st Sess.*, 1986, 39). Dioceses were asked to provide resources so that the recommendations of the report could be enacted and to report progress and provide suggestions to the Women’s Unit of the General Synod offices, for the use of the General Synod’s national executive prior to the 1989 meeting of the General Synod (*GS JOP 31st Sess.*, 1986, 39). The Committee on Ministry was asked to bring the report’s recommendations to the attention of ACC theological schools for implementation (*GS JOP 31st Sess.*, 1986, 39).

Pornography once again became an issue for the ACC in November of 1983 with the House of Bishops issuing a statement on pornography. The Bishops wished to “restate our understanding of human sexuality and our deep concern for the impacts of pornography upon our people and upon the whole of society” (House of Bishops, 1983).

The bishops spoke of sharing both males and females as created in God's image claimed that humans share a "common responsibility to each other in their sexuality" (House of Bishops, 1983). The gift of sexuality is wholesome and "the relationship between man and woman is God given: beneficial to both and mutually enriching" (House of Bishops, 1983). Clearly, however, sexuality was to be expressed only within heterosexual marriage as it was "a means whereby human beings can share in the experience of procreation" (House of Bishops, 1983).

A change in attitude can be seen as, for the first time, the Bishops recognised that the church had "sometimes failed both in its attitude and its teaching to help its members understand and express these Biblical truths" and that "this failure has contributed to some of the negative attitudes to human sexuality which exist today" (House of Bishops, 1983). Because of their "belief in the beauty and the sacredness of human sexuality [they] are deeply concerned by the perversion of that sexuality in the form of pornography" noting that these materials have become more explicit and available (House of Bishops, 1983). The statement continued by stating that pornography "victimises and debased women by portraying them as mere object, and degrades me by portraying a stereotype of aggression;" it also stated that "pornography increasingly uses children as subjects, and increasingly depicts and incites to violent behaviour" thus distorting God's purpose for sexuality (House of Bishops, 1983). The Bishops pledged themselves to work against this evil with likeminded churches, people of other faiths, and likeminded institutions and called upon members of the ACC to do the same (House of Bishops, 1983).

Between the 1983 and 1986 meetings the Pornography Taskforce prepared a report and was commended for its work (Act 61). The report urged the ACC to continue “educating the church at all levels about the destructive impact of pornography” with funding requested from the Program Committee; Dioceses were also encouraged to support local work on pornography issues (*GS JOP 31st Sess.*, 1986, 82-83). Likewise, the meeting acknowledged *The Report on Pornography and Prostitution In Canada* (Fraser Report) and urged the government to modify its legislation in light of the report’s recommendations (*GS JOP 31st Sess.*, 1986, 84).

It was also in the interim period that the National Executive Council of the General Synod (NEC) considered two resolutions concerned with sexual offences against children and youth. (The National Executive Council [NEC] was later renamed the Council of the General Synod [COGS], and therefore both references will be found in ACC documents. The body will be referred to by the name it held at the time the specific action was taken; therefore, both names will be found in this text.) In response to the report *Getting on the Agenda: Informed Responses to the Report of the Committee on Sexual Offences Against Children and Youths* the NEC resolved to petition the Federal Minister of Health and Welfare to consider the report’s recommendations and amend applicable legislation (National Executive Committee of the Anglican Church of Canada, *Resolution: Sexual Offences Against Children and Youths*, 1985). The Children’s Unit of General Synod was asked to continue monitoring the subject matter and “hold a joint discussion of the report” with the Churches’ Council on Justice and Corrections, as soon as possible (National Executive Committee of the Anglican Church of Canada, *Resolution: Sexual Offences Against Children and Youths*, 1985; National Executive

Committee of the Anglican Church of Canada, *Resolution: Sexual Offences Against Children and Youths* (2), 1985). Act 63 of the 1986 General Synod continued with the theme of sexual offences against children and urged provincial and federal governments to “pursue: a) a program of treatment for convicted pedophiles and their victims; and b) a concerted effort to apprehend and convict publishers, distributors, and possessors of child-pornography so as to uphold the law as it now stand”; to examine children’s rights legislation in connection with the United Nations’ *Declaration of the Rights of the Child*; and to educate “children to help them learn how to avoid becoming victims of abuse (*GS JOP 31st Sess.*, 1986).

Many of the above themes were continued at the 1989 meeting of General Synod, held in St. John’s, Newfoundland. At this meeting, a resolution was passed (Act 144) without debate urging the Provincial and Federal governments “to provide the necessary resources and combat the serious problem of sexual abuse of children across the country” (*GS JOP 32nd Sess.*, 1989). The meeting also expressed “deep concern about the frequency of domestic violence and the sexual abuse of children” and asked “Christian leaders to be explicit about the sinfulness of violence and sexual abuse whether of children or adults, and to devise means of providing support for the victims and perpetrators of such exploitation to enable them to break the cycle of abuse” (*GS JOP 32nd Sess.*, 1989).

During this period of time, the study document *A study resource on human sexuality* was released for use in parishes of the ACC. The document included some earlier statements of the House of Bishops and theological articles regarding sexuality, including homosexuality and homosexual identity (*A study resource on human sexuality*:

*approaches to sexuality and Christian theology*, 1985). The 32<sup>nd</sup> Session of the General Synod emphasized the need for continued reflection on the understanding of sexuality within the ACC, when it encouraged “each diocese and parish [to] increase by study, prayer and action their understanding of sexuality, supporting the Church in enabling all persons to develop a richer awareness of their gifts of sexuality and the dignity of all before God” (*GS JOP 32nd Sess.*, 1989, 118). At the end of this period, in 1991, the House of Bishops upheld the 1979 guidelines on homosexuality, that required homosexuals who wished to be ordained to promise to remain celibate, thus avoiding engagement in homosexual acts (Anglican News Service, 1991).

Issues of homosexual orientation continue to be debated within the ACC. For a number of Anglican parishioners, issues of child sexual abuse are linked with homosexuality. In a national study of the issues of import to Canadian Anglicans, commissioned by the General Synod, author Sally Edmonds Preiner documents the observation of many clergy that “in many smaller communities, homosexuality and sexual abuse has become a single ‘hyphenated topic’”(Edmonds Preiner, 2002, 17). The same linkage was reported from interviews with groups of Anglican lay-members (Edmonds Preiner, 2002, 12-13 and 37). Reporting on the results of interviews with parishioners from urban Toronto parishes, Edmonds Preiner states that discussions of homosexuality blend into other issues, including residential schools and sexual abuse of children; “these murky discussions are issues and concerns around ‘the protection of the most vulnerable,’ by which they mean sexual abuse of young children, in particular, boys” (Edmonds Preiner, 2002, 42). This conflation can prevent awareness of child sexual abuse when the offender is heterosexual, which is most often the case.

In 1990, the House of Bishops received a report from the Paedophilia Task Force. In discussing the working paper, Bishop Conlin said, “there is a need to raise our consciousness on the issue. In the event of a reported case, the first step is confrontation, not avoidance” (House of Bishops, 1990). The discussion mentioned the need to develop “clear policies which describe inappropriate sexual behaviour” and “for education, particularly among bishops and clergy” (House of Bishops, 1990). The bishops requested that the primate “appoint a task force to establish sexual abuse policies and guidelines for use” across the church, “taking into consideration the work that is already in progress” (House of Bishops, 1990).

#### **Approach to Child Sexual Abuse Including Relevant Statements, Policies and Practices: 1992-2006**

In 1992, the General Synod referred a resolution on the “Sexual Molestation and Abuse of Children” to the NEC. One significant difference between this resolution and previous ones, was that the General Synod moved to “recognize that sexual molestation and abuse of young persons by some church personnel while administering church programs has occurred and deeply regrets that the pastoral needs of some victims and their families have not been met” (*GS JOP 33rd Sess.*, 1992). It further asked the Program Committee to examine the issue and “produce a comprehensive protocol for responding to reports of sexual molestation and abuse of young persons by some church personnel and that this protocol be circulated to all dioceses” (*GS JOP 33rd Sess.*, 1992). This resolution marks the start of development of specific policies to deal with child sexual abuse complaints.

Nationally, it was at this time that the ACC National Executive Council (NEC) adopted its first “Sexual Assault and Harassment Policy.” The policy affirmed “that every human being is created in the image of God who has made us for loving, covenantal relationships with our Creator, others and the world” and that “our personal dignity, freedom and bodily integrity are ensured by faithfulness to just covenants of mutual entrustment care and respect” (National Executive Committee of the Anglican Church of Canada, 1992). It further acknowledged “that children, adolescents, the infirm and elderly are particularly vulnerable to the tragic consequences of broken covenants and abuse treatment “ and that “special care must be taken to protect their individual rights and personal integrity” (National Executive Committee of the Anglican Church of Canada, 1992). Sexual abuse was described as “self-gratification by exploitation” occurring “in a wide range of sexual activities: always in rape and child molestations, usually in adultery and prostitution and sometimes even in marriage” (National Executive Committee of the Anglican Church of Canada, 1992). It called on the church to be “clear about these violations of sexual intimacy;” “explicit in its teaching about these particular aberrations of sexual relations; aggressively proactive about its social policy and action touching on these areas; and forthright in dealing with violations in its own community” (from the Lambeth Conference Report National Executive Committee of the Anglican Church of Canada, 1992). The policy guidelines developed are applicable only to employees and volunteers of the General Synod and its national office; dioceses may choose to adopt them in some manner.

In terms of practical measures the policy required the ACC’s national office to “ensure that all activities, work and pronouncements with which it is engages



uphold the values of love, truth and justice and are demonstrably free from violence, coercion, and discrimination because of gender.” It was, from this point forward, official policy at the national level that “sexual assault, sexual harassment, or sexual abuse of any kind, whether to adult, adolescent or child, male or female, by or to any staff person contract employee or volunteer, [would] not be tolerated.” National office staff and all working through the national office were to work to prevent sexual abuse and harassment and to “deal with any accusations promptly, seriously and systematically, [and] where appropriate, in co-operation with proper authorities.” It was expected that greatest care would be taken “to avoid taking advantage of trust, or abusing power and the responsibility of authority” in relationships of trust (National Executive Committee of the Anglican Church of Canada, 1992).

After the policy was adopted, implementation guidelines were developed. The first such set of guidelines were adopted in November of 1993, and revised in November 1994 (National Executive Committee of the Anglican Church of Canada, 1993; Office of the General Secretary, 2005). In 1997 the officer of the General Synod appointed a committee to review the policy (Anglican News Service, 1997). In addition to examining difficulties encountered by a then “recent harassment case involving national staff members” the committee was to “ensure that the guidelines provide a just, speedy, streamlined and efficient structure to handle sexual harassment and abuse complaints” (Anglican News Service, 1997). The review resulted in amendments to the policy in 1998; the policy was again revised in March 1999 and March 2001 (Council of the General Synod of the Anglican Church of Canada, 1998; Office of the General Secretary, 2005). Many of these revisions dealt with technical matters. For example, the

March 2001 revision [Appendix 3] outlined when training would take place, while the March 1999 amendments made it clear that “adherence to this policy is seen and understood as a mandatory and vital component of our life and work together as employed staff members and volunteers of the General Synod of the Anglican Church of Canada”(Council of the General Synod of the Anglican Church of Canada, 1999; Council of the General Synod of the Anglican Church of Canada, 2001).

Despite the existence of a policy applicable at the national level, the ACC continued to ask for more policy measures. At the General Synod of 2001 a motion was approved stating “that this General Synod direct the Council of the General Synod to develop comprehensive sexual abuse and harassment guidelines for use throughout the Anglican Church of Canada” (General Synod of the Anglican Church of Canada, 2001). The following year, the House of Bishop discussed the need “for a national policy on sexual misconduct,” reminding the members of a resolution from the General Synod (House of Bishops, 2002). Bishop Jenks stated “he felt strongly about the need for a national policy” stating that “it should be included in the General Synod Handbook, and that it should even be a canon” (House of Bishops, 2002). Later in 2002, at a meeting of the Council of General Synod, it was moved that there should be an investigation of the “canonical ramifications of some of the present diocesan sexual misconduct policies as a preliminary step to the development of national guidelines for the Anglican Church of Canada” and asked various units at the national level to work co-operatively on this matter (General Synod Task Force on Jurisdiction, 2002). By 2004, the Handbook Concerns Committee was asked to work in consultation with the General Secretary and others to review the existing national *Sexual Abuse and Harassment Policy and*

*Guidelines* and report any recommended changes back to the Council of General Synod by November 2005 (Council of the General Synod of the Anglican Church of Canada, 2004). Newly revised guidelines, now titled the *Sexual Misconduct Policy Applicable to National Staff and Volunteers*, were prepared for May of 2005 [Appendix 4], and at the November meeting Council adopted the new document in place of the previous policy and recommended it to other organs of the national body for adoption (Council of the General Synod of the Anglican Church of Canada, *Resolution 27-11-05: Handbook Concerns Committee Resolutions: Sexual Misconduct Policy, 2005* [Appendix 5]; Council of the General Synod of the Anglican Church of Canada, *Resolution 28-11-05: Handbook Concerns Committee: Sexual Misconduct Policy, 2005*).

The most recently adopted policy contains much of the same material as the earlier policy, although the clarity of style is much improved. The policy states the Council's commitment to ensure

- o That all our work places and endeavors are free from violence, coercion, discrimination and sexual misconduct,
- o That no one is subjected to sexual misconduct of any kind,
- o That we deal promptly, seriously and systematically with all complaints of sexual misconduct.
- o That those who hold positions of trust or power in the church do not take advantage of, or abuse, that trust or power,
- o That we practice an ethic of mutual respect, responsibility and caring,
- o That we model wholeness and healthy sexuality in our relationships (*Sexual Misconduct Policy Applicable to National Staff and Volunteers, 2005, 2*).

Sexual misconduct is construed broadly and includes behaviours that may otherwise be called “sexual harassment, sexual exploitation and sexual assault” (*Sexual Misconduct Policy Applicable to National Staff and Volunteers*, 2005, 3).

“Acceptance of and adherence to this Policy is a mandatory and vital component of the life and work of all General Synod, Primate’s World Relief and Development Fund, Journal, Foundation and Pension Office employees and volunteers” (*Sexual Misconduct Policy Applicable to National Staff and Volunteers*, 2005, 2). It is a requirement of all employees and volunteers that they “agree in writing to comply with” the policy; “orientation of new employees and volunteers will include a review of this Policy” (*Sexual Misconduct Policy Applicable to National Staff and Volunteers*, 2005, 3). Specific responsibilities for on-going orientation and administration of the policy are assigned to the officers of the General Synod, Council of General Synod and the Human Resources Coordinator (*Sexual Misconduct Policy Applicable to National Staff and Volunteers*, 2005, 3).

### **Complaints of Child Sexual Abuse and Complaints by Adults of Historical Childhood Sexual Abuse**

Although generally speaking both the national ACC and individual diocesan policies are focused on current rather than historical cases of abuse, complaints of historic child sexual abuse can be addressed although each diocese can make that decision. Further, the national policy is designed to address complaints of sexual abuse experienced by both adults and children, with an implicit emphasis on adult to adult sexual abuse. For example, the national policy advises that complaints must be “made

within six months after the incident given rise to it in order that it may be fairly and thoroughly considered and investigated,” however, the General Secretary of the ACC “may extend the time for making a complaint if no one will be prejudiced by the extension” (*Sexual Misconduct Policy Applicable to National Staff and Volunteers*, 2005, 5).

A complaint of historic child abuse would require that the diocesan bishop deal with the complaint under the general guidelines of the applicable diocesan policy, and assist civil authorities in carrying out any legal investigation of such a complaint. In all cases of child sexual abuse, historic or current, *Canon XVIII* also would apply and could be used to discipline a guilty party; indeed, in cases where complaints of historic child sexual abuse have been pursued successfully in criminal courts, church discipline has also occurred. The diocesan bishop can make use of a local diocesan sexual abuse or crisis response team to discern the appropriate actions to be taken in a case where historic abuse was reported.

The accused is to be presumed innocent until the alleged misconduct is proved or admitted, and all persons are entitled to pastoral care (*Sexual Misconduct Policy Applicable to National Staff and Volunteers*, 2005, 5-6). In the case of child sexual abuse or abuse of other vulnerable persons, the incident “must be reported to the appropriate authorities as required by law.” Any proceedings under the ACC policy will not commence until after the civil authorities have completed their investigation; during an investigation, however, a person subject to such an allegation may be suspended with pay from their duties (*Sexual Misconduct Policy Applicable to National Staff and Volunteers*, 2005, 5).

Where the complainant is a child or vulnerable adult the matter is reported to the appropriate civil authority (e.g. CAS) and “the officers of the General Synod will cooperate” with the completion of the investigation by the civil authority (*Sexual Misconduct Policy Applicable to National Staff and Volunteers*, 2005, 10). Again, “no investigation or mediation will be commenced or continued under this Policy while an investigation is being made by an external [civil] authority” (*Sexual Misconduct Policy Applicable to National Staff and Volunteers*, 2005, 10). Pastoral and therapeutic support will be promptly offered “to a child or vulnerable person, and to their family during any investigation by an external authority” (*Sexual Misconduct Policy Applicable to National Staff and Volunteers*, 2005, 10).

In making a complaint, “anyone who believes they have been a victim of sexual misconduct by an employee or volunteer *should* inform the person responsible for the misconduct that it is unacceptable and must stop” (emphasis added); however, this is not a prerequisite to filing a complaint, and may have been written more with adult victims in mind (*Sexual Misconduct Policy Applicable to National Staff and Volunteers*, 2005, 6). The complainant may also choose to resolve the matter, via the policy processes, through informal or formal procedures and may request assistance from specific persons within the ACC, depending on the person making the complaint (*Sexual Misconduct Policy Applicable to National Staff and Volunteers*, 2005, 6-7).

When a complainant requests an informal resolution, the person charged with assisting them has particular responsibilities. She/he shall “promptly provide assistance and, if no formal complaint is made, shall endeavour to resolve the matter between the complainant and the” accused and “shall make a written report of the factual

circumstances of the complaint, of the action taken and the result of such action” and deliver the report to the General Secretary (*Sexual Misconduct Policy Applicable to National Staff and Volunteers*, 2005, 7).

In the case of a formal procedure, the complainant makes “a formal written complaint giving particulars of the alleged sexual misconduct and requesting an investigation” and delivers it to the General Secretary; if the complaint is against the General Secretary, it should be delivered to the Primate and if against the Primate, it should be delivered to the senior provincial Metropolitan “who shall carry out the responsibilities hereafter assigned to the General Secretary” (*Sexual Misconduct Policy Applicable to National Staff and Volunteers*, 2005, 8).

As discussed in the section dealing with governance, due to the ACC’s Episcopal structure, each diocese can implement its own policies and is not required to follow the National policy. Therefore, although most dioceses have now developed specific policies on sexual harassment and misconduct, and some have implemented screening policies for employees and volunteers, other dioceses remain without such policies (Blair, *New Clergy Screened More Tightly*, 1999). Table X lists examples of policies of the 30 ACC dioceses that were contacted for the purposes of this study:

<b>Diocese</b>	<b>Specific Policy for Complaints Sexual Abuse</b>	<b>Policy for Preventative Screening</b>
Algoma	Canon B-3 Sexual Misconduct and Diocesan Response Group	Canon H-5: Screening in Faith Approved Synod 2003
Arctic	No reply to query	No reply to query
Athabaska	Regulation 10: Sexual Assault and Harassment Policy for Church Employees and Volunteers (Nov. 1994)	No Screening Policy
Brandon	No reply to query	No reply to query

<b>Diocese</b>	<b>Specific Policy for Complaints Sexual Abuse</b>	<b>Policy for Preventative Screening</b>
British Columbia	Policy Regarding Investigation of and Response to Sexual Misconduct	Sexual Misconduct policy requires education of clergy and volunteers and their signed agreement to abide by the policy.
Caledonia	Protecting God's People	Protecting God's People
Calgary	No reply to query	No reply to query
Cariboo/ Central Interior	Policy currently under development	Clergy and volunteers working with youth, children and elders require a police check.
Central Newfoundland	Diocesan Handbook 2003 incl <i>Appendix B: Code of Ethics for Clergy &amp; Professional Lay Ministers</i> <i>Appendix C: Guidelines for Dealing with Allegations against Clergy, Church Employees &amp; Volunteers of the Diocese of Central Newfoundland</i>	<i>Security Screening Process Information</i> for Diocesan summer camps
Eastern Newfoundland and Labrador	On Sexual Misconduct	Letter of Conduct from local police is required for volunteers
Edmonton	<i>Sexual Abuse and Sexual Misconduct Policy</i>	
Fredericton	<i>B-12: Sexual Misconduct Policy and Procedure</i>	
Huron	<i>Policy 17: Safe Church: Our Sacred Trust</i>	<i>Policy 17: Safe Church: Our Sacred Trust</i>
Keewatin	No reply to query	Awaiting reply No reply to query
Kootenay	<i>Policy &amp; Procedures: Sexual Assault, Abuse, Exploitation or Harassment</i>	<i>Policy &amp; Procedures: Sexual Assault, Abuse, Exploitation or Harassment</i>
Montreal	No reply to query	No reply to query
Moosonee	No reply to query	No reply to query
New Westminster	No reply to query	No reply to query
Niagara	Sexual Assault, Harassment and Abuse Policies	<i>Guidelines for Working with Children, Youth, and Other Vulnerable People</i> And <i>Maintenance of Parish Volunteer Management and Screening Programs</i>



<b>Diocese</b>	<b>Specific Policy for Complaints Sexual Abuse</b>	<b>Policy for Preventative Screening</b>
Nova Scotia & Prince Edward Island	Policy 2.1.17 Sexual Misconduct	<i>Screening in Faith</i>
Ontario	Canon 35C: Sexual Misconduct Protocol [Appendix 6]	Screening in Faith
Ottawa	Sexual Exploitation Policy	Screening in Faith
Qu'Appelle	No reply to query	No reply to query
Quebec	No reply to query	No reply to query
Rupert's Land	Building Healthy Communities	Building Healthy Communities, with directions to <i>Screening in Faith</i> for further information
Saskatchewan	Canon 5: Order And Eligibility For Licensing Of Ministers and Diocesan Sexual Harassment and Abuse Policy	
Saskatoon	Regulation 17: Sexual Abuse and Sexual Harassment [Appendix 7]	Each parish is responsible for screening volunteers.
Toronto	Sexual Misconduct Policy	Screening in Faith policy
Western Newfoundland	No reply to query	No reply to query
Yukon	No reply to query	No reply to query

Given the diversity of it is necessary to limit discussion to selected dioceses. As an example, the very detailed policies of the Diocese of Huron will be considered below.

### 1. The Diocese of Huron

The Diocese of Huron covers much of southwestern Ontario, including the counties of Essex, Kent, Elgin, Middlesex, Lambton, Perth, Huron, Oxford, Waterloo, Bruce, Grey, Norfolk and Brant (Diocese of Huron, 2006). The diocese is geographically diverse, including the cities of London, Windsor and Kitchener-Waterloo-Cambridge, as well as many small towns, villages, and farming and cottage communities. As of May 2006 the Diocese was composed of 220 parishes, and reported 48,039 people on the rolls

of its congregations (*JPSDH 162nd Sess.*, 2006, 5-0). The Diocese has 3,208 pupils in its Sunday Schools taught by 835 teachers (*JPSDH 162nd Sess.*, 2006, 5-0).

It is the policy of the Diocese of Huron that sexual abuse (defined to include sexual harassment, sexual exploitation, sexual misconduct and sexual assault) by any person of the Diocese of Huron (volunteer, paid, lay or ordained) will not be tolerated regardless of the jurisdiction in which a person carries out their work or ministry (*Safe Church: Our Sacred Trust*, 2005,16). One way in which Huron has implemented this policy is first through a Sexual Abuse Response Team (SART) and later through the Safe Church committee.

SART was formed in 1996 with responsibilities related to the diocesan policy on sexual abuse/harassment and issues of sexual misconduct (*JPSDH 158th Sess.*, 2002, 2-37). The work of the committee was to continually revise the existing policy: to improve procedural matters and ensure accuracy; to serve as a resource to for the implementation of preventative measures within parishes; to provide for ongoing education of all ACC members in the Diocese; and to work with congregations in instances where sexual misconduct was reported or alleged (*JPSDH 158th Sess.*, 2002: 2-37; *JPSDH 159th Sess.*, 2003: 2-65; *JPSDH 160th Sess.*, 2004, 2-55). Up until 2003, when SART was merged with the Screening in Faith Committee to form the Safe Church Committee, it had made minor revisions to its original policy (Baldwin, 2007). At the time of the merging of committees the policies of both committees were also merged into one policy. The sections applicable to investigating claims of abuse will be detailed in this section. In its final report to Synod, SART stated “it can not be emphasised enough that there is a widespread need for ongoing education in these [sexual misconduct] issues at the parish

level in order to protect the vulnerable members of our congregations as well as the volunteers and clergy” (*JPSDH 159th Sess.*, 2003, 2-65).

The now functioning Safe Church Committee consists of the main committee and three sub-committees: the Crisis Response Working Group, the Education Committee, and the Sexual Misconduct Response Team (*JPSDH 162nd Sess.*, 2006, 2-73). The Crisis Response Working Group has compiled a “resource list of people who would be available to assist in the event of a parish crisis” noting that such a crisis need not be related to sexual misconduct, but could be a more general crisis in the wider community, such as a natural disaster (*JPSDH 161st Sess.*, 2005, 2-53; *JPSDH 160th Sess.*, 2004, 2-55). The Education Committee continues to make information available to individual parishes regarding the Safe Church initiative and assists with its implementation (Sees the *Screening Policies* section below) (*JPSDH 160th Sess.*, 2004, 2-55; *JPSDH 161st Sess.*, 2005, 2-53). The Sexual Misconduct Response Team continues the work of “assisting where allegations of abuse are made” and working on “procedures surrounding complains and the investigation process” (*JPSDH 162nd Sess.*, 2006, 2-73).

As mentioned earlier, specific response procedures outlining the actions of the Diocesan Bishop and the Sexual Misconduct Response Team (SMRT) are contained in the *Safe Church* policy of the Diocese. The policy is designed to assist in the discovery of “the truth and to protect the vulnerable, stop any abuse, and to promote restoration and healing” (*Safe Church: Our Sacred Trust*, 2005,16). The policy also attempts to strike a balance between supporting the investigation of claims and providing pastoral care for both the complainant and the accused (*Safe Church: Our Sacred Trust*, 2005,16). Complaints against a member of the Diocese of Huron are dealt with within the diocese,

however, complaints launched against the senior diocesan Bishop are dealt with either by the Metropolitan of the EPO or, if the senior Diocesan Bishop is also the Metropolitan, to the Primate of the ACC (*Safe Church: Our Sacred Trust*, 2005,16).

Although “ultimate responsibility and authority” rest with the diocesan bishop, “subject to applicable criminal and civil law,” the bishop may request the SMRT to be involved by

- o Meeting with the complainant and other persons who may have relevant information,
- o Recommending actions which may determine the truth of the allegations,
- o Enlisting additional professional persons to assist,
- o As a result of investigation, making recommendations about discipline and pastoral care,
- o Recommending appropriate long term follow-up (*Safe Church: Our Sacred Trust*, 17).

In addition to the short-term investigative work the SMRT is to carry out, it is also to be available for responding to questions and offering support to clergy, lay workers and volunteers (*Safe Church: Our Sacred Trust*,17). With regards to investigations, the primary investigation process appears to be to allow the legal investigation of the police or Children’s Aid Society to take place, and make use of its findings (see below). After the legal investigation is complete, the diocesan bishop may also choose to investigate the case (*Safe Church: Our Sacred Trust*,19).

No general guidelines for investigations by the Diocese are outlined. However, there exists a confidential reporting form and a complaint follow up form that is to be

completed by the SMRT (Forms B & D *Safe Church: Our Sacred Trust*). Form B asks general questions about the nature of the alleged abuse, the victim, time and location in which it is to have taken place and actions taken (*Safe Church: Our Sacred Trust*). Form D is a checklist of actions, such as notifying various diocesan officials and presenting the complaint to the accused, that should be carried out (*Safe Church: Our Sacred Trust*).

In the case of a complaint of current child abuse the Diocesan procedures make use of the *Child and Family Services Act (Ontario)* in order to ensure that all actions meet the requirements of Ontario civil law (*Safe Church: Our Sacred Trust*, 2005,17). Both the definition of child and the description of the four types of child abuse (physical, verbal, sexual and emotional) are derived from the *Act*, and, as required by law, suspected cases of current child sexual abuse are to be reported directly to the Children's Aid Society (CAS) (*Safe Church: Our Sacred Trust*, 2005,17). As per the regulations made under the *Child and Family Services Act (Ontario)*, Diocesan members are to permit the Children's Aid Society and the police to conduct their investigation unhindered. Pastoral care may still be offered to both the complainant and their family, and the respondent (*Safe Church: Our Sacred Trust*, 2005,17 and18). In all cases, the Bishop will assist with the police and/or CAS investigation(s) when asked, and will normally consult with the SMRT with regards to future actions including meeting with the affected congregation once the police and/or CAS investigation is completed (*Safe Church: Our Sacred Trust*, 2005,18).

In cases of allegations of sexual misconduct towards an adult where criminal charges are being pressed as a result of the police and/or CAS investigation, the Bishop "will normally consult with the SMRT about future actions" (*Safe Church: Our*

*Sacred Trust*, 2005,19). If criminal charges are not being pressed and there is no police investigation, “The Bishop will ordinarily involve the SMRT . . . [and] provide [them with] the initial information about the allegations” (*Safe Church: Our Sacred Trust*, 2005,19). The SMRT will usually then meet with the complainant to obtain a written complaint and written permission to present the complaint to the accused, in which case the Bishop will present it to the accused “in the presence of representation from the SMRT in the course of an interview” (*Safe Church: Our Sacred Trust*, 2005,19). If, as a result of the investigation, the allegations are proven “every effort needs to be made to hear, believe and empower victims and to enable them to be vindicated, to be set free from the power of the violation in their lives” (*Safe Church: Our Sacred Trust*, 2005,17).

In order to more fully provide for a positive environment, the Diocese of Huron has also enacted an *Anti-harassment and Anti-bullying Policy* to deal with complaints of harassment and bullying that are of a non-sexual nature or do not relate specially to cases of child sexual abuse dealt with in the *Safe Church* policy (*Anti-harassment and Anti-bullying Policy*, 2005, 3). The policy explicitly “prohibits harassment or bullying by any member of the Diocese” and provides for complaints (submitted by someone other than a church member, official, volunteer, etc, or a third party) “against a parishioner or employee who was involved in the course of her/his ministry or participation in Church sponsored organizations, activities and programs” (*Anti-harassment and Anti-bullying Policy*, 2005, 4). The policy outlines the process for initiating a complaint, and an informal, mediated, or formal process for handling complaints and seeking resolution (*Anti-harassment and Anti-bullying Policy*, 2005, 5-10)

## 2. Diocese of Kootenay

Other dioceses of the ACC have enacted policies similar to the Diocese of Huron. The diocese of Kootenay, which covers the mountainous south-eastern section of British Columbia enacted its current policy in 1998. The policy provides for the appointment of a Diocesan Response Team who will investigate allegations “to a point beyond which it is the scope of criminal or child welfare or human rights investigations; . . . recommend appropriate courses of action; . . . offer support and help to victim and offender by encouraging and assisting in arranging pastoral and therapeutic care . . .; [and] offer support education and information” to the Diocese (*Sexual Assault, Abuse, Exploitation or Harassment, Part A*).

The policy affirms that the Diocese will cooperate with all civil investigations and the requirement that suspected cases of current child sexual abuse be reported to civil authorities (*Sexual Assault, Abuse, Exploitation or Harassment, Part C*). In all investigations, the diocese pledges to cooperate with civil authorities (*Sexual Assault, Abuse, Exploitation or Harassment, Part C & D*).

In the case of allegations related to sexual misconduct and adult victims, a written complaint will be requested and a meeting between the Diocesan Response Team and the victim arranged (*Sexual Assault, Abuse, Exploitation or Harassment, Part D*). The policy is silent regarding complaints of historical child sexual abuse; the policy does not say that such complaints can be processed, nor does it say that such complaints cannot be processed. Depending on the results of the meeting with victim and alleged aggressor, the

Team will make recommendations to the diocesan bishop, with regards to future action(*Sexual Assault, Abuse, Exploitation or Harassment, Part S*).

### **Investigative Procedures Regarding Complaints**

The national *Sexual Misconduct Policy* (2005) outlines a specific investigative procedure regarding formal complaints. First, the “General Secretary shall provide a copy of the complaint to the person against whom it is made and shall either (a) refer the complaint to mediation or (b) direct the Human Resources Coordinator or and independent investigator or investigators to investigate the complaint and report within two week or such further time as the General Secretary allows” (*Sexual Misconduct Policy Applicable to National Staff and Volunteers, 2005, 8*). The policy does not outline specific qualifications for investigators. Investigators are to carry out interviews with the accused, the complainant and other persons and summarise and report on

- o The alleged misconduct
- o The response of the person against whom the complaint was made
- o Admitted and established facts
- o Unestablished allegations
- o A finding as to whether or not the alleged misconduct occurred,
- o And make recommendations the investigators consider appropriate (*Sexual Misconduct Policy Applicable to National Staff and Volunteers, 2005, 8-9*).

Upon completion of the investigation it is the responsibility of the General Secretary to “provide copies of the report to the complainant and the person against whom the complaint was made . . . determine if the complaint has been substantiated or



not or may, if the parties agree, refer it to mediation” (*Sexual Misconduct Policy Applicable to National Staff and Volunteers*, 2005, 9). If, however, the General Secretary determines that the complaint is substantiated, she/he may initiate “appropriate disciplinary and remedial actions” and if the matter amounts to sexual assault, refer it to “the appropriate police authority for criminal investigation” (*Sexual Misconduct Policy Applicable to National Staff and Volunteers*, 2005, 9). If criminal charges have been laid, in respect to a matter “about which a complaint has been made under this Policy, no proceeding under the Policy shall be commenced or continued until the criminal charge have been finally disposed of” (*Sexual Misconduct Policy Applicable to National Staff and Volunteers*, 2005, 9).

Some individual dioceses follow this policy while others have developed their own processes, usually similar, and others have yet to address this. All are committed to not interfering with a civil investigation.

### **Complaints Regarding Persons Who are not Church Personnel and Complaints Regarding Persons who are Church Officials, and/or Employees**

The policies described above generally make no distinction between persons who are employed (clergy or lay), volunteers or persons who hold a particular Office in the Church (e.g. church warden); the policies apply equally. In the case of current child sexual abuse the legal requirement to report would compel any person with knowledge of suspected child abuse to make a report to the appropriate civil authority. In such cases, the diocesan policies examined provide for the possibility of pursuing such complaints within the church courts after any civil process is complete; the bishop would be able to

make use of the diocesan sexual abuse response team (e.g. the Diocese of Huron SMRT) or the diocesan Crisis Response Team, should one or both of these exist. **The latter would apply also to complaints of historic child sexual abuse.** The response teams could assist the bishop and other affected parties in the provision of pastoral care and planning for healing after such events have occurred, regardless of whether or not church court proceedings are undertaken in response to a complaint.

### **Third Party Complaints**

Most policies do not make explicit mention of third party complaints. However, in the policy of the Diocese of Huron it states that “any complaint of sexual abuse of a child by any person” should be reported and acted upon, suggesting the ability of a third party, such as the parish priest or other person, to initiate the complaint and involve civil authorities as required by law (*Safe Church: Our Sacred Trust*, 2005, 17). The language regarding appeals and the launching of complaints under *Canon XVIII: Discipline* is somewhat vague, suggesting that anyone who has launched a complaint may seek an appeal. Again, there is within this a suggestion that any person may launch a complaint under the rubrics of the Canon, suggesting there is room for third parties to launch such complaints.

### **Responses to Involved Persons**

The responses to involved persons vary with the diocese in question and the nature of the situation. In the case of the Diocese of Huron, if the respondent is a member of the clergy, a staff person or a volunteer, while a police and/or Children’s Aid

Society investigation is being conducted, she/he may be asked to relinquish their ministry or “be placed on a leave of absence, at the Bishop’s discretion” with the understanding that “such leave is [paid and] without prejudice” (*Safe Church: Our Sacred Trust*, 2005, 17).

If, as a result of the investigation, the allegations are proven, “offenders will be called to rediscover their own humanity for their own well-being and for the well-being of the community” (*Safe Church: Our Sacred Trust*, 2005, 17). Pastoral care responsibilities and guidelines to the victim, the victim’s family, the parish family, colleagues, the wider church and the accused are outlined in the Huron policy, as well as a process for handling the trauma, debriefing and healing necessary in the parish community (*Safe Church: Our Sacred Trust*, 2005, 20-23).

Disciplinary proceedings may be launched against the guilty party using the procedure outlined in *Canon XVIII: Discipline*. Further, staff members or volunteers “found guilty of a criminal sexual offence involving a child or vulnerable person may be dismissed from employment or removed as a volunteer” (*Sexual Misconduct Policy Applicable to National Staff and Volunteers*, 2005, 11).

Penalties for conviction of sexual misconduct, either in civil courts or by ecclesiastical officials/courts, are dealt with under *Canon XVIII: Discipline* resulting in a need to read sexual misconduct policies in light of the disciplinary procedures of the canon.

There are few other canons of General Synod with such wide reaching local applicability as the canons dealing with discipline/ecclesiastical offences and the

licensing of clergy. Defining ecclesiastical offences and discipline resulting from an ecclesiastical conviction is a power of General Synod, and is codified in *Canon XVIII* [Appendix 8]. *Canon XVIII* is the most recent version of this statute, although it has existed in some form since at least the 1960s. The licensing of clergy and the discipline of clergy and members is a historic power of the Bishops, and has taken various forms over the centuries.

The text of *Canon XVIII* outlines the applicability of the Canon, defines ecclesiastical offences, and outlines possible penalties. *Canon XVIII* may be applied by a Diocesan Bishop to bishops (Assistant, Coadjutor, Suffragan), priests, deacons and lay members of the ACC under her/his jurisdiction; a Diocesan Bishop is under the jurisdiction of a Metropolitan and a Metropolitan under the authority of the Primate (*Canon XVIII*, 2004, S.1). Some individual dioceses have created discipline canons building upon *Canon XVII*, giving precedence to the national canon. Ecclesiastical offences are defined as

- o Conviction of an indictable offence;
- o Immorality;
- o Disobedience to the bishop to whom such person has sworn canonical obedience;
- o Violation of any lawful Constitution or Canon of the Church, whether of a Diocese, province or the General Synod by which the person is bound;
- o Willful or habitual neglect of the exercise of the ministry of the person without cause;
- o Willful or habitual neglect of the duties of any office or position of trust to which the person has been appointed or elected;
- o Teaching or advocating doctrines contrary to those accepted by the

Anglican Church of Canada; and

- o Contemptuous or disrespectful conduct towards the bishop of the diocese in matters (*Canon XVIII*, 2004, S.7).

To the extent that acts of sexual misconduct result in a criminal conviction any member of the ACC could come under Ecclesiastical Discipline. Additionally, an act of sexual misconduct that is not an indictable offence or where a conviction is not secured in criminal court could be investigated as a matter of immorality.

There are four possible penalties that can be imposed upon the conviction of an ecclesiastical offence: “(i) admonition, (ii) suspension from the exercise of ministry or office; (iii) deprivation of office or ministry; (iv) deposition from the exercise of ministry if the person is ordained” (*Canon XVIII*, 2004, S.8). The diocesan Bishop may deliver admonition, either publicly or privately as he or she determines (*Canon XVIII*, 2004, S.9).

Suspension is for a fixed duration and may have other conditions as part of the suspension (*Canon XVIII*, 2004, S.10). The penalty can be imposed by a Bishop or by an ACC court (*Canon XVIII*, S. 10.a). A person who is under suspension “shall not exercise the function of his or her ministry anywhere in Canada” and if found violating this or any other condition a penalty of deprivation may be imposed “after a further hearing” (*Canon XVIII*, S. 10.c). While under suspension, “the bishop may deprive the suspended person of the whole or part of any stipend, income or emoluments associated with the ministry or office from which the person stands suspended” (*Canon XVIII*, S. 10.c).

Deprivation results in a severing of the relationship between the disciplined person and the “ parish, mission, congregation, diocese or office” (*Canon XVIII*, 2004,

S.11). A person so disciplined “shall be incapable of holding any office or performing any function in any diocese in The Anglican Church of Canada” until he or she has been “restored by the bishop of the diocese in which the office from which the person was deprived is located” (*Canon XVIII*, 2004, S.11).

Finally, deposition, which applies only to clergy, includes the penalties associated with deprivation in addition to the clergyperson being considered to have abandoned her/his ministry (*Canon XVIII*, 2004, S.12). Abandonment “removes from the priest or deacon the right to exercise the office, including the spiritual authority of as a minister of Word and Sacraments conferred in ordination” consequently invalidating any licence for which being ordained is a requirement (*Canon XIX*, S 2.e) [Appendix 9]. Notice of the person’s abandonment of ministry is to be given to “all metropolitans and diocesan bishops” of the ACC (*Canon XIX*, S 2.f). A person so disciplined may seek restoration to their former status, and may also appeal both the charge of abandonment and a refusal of reinstatement (*Canon XIX*, S 2). The provisions of this section, like all others, apply equally to bishops with necessary modifications (*Canon XIX*, S 3; *Canon XVIII*).

The initial jurisdiction for disciplinary action, related to an alleged ecclesiastical offence, depends upon the person being disciplined. In the case of a “bishop, priest or deacon subject to the jurisdiction of a bishop” it is that bishop who has initial jurisdiction; in the case of “a bishop subject to the jurisdiction of a metropolitan” it is that metropolitan who has initial jurisdiction (*Canon XVIII*, S. 2.a). The determination of whether or not an ecclesiastical offence has been committed can be made by the bishop or metropolitan or referred to the court of the bishop’s diocese or the court of the metropolitan’s ecclesiastical province (*Canon XVIII*, S. 2.b). Each diocesan or provincial

synod enacts procedures to be used by the bishop or metropolitan (*Canon XVIII*, S. 2.c). Each “diocesan synod may provide for the exercise of initial jurisdiction of the bishop” for lay persons “who have been appointed, elected or commissioned to an office, appointment or responsibility in a parish of the diocese or the or the diocesan synod, for any ecclesiastical offence which they may commit in the diocese” (*Canon XVIII*, S. 2.d & S. 4.iii). Similar provisions are made for lay persons who hold “an office appointment or responsibility in a provincial synod, or the General synod, for any ecclesiastical offence which they may commit in the diocese” (*Canon XVIII*, S. 4). If a priest or deacon subject to the jurisdiction of a bishop is alleged to have committed an ecclesiastical offence in a diocese different from the one in which the bishop of original jurisdiction governs, notice is to be given to the bishop with original jurisdiction so that they may consent to the offence being tried in the diocese in which it took place; if consent is not granted, proceedings must be commenced in the diocese of original jurisdiction (*Canon XVIII*, S. 16).

An appeal process is provided for, via the ecclesiastical courts. A person convicted of an offence by a bishop or metropolitan may ask the court having jurisdiction (diocesan or provincial) to review both the determination of the offence and the penalty that has been imposed (*Canon XVIII*, S. 3.a). When reviewing whether or not an ecclesiastical offence has occurred, the court is to conduct the review “as if it were an original trial held in the court”; when reviewing the appropriateness of a penalty the only evidence to be presented is that which is relevant to reviewing the penalty (*Canon XVIII*, S. 3.c & d).

An appeal process also is provided for the person or persons who made the original allegation of the commission of the offence. The complainant, or other person who made the original allegation [third party complaints are accepted], may petition the executive council of the diocese for a review of her/his decision on the matter of the offence and the penalty imposed (*Canon XVIII*, S. 3.b). This section gives the complainant(s) or third party(s) the opportunity to request a review. The same section permits a review to be initiated by motion of the executive council.

Canon XVIII outlines specific procedures for all courts. In carrying out their work, all courts are to act in accordance with the principles of natural justice (*Canon XVIII*, S. 14). Notices of decisions of an ecclesiastical court are to be distributed to all clergy of the applicable diocese and all bishops of the ACC, when the penalty is that of suspension; in the case of deprivation or deposition notice of the decision is also given to all metropolitans (*Canon XVIII*, S. 13).

Jurisdiction may be transferred from one diocese to another upon “application of a person charged with an offence . . . to the president of the court having ecclesiastical jurisdiction over the person” and “where it appears to the president of the court to which the application is made, that such a transfer is necessary to ensure that the fundamental principles of natural justice are respected and where the court to which the transfer is to be made consents to the transfer” (*Canon XVIII*, S. 17).

There is provision to appeal a decision of a lower court to a higher court; “Any judgement or order of a diocesan court of the president thereof” may be appealed to the court of the ecclesiastical province of which the diocese is a member (*Canon XVIII*, Part



VI). Further appeal may be made to the Supreme Court of the ACC, a national body under the responsibility of the General Synod (*Canon XVIII*, Part VI; *Canon XX*, S. 2).

### Case Examples

There have been publicized cases of sexual abuse linked to various organs of the ACC that can serve as illustrations of the use of policies described above. In order to provide a sampling of the way in which the various policies have been implemented at the diocesan level, a selection of cases will be described from across Canada. The length of description will vary with the case.

The former Diocese of the Cariboo is a particularly poignant case of the destruction that can happen when care is not taken to avoid sexual abuse of children. The diocese was one of the operators of Indian Residential Schools (IRS), operating St. George's IRS in Lytton, British Columbia (Blair, "Church on hook for abuse," 1999). It was at St. George's that Mr. Derek Clarke conducted an "eight-year reign of terror." "Mr. Clarke had no training in child care" and had been asked to leave the position he held previously at another Anglican school "because he was unqualified." He was then hired as the dormitory supervisor at the Lytton school where he sexually assaulted several children. Although eventually he was fired by the residence principal neither the police, nor the Department of Indian Affairs, nor the boys' parents were informed of the suspected abuse. Justice Janice Dillon found the Diocese of the Cariboo guilty, by vicarious liability, and awarded restitution (Blair, "Church, school official must have known of rampant evil, judge says," 1999). With mounting expenses from this and other

cases, this relatively poor diocese was eventually forced to declare bankruptcy (Anglican News Service, 2000).

The case of Richard James Schenck is illustrative of sexual misconduct procedures being applied against a lay worker. Schenck was responsible for the training of persons who act as servers during the celebration of the Eucharist at an Etobicoke ACC church (Meed Ward, 1999). As a result of his conviction, Schenck “was relieved of his duties at the church” and faced criminal charges (Meed Ward, 1999).

The case of Archdeacon Thomas Corston is illustrative of a situation where no criminal charges were laid, but a diocesan investigation was conducted. In this case, a complaint was made against the Archdeacon and investigated by Sudbury Regional Police who “found no basis for criminal charges” (Davidson 2003). Subsequently, Archdeacon Corston was relieved of his duties as priest at Church of the Epiphany, Sudbury and as archdeacon of the Sudbury-Manitoulin archdeaconry pending the results of an investigation initiated by the diocese (Davidson, 2003). In this case, a charge of immorality was laid by the diocesan Bishop against Archdeacon Corston, and the matter referred to an elected diocesan court for trial (Davidson, 2003). The ecclesiastical court process also found Archdeacon Corston not guilty of the charge of immorality; “The ecclesiastical (church) court ruled on June 27 that the complainant was ‘a totally unbelievable witness’ and that the allegations were ‘malicious and constitute a clumsy attempt to extort money from the diocese of Algoma’” (Staff, 2003). The Archdeacon was awarded \$50,000 by the diocese, to cover court costs, and was reinstated (Staff, 2003). This case demonstrates the seriousness with which bishops usually take such complaints.

Similar to the above is a case from the Diocese of Nova Scotia and Prince Edward Island. In this case a man, now in his mid 30s and living in Winnipeg, made allegations of historical childhood sexual abuse against two priest working in Nova Scotia (Proctor, 1999). One priest, Rev. Wayne Lynch, pleaded guilty to the charges; at the time of his plea it was stated that “the church will decide what discipline it will impose . . . [and] it is widely anticipated that Fr. Lynch will be asked to relinquish his priesthood (Proctor, 1999). This statement could be interpreted as it being likely that a penalty of deposition would be imposed (see *Canon XVIII: Discipline* above). The other priest, Rev. Michael Boyd, pleaded not guilty and went to trial (Proctor, 1999). At the time the charge was laid against Rev. Boyd, the diocesan bishop, Arthur Peters, “directed Mr. Boyd to cease functioning as a priest” although it was a paid leave, and had stated that all contact between Mr. Boyd and Archbishop Peters “must end until the matter was cleared up” (*Crown may drop charges against Boyd*, 2000; Davidson, 2001). After pursuing the case, crown prosecutors dropped the charged “for lack of evidence.” However, Mr. Boyd was then subject to a ecclesiastical investigation to determine if “there was inappropriate behaviour entertained by the priest in these incidences” resulting a charge of immorality being levelled against him (*Boyd charges dropped*, 2000). After the ecclesiastical investigation, Mr. Boyd was cleared and reinstated (Davidson, 2001)

The case of the John Gallienne, described by media reports as “a predatory paedophile who exploited his position of trust and authority as choir master and organist at St. George’s Cathedral in Kingston [Ontario],” is another case worthy of review (Crosbie, 2004, 1). Gallienne had pleaded guilty to 20 charges of child sexual abuse, mostly related to his work in Kingston (Crosbie, 2004,1).

At the time of his release from prison, after serving his sentence, then Bishop of Ontario Peter Mason placed three restrictions upon Gallienne, barring him from playing instruments during worship or concert events at any diocesan parish, leading or organizing singing groups for worship or concerts in the Diocese, and leading or actively participating in “any church-related organisation which exists for the benefit of young people, or includes substantial numbers of them in its membership;” these restrictions were also adopted by the Diocese of Ottawa (Crosbie 2004, 1). Gallienne was banned “for life from setting foot in or near St. George’s” as Bishop Mason considered the “pain and damage upon present and former members of St. George’s Cathedral” to be so severe that his mere presence would be “unwelcome and offensive and destabilizing” (Rafter, 1994). Gallienne would, however, be able to join another Anglican parish “in order that he and his family may worship and receive pastoral care and enter into the life of a Christian community (Rafter, 1994). In order that there was general awareness of his ban, Bishop Mason sent copies to all other ACC dioceses (Rafter, 1994). Making his position clear, Bishop Mason told a reporter “ Sexual abuse is wrong, it’s evil and it’s sinful and there will be zero tolerance for it in the church body” (“Anglicans vow zero tolerance on sex abuse,” 1993). The case, however, is not that straightforward.

The abuses for which Gallienne was convicted came to light in the 1970s. In 1977 then Rector of St. George’s Cathedral, Rev. David Sinclair, became aware of two cases of sexual abuse committed by Gallienne; one came to his awareness because of an admission by the perpetrator. Sinclair then spoke to other church officials, including the diocesan chancellor (lawyer) and the bishop; “after a flurry of meetings, the church acted internally” telling Gallienne “not to be alone with choirboys” and was warned that

repeating his offence would lead to his certain and immediate termination. After Sinclair left the cathedral a year later, the restrictions were apparently abandoned. "Had he and other church officials known more about the long-term effects of child sexual abuse" stated Sinclair, "they would probably have done more"; if reporting allegations had been a legal requirement, they would have made the report. Sinclair also noted that Gallienne had close personal ties with many members of the congregation that help to shield him from suspicion (Peirol and Den Tandt, "Gallienne Admitted Abuse in '77, Cleric Says," 1992). The Chancellor, Stuart Ryan, had spoken to the father of one of the victims about taking the matter to the police. The father, a Queen's University professor, is alleged to have refused as "he did not want anything done which might lead to publicity about his son's tragic death"; the boy had committed suicide (Peirol and Den Tandt, "Reflections on a Disaster: Anglican Chancellor says St. George's Choir Master Should Have Been Fired Years Ago," 1992).

In the aftermath of the criminal proceedings, the Diocese of Ontario took several actions. In 1993, the clergy of the diocese were brought together for a study day on issues of sexual abuse focused on the "diocesan protocol on Sexual Misconduct" ("Anglican clergy summoned to a study day on abuse," 1993, 86). This policy, now Canon 35C, was created largely in response to the Gallienne cases (Varley, 2007). As mentioned previously, the diocese also encourages all parishes to make use of the *Screening in Faith* workbook in order to create a safer environment (Varley, 2007).

Since his release Gallienne has moved to Ottawa, where he volunteers with adult musicians at St. John the Evangelist Anglican Church (Crosbie, 2004). When asked about the situation, the priest in charge at St. John's stated that the restrictions were "very

sad” and a “terrible infringement of human rights” (Crosbie, 2004). The priest has also stated that most members of the congregation are aware of Gallienne’s past; that Gallienne was a member in St. John’s Circle of Support and Accountability ministry “that helps high-risk sex offenders re-integrate into the community;” and “that the church has exercised “due diligence” in ensuring the safety of church members who are minors (Sison, 2004). The current Bishop of Ontario has “expressed his concerns to Bishop Peter Coffin of Ottawa” who at the time said he was considering what to do about the matter, but acknowledged that the guidelines previously adopted had been breached (Sison, 2004).

These few cases help to illustrate the types of scenarios that have and continue to emerge in religious institutions and the general responses of the ACC. The cases as discussed do not demonstrate in any detail how protocols are applied; rather, they demonstrate that child sexual abuse does occur in the church and that the ACC responds diligently.

### **Screening Policies and/or Mandatory Education for Church Volunteers, Employees, and/or Officials (in Positions of Responsibility Regarding Children and Youth)**

Amongst those dioceses that have screening policies, one major “cluster” of dioceses that use the same policy is the Ecclesiastical Province of Ontario (EPO). This Cluster includes the seven dioceses that make up the EPO as well as the Diocese of Nova Scotia and Prince Edward Island [Appendix 10], and has used the EPO materials from the Diocese of Algoma [Appendix 11] as a basis for its screening policies. The EPO is composed of the Diocese of Algoma, Huron, Moosonee, Niagara, Ontario, Ottawa, and

Toronto. It does not take in all of the civil province of Ontario, as the most westerly diocese (Keewatin) is in the Ecclesiastical Province of Rupert's Land. Both the Diocese of Moosonee and the Diocese of Ottawa include a portion of the civil province of Quebec. (The ACC diocesan map can be found in Appendix 1.) For the bulk of this section, the discussion will be restricted to the Diocese of Huron as an example representative of the EPO dioceses.

The basis for the screening policies of the EPO cluster is the 1999 document *Screening in Faith*. *Screening in Faith* was an outcome of work funded by the Ontario Minister of Citizenship, Culture and Recreation (MCzCR), and undertaken by Volunteer Canada, under the auspices of the Ontario Screening Initiative (Gallagher 1999) [See Chapter 1, Appendix 6]. The Initiative was carried out “by a consortium of provincial umbrella organisations” including “faith, community support sport, rural, and recreations sectors” who were attempting “to increase the well-being of children and other vulnerable people through the introduction of screening practices” (Gallagher, 1999). The Synod of the Ecclesiastical Province of Ontario was one of the “faith” consortium partners. Other faith partners included the Ontario Conference of Catholic Bishops, the United Church of Canada, and the Canadian Unitarian Council; each organisation sent one member to the consortium. The Synod of the Ecclesiastical Province of Ontario subsequently brought the document to all seven constituent dioceses (*JPSDH 158th Sess.*, 2002, 2-79). Under the advisement of the faith consortium, and working through Volunteer Canada, author Brenda Gallagher produced *Screening in Faith*, based upon the workbook *Safe Steps: A Volunteer Screening Process for Recreation and Sport* which had been previously developed with the support of the

Solicitor General Canada, Department of Justice, Health Canada and Department of Canadian Heritage (Gallagher, 1999).

At the 156<sup>th</sup> Session of the Diocesan Synod, in 2000, the “Screening in Faith” policy was adopted without debate (*JPSDH 156th Sess.*, 2000, 3-2). The motion read as follows: “Resolved that this Synod of the Diocese of Huron endorses and implements the process of screening as proposed in the ‘Screening in Faith’ Manual. This process is for use in every congregation in the Diocese and all its ministries in order to honour our Christian responsibility to protect the vulnerable among us, thereby creating the safest possible environment for all in the Church” (*JPSDH 156th Sess.*, 2000, 3-2). Reported along with the motion in the convening circular was the comment that “It is important to imagine how the church can keep this covenant with Christ without a clear commitment to create and maintain a safe environment, to protect those who are to be cared for and to prevent sexual, physical, and emotional misconduct from occurring in places of ministry” (Gallagher 1999, 3-2).

At the 157<sup>th</sup> Synod in 2001, the Screening in Faith Committee of the Diocese provided a brief report outlining its progress from the previous year. It noted that “300 clergy and laity from across the Diocese were present when trainers from Volunteer Canada” led workshops about the “principles and purposes of screening” (*JPSDH 157th Sess.*, 2001, 2-71). There were to be follow-up workshops at the Deanery level and parishes were encouraged to use the *Screening in Faith* workbook to run training events in the parish (*JPSDH 157th Sess.*, 2001, 2-71). Police record checks (PRCs) were encouraged for those working in “areas that are deemed to be of highest risk” such as Sunday Schools, youth groups, or seniors groups (*JPSDH 157th Sess.*, 2001, 2-71). At its



meeting the Synod motioned to accept the charge of the Diocesan Bishop “to claim every church building and parish hall as a sanctuary for all people where everyone can be . . . comfortable and grow in Christ” (*JPSDH 157th Sess.*, 2001, 4-8). The Synod also passed a motion calling for “Every congregation to utilize resources available from the Screening in Faith Committee and our Synod office to implement a program of screening and report on the completion of this work to their Territorial Archdeacon by December 31, 2001” (*JPSDH 157th Sess.*, 2001, 4-8).

Annual reports from the Screening in Faith Committee continued in future years. In 2002 it was reported that the work was ongoing and that “Screening in Faith includes changing/revising physical layouts in order to protect the vulnerable” (*JPSDH 158th Sess.*, 2002, 4-9). It was also reported that there would be efforts made to develop a resource that was more applicable to the rural parishes of the Diocese (*JPSDH 158th Sess.*, 2002, 2-79). The following year (2003) the Committee reported that a set of policy guidelines had been developed and adopted [Appendix 12], and that Volunteer Canada was developing a risk audit tool that parishes might be able to use. Further, an EPO Synod Screening Conference had been held and resulted in the development of a Implementation Model Kit (*JPSDH 159th Sess.*, 2003, 2-103). It was also reported that 2003 would see the hosting of a workshop for youth leaders/ministers focused on the protection of youth and the development of a 24-hour incident reporting line for the Diocese (*JPSDH 159th Sess.*, 2003, 2-103). In 2004, the Screening in Faith Committee joined with the Sexual Abuse Response Team (SART) to form the new Safe Church Committee (*JPSDH 160th Sess.*, 2004, 2-55).

In 2004 the Safe Church Committee set out to determine the status of screening in the parishes of the Diocese (*JPSDH 160th Sess.*, 2004, 2-55). By 2006 the Committee was able to report that fifty percent of parishes had reported and of these, eighty percent had implemented the screening procedures; depending on the state of implementation in the non-responding parishes the percentage of parishes who had implemented the screening program could range from forty to eighty percent (*JPSDH 162nd Sess.*, 2006, 2-73). Pressure for implementation of the screening policy is now coming not only from the Safe Church Committee but also from the Diocesan Bishops (*JPSDH 161st Sess.*, 2005, 2-53). In 2005 the Safe Church committee reported that “if a parish does not put in place screening appropriate to its needs, there liability insurance may not cover any costs arising from a claim within the parish” and it will be solely responsible for paying such a claim (*JPSDH 161st Sess.*, 2005, 2-53).

The screening policy, entitled *Safe Church: Our Sacred Trust*, explains the rationale for screening and provides necessary forms, as well as provides procedures for dealing with allegations of sexual misconduct. The opening section of the document demonstrates that the Diocese uses a primarily relational ethic, with regards to sexuality (*Safe Church: Our Sacred Trust*, 2005,13) [Appendix 13]. Sexuality is considered to be a gift of God, but when the gift is misused it has “enormous potential to alienate people from God, one another, and even themselves” (*Safe Church: Our Sacred Trust*, 2005,15). It continues by stating that “the church has a responsibility to understand and to be clear about the relationship between sexuality and power, and to acknowledge that where an imbalance of power exists in a relationship, genuine consent to sexual expression cannot exist” (*Safe Church: Our Sacred Trust*, 2005,15).

The policy statement outlining the Diocese's position towards both screening and sexual abuse is very clear. After stating that it wishes to ensure "our Church be a safe and holy place for all whom our ministry affects" the policy continues, stating "it is therefore our policy that all staff and volunteers, lay and ordained, who come into contact with children, youth and vulnerable people be screened in a manner appropriate to the ministry or job being undertaken" (*Safe Church: Our Sacred Trust*, 2005,16). The policy further discusses the power disparity between clergy or church workers (including volunteers) and those to whom they minister (*Safe Church: Our Sacred Trust*, 2005,16). Therefore, the Diocese recognises "that clergy, diocesan staff, parish staff, and volunteers serve in situations where sexual misconduct, harassment, or other abuse has the potential to occur" and therefore screening and ongoing management are necessary in order to maintain the safety of all parties (*Safe Church: Our Sacred Trust*, 2005,17).

The section dealing specifically with screening procedures relies heavily upon the *Screening in Faith* workbook but translates the material into a form more applicable to the Diocese of Huron. Section 7 of the policy outlines an eight-step process for undertaking screening and management of parish volunteers and employees (*Safe Church: Our Sacred Trust*, 2005,10). (Clergy are employed by the Diocese and, therefore, it is the Diocese that would undertake screening in relation to their position.) Every position within the parish "shall be assessed for the amount of risk inherent to it, and assigned a rating of low, medium or high"; the assessment is to take into account:

- o The age and vulnerability of the people being ministered to;
- o The size of group typically being ministered to (Group vs. 1-on 1 Activity);

- o The location and visibility of ministry (Church Hall vs. Private Home);
- o The type of activity involved in ministry (Morning Bible Study vs. Camping Weekend);
- o The level of supervision and monitoring that takes place;
- o The degree of authority associated with the position ([Church]Warden vs. Chalice Bearers); and
- o Other significant attributes of the position (*Safe Church: Our Sacred Trust*, 2005,10).

Typical screening procedures for use when evaluating applicants for volunteer or paid positions within the parish include “meeting with clergy or another direct supervisor to discuss the duties and responsibilities of the position and the candidate’s suitability;” collecting application forms or résumés from candidates; conducting reference checks, and obtaining Police Records Checks (PRC) with Vulnerable Position Screening (*Safe Church: Our Sacred Trust*, 2005,10). The policy also calls for the establishment of “appropriate training, supervision and follow-up procedures” with the instruction that more attention should be paid to the monitoring of higher risk positions (*Safe Church: Our Sacred Trust*, 2005,11).

In order to ensure adequate oversight of the screening procedures, “it is strongly recommended that each parish create the position of ‘Parish Volunteer Manager’,” who, working with the clergyperson in charge, “should have primary responsibility for implementing and maintaining the Screening and Management Program” (*Safe Church: Our Sacred Trust*, 2005, 13).

Specific instructions are also given with regards to the maintaining of records and the confidentiality of screening records. Screening records are to be kept for 10 years

after the death of the individual to whom they pertain (*Safe Church: Our Sacred Trust*, 2005,14). Standardized and sample screening forms are found in the appendices of the policy.

The Safe Church policy also sets out a series of minimum standards for specific positions. In terms of risk assessment, all clergy positions, “positions where one on one meetings or counselling occur in closed settings,” and “all positions involving residential programs with children, youth, or vulnerable adults” are deemed high-risk. Positions “involving children, youth, or vulnerable adults in a non-residential setting” are deemed either high-risk or medium-risk positions, depending on the type of position. PRCs with Vulnerable Position Screening are required for all clergy positions and “residential programs involving children, youth, or vulnerable adults” (*Safe Church: Our Sacred Trust*, 2005,13).

As mentioned earlier, the Diocese of Huron is not alone in implementing such measures. In connection with the initiatives of the Ecclesiastical Province of Ontario, and in response to a case of abuse (see “Cases” section), the Diocese of Ontario encourages all parishes to use the *Screening in Faith* document described above (Varley, 2007). (The Diocese of Ontario is centred in Kingston and covers a major portion of central eastern Ontario.) Similarly, the Diocese of Algoma, Ottawa and Nova Scotia and Prince Edward Island make use of the *Screening in Faith* document to create and implement screening policies within the parishes of their respective jurisdictions. Within its policy on sexual abuse, the Diocese of Kootenay provides a series of screening forms that can be used by parishes to examine prospective volunteers (*Sexual Assault, Abuse, Exploitation or Harassment*, 1998) [Appendix 14]. In the case of the Diocese of Toronto,

screening includes the request for a letter from the family doctor, as the diocese was told by the Big Brothers/Big Sisters organisations that “doctors are their most reliable reference checks (*Blair, New Clergy Screened More Tightly*, 1999). The Diocese provides an introductory letter to the physician explaining that “the person will be put in an unsupervised, very demanding job in a faith community in which he or she will be working with vulnerable individuals. Doctors are asked to comment on whether their patients can handle that”; the diocese does not ask for medical details but “whether the candidate can be trusted with children and vulnerable adults” (*Blair, New Clergy Screened More Tightly*, 1999).

### **Chapter Summary**

Early work on issues concerning marriage, divorce, and contraception began to bring discussion of issues related to human sexuality into the open for discussion. This has been a long struggle. Historically, the wider Christian church has tended to equate sexuality with sin and consider the subject area taboo. This taboo around human sexuality needed to be challenged before even more loaded issues such as child sexual abuse that deal with sexuality and violence could be addressed.

Child sexual abuse was first seen as something terrible that happened outside of the church or at least was not perpetrated by church leaders. Thus, it was important that the ACC was first able to acknowledge its complicity in violence against women, particularly during the 1980s, before it could look more diligently at its participation in violence against an even more vulnerable group – children. A growing awareness of the

sexual abuse that occurred in residential schools also assisted in bringing the ACC's participation in and responsibility for child sexual abuse to the fore.

Determined to take responsibility for this abuse, in 1990 the bishops requested that the primate "appoint a task force to establish sexual abuse policies and guidelines for use" across the church (House of Bishops). This call was strengthened in 1992, when the General Synod referred a resolution on the "Sexual Molestation and Abuse of Children" to the National Executive Council (NEC) and, momentously, moved to "recognize that sexual molestation and abuse of young persons by some church personnel while administering church programs has occurred and deeply regrets that the pastoral needs of some victims and their families have not been met" (*GS JOP 33rd Sess.*, 1992).

The organisational pattern of the ACC makes for a complex explanation of the sexual misconduct policy field. In 1992 the ACC National Executive Council adopted its first "Sexual Assault and Harassment Policy." This policy was later revised with the most recent one - *Sexual Misconduct Policy* - created in 2005. The policy is intended to address complaints of sexual abuse, including current and historical child sexual abuse, by anyone in a leadership position in the ACC. Although binding for national level staff and volunteers, the policy can only be suggested as a resource for the individual dioceses. Accordingly, at the diocesan level there are different policies and there are some who do not have a particularly designed one. These dioceses may opt to follow the national policy.

There is substantial overlap amongst diocesan policies, particularly concerning volunteer screening and the use of the *Screening in Faith* document either as is or adapted (but maintaining its essence) to the particular diocese.

Penalties for conviction of sexual misconduct (including child sexual abuse), either in civil courts or by ecclesiastical officials/courts are dealt with under *Canon XVIII: Discipline* resulting in a need to read all sexual misconduct policies in light of the disciplinary procedures of the canon.



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## **Chapter 5 – The Mennonite Churches in Canada**

### **Introduction**

The research was initiated by sending emails to members of the Mennonite community, including Secretaries of Conferences and persons in positions that would likely require them to deal with abuse issues. For the most part, there were no responses. Primarily due to time and budgetary constraints, this chapter will offer only a cursory introduction and will focus on the most prevalent Mennonite tradition in Canada: the Mennonite Church of Canada.

In order to source information, it was necessary to undertake document and Internet searches. Internet research led to a variety of educational and pastoral resources, which were subsequently ordered from the Mennonite Central Committee; the persons responsible were very quick to respond and courier the said materials. Other research uncovered a few policies from the Conference level of the church as well as some historical resolutions. Secondary sources including books and journal articles addressing abuse in Mennonite communities were few. One such resource is Isaac Block's *Assault on God's Image*; it is the result of research into the prevalence of abuse in the Mennonite community in Manitoba.

### **Church Structure and Description of the Context**

The Mennonite Church emerged from the Protestant Reformation of 16<sup>th</sup> century Europe. Mennonites derive from the Anabaptist tradition, a group that did not agree with



the practice of infant baptism. The name Mennonite was adopted from the name of Dutch priest Menno Simons, “a church leader who rallied a scattered people and led them through a time of great tribulation” [Canadian Conference of Mennonite Brethren Churches (CCMB), “Our Story,” <http://www.mbconf.ca/about/story.en.html>, 3]. “Because they were not part of the state churches (Catholic, Lutheran, or Reformed), Mennonites were considered dangerous and were severely persecuted for the first several generations” [Mennonite Church Canada (MC Canada), “What Makes a Mennonite,” <http://www.mennonitechurch.ca/about/wmam/timeline.htm>].

There are two significant Mennonite traditions co-existing in the Canadian context: the Mennonite Church of Canada and the Canadian Conference of the Mennonite Brethren Churches. [Other smaller Mennonite streams in Canada include the Evangelical Mennonite Conference (Canada), Brethren in Christ General Conference (North America), and the Evangelical Mennonite Mission Conference.] The separation of the Brethren churches from the other Mennonites occurred in 1860 when a group of Mennonites in the Ukraine wrote “a letter of secession that explained their differences with the mother church. The letter affirmed their agreement with the teaching of Menno Simons and addressed abuses they saw in baptism, the Lord’s Supper, church discipline, pastoral leadership and lifestyle” (CCMB, *Our Story*, 5). The Brethren are the more theologically conservative of the two traditions.

The agrarian and rural roots of the Mennonite community remain strong, as 16 percent of Mennonites are classified as being among the farm population, the highest of any religious group (Statistics Canada, *Keeping the Faith on the Farm*, 2003). (For comparison purposes, 4.8 percent of United Church of Canada, 1.7 percent of Roman

Catholic and 1.8 percent of Anglican affiliates are classified as part of the farm population.) This statistic speaks to the Mennonite commitment to the land.

The 2001 Canadian Census counted 191,465 Mennonites, a decline of 7.9% from 10 years earlier (StatsCan, 18). However, there is a significant discrepancy between this number and the numbers estimated by the two Mennonite traditions. The MC Canada puts its membership at “33,000 baptized believers, plus over 24,000 children and youth in 225 congregations and 5 area conferences” (MC Canada, “About Mennonite Church Canada churches & membership,” <http://www.mennonitechurch.ca/about/membership.htm>). The CCMB describes its membership numbers similarly: “they had approximately 33,000 members in some 220 churches [in the year 2000]. Their church community probably represented another 15 to 20 thousand” (CCMB, “About Us,” <http://www.mbconf.ca/believe/pamphlets/mb.en.html>, sec.3). The additional Mennonite members would belong to one of the smaller Mennonite traditions or understand themselves as Mennonite but do not affiliate with a congregation.

The Mennonite peoples in Canada originated from the Mennonites who left Pennsylvania “in pursuit of peace after the American Revolution” (MC Canada, “What Makes”). MC Canada took its present form following a period of union discussions by two Mennonite church affiliated bodies, The Mennonite Church (MC) and the General Conference Mennonite Church (GCMC), both of which had congregations across Canada and the United States. MC Canada, therefore, arose simultaneously with the inauguration of the Mennonite Church United States (MCUSA) in 1999; the first meetings of the MC Canada occurred in 2000 (MC Canada, “About Mennonite Church Canada Origins,” <http://www.mennonitechurch.ca/about/origins.htm>).

For governance purposes, MC Canada is divided into five conferences: Eastern Canada (MCEC), Manitoba (MCM), Saskatchewan (MCSask), Alberta (MCA), and British Columbia, (MCBC). It is a representative structure with churches and conferences electing members to a Delegate Assembly. The Delegate Assembly has “the authority to act on behalf of MC Canada” (MC Canada, *Leadership and Accountability in Mennonite Church Canada*, sec III.8.a). The Delegate assembly meets annually to make decisions on spiritual matters and administrative business such as budgeting and bylaws (MC Canada, *Leadership*, sec III.8.a).

A General Board and three councils (i.e. Christian Formation, Christian Witness, Support Services), “attend to the ministry of MC Canada” (Harder 2001). The General Board, consisting of elected officers and representatives from the five conferences, is called to “act on behalf of MC Canada between delegate assemblies,” and is accountable to the Delegate Assembly (MC Canada, *Leadership*, V.18.a, c). The Board appoints a General Secretary to “coordinate the total program of MC Canada” (MC Canada, *Leadership*, sec. VII.22.a). A Moderator is appointed to “(a) preside at all delegate assemblies; (b) chair all meetings of the General Board and Executive Committee; and (c) act as the official representative and spokesperson for MC Canada” (MC Canada, *Leadership*, sec. VI.21.1). An Executive Committee fulfils the role of the General Board between meetings of the Board (MC Canada, *Leadership*, sec. VII.25).

Operating internationally is the Mennonite World Council (MWC), a collegial body linking together Mennonites from around the world, including the MC Canada. The MWC is governed by a General Council consisting of delegates from member churches proportionate to the number of persons affiliated with each. “This group of church

leaders meets every three years to shape the mandate of MWC, share concerns and insights, and worship together” (MWC, *General Council, Executive Committee, Commissions*, <http://www.mwc-cmm.org/MWC/councils.html>). Within this Council there is an Executive that meets annually consisting of two delegates per continent. Furthermore the Council has a Faith and Life Commission and a Peace Commission, which develop collegial discussion in order to encourage and strengthen the MWC member churches (MMWC, *General Council*).

Another important structural component of Mennonite life is the joint Canada/United States Mennonite Central Committee (MCC). The MCC is a Mennonite agency “developed to be (and is to this day) the relief, development and peace committee of the Mennonite and Brethren in Christ churches in Canada and the United States” (MCC, “A Brief History of MCC,” <http://mcc.org/about/history>). Its mission is “to demonstrate God’s love by working among people suffering from poverty, conflict, oppression, and natural disaster” (MCC, “About Mennonite Central Committee,” <http://mcc.org/about/>). “Canadian Mennonites joined MCC in 1963. They formed both National and Provincial levels. At the provincial level, MCC is independently incorporated, with its own board of directors, programs and fundraisers” (MCC, “A brief History of MCC”).

In general, despite the overarching co-operative organisations such as MCC and MC Canada, the polity of the Mennonite churches has tended towards congregationalism (Bender, North et al, 1989). Traditionally, “Mennonites have defined the church strictly in communal terms. The church consists of congregations organized for personal communion” and not the larger institutions or arms of the church (Burkholder 1989).

Often, Mennonite bodies speak of being “composed of autonomous local congregations,” with varying degrees and systems of outside oversight of the congregations (Bender, North et al 1989). There is, therefore, an element of choice in terms of the degree of affiliation of a local congregation with the overarching co-operative organisations.

### **Approach to Child Sexual Abuse Including Relevant Statements, Policies and Practices: 1981-1991**

In 1986 the triennial session of the GCMC meeting in Saskatoon (Saskatchewan) drafted a *Resolution on Human Sexuality*. This document frames sexuality in a positive light, opening with affirmations:

We affirm that sexuality is a good and beautiful gift of God, a gift of identity and a way of being in the world as male and female.

We affirm that we can feel positive about our bodies and our sexuality because we know our Creator.

We affirm that sexual drives are a real part of our lives, but that the satisfaction of those drives is not the chief good in life.

We affirm both the goodness of singleness and the goodness of marriage and family in the Lord. (GCMC, <http://www.mennonitechurch.ca/about/foundation/documents/1986-resolutiononhumansexuality.htm>).

The document makes a series of confessions regarding: participation in sexism, fear of discussing the body and sexuality, the rejection of different sexual orientations, and of “permissiveness which too often leads to premarital and extramarital sexual relationships” (GCMC, *Resolution on Human Sexuality*).

Next are a series of commitments, or covenants, for the church to follow. The first focuses on the Bible and sexuality, encouraging further study. The covenant

includes the statement that the Bible teaches “that sexual intercourse is reserved for a man and a woman united in marriage... this teaching also precludes premarital, extramarital and homosexual sexual activity. We further understand the Bible to teach the sanctity of the marriage covenant and that any violation of this covenant, including spouse abuse, is sin” (GCMC, *Resolution on Human Sexuality*). The second covenant calls for understanding and forgiveness. The third commitment was to begin to openly discuss sexuality using the Bible and the book *Human Sexuality in the Christian Life: A Working Document for Study and Dialogue*. The final covenant calls to God for help in discernment. In 1987, in Indiana, the MC released its own version of the resolution, entitled, *A Call to Affirmation, Confession and Covenant Regarding Human Sexuality*. This document is very similar to the aforementioned resolution, containing only minor variations (MC, <http://www.mennonitechurch.ca/about/foundation/documents/1987-humansexuality.htm>).

In 1990 that the MCC published a resource packet entitled *The Purple Packet: Domestic Violence Resources for Pastoring Persons – Wife Assault* [Appendix 1]. The packet was prepared under the auspices of the MCC Domestic Violence Taskforce with the purpose “to attempt to break the silence surrounding one form of domestic violence, namely wife abuse.” The hope was that it would assist pastors “to clarify...[their] role in responding to families who are suffering from wife abuse” (*The Purple Packet*, 1990).

1991 saw the publication of what was to become a foundational book in the Canadian Mennonite community: *Assault on God’s Image* by Isaac Block. Block presented evidence that there is indeed domestic abuse among Mennonites in Winnipeg and that “Mennonite pastors in Winnipeg appear ready to deal in a serious way with the

issue of abuse in and around their congregations” (Block, *Assault*, 80). Furthermore in regards to domestic abuse, pastors “hear reports and do not hesitate to deal with the issue” (Block, *Assaulting*, 80). He recommended that the need and willingness to help were evident, and more internal work was needed: “while they [the Mennonites] put forth a concerted effort to provide services for disadvantaged communities and people around the world, they must also turn inward and put considerably more effort into dealing with the issue of abuse within their congregations” (Block, *Assaulting*, 99).

Block made four general recommendations for Mennonite churches. The first recommendation was that the pastoral theology used by pastors be based in experience and attend to the experiences of the abused. “When this happens, the traditional theological issues are dealt with from the point of view of the person in the abusive situation. Victims are given a voice so that theological questions get asked by victims rather than by professionals” (Block, *Assaulting*, 82). He also argued that “wherever the patriarchy and the hierarchy have been corrupted by sin, systemic changes should be made” in both the church and within family structures (Block, *Assaulting*, 84). Further, he strongly critiqued the traditional theological claim that suffering is good; he wrote “in the survey of Mennonite pastors in Winnipeg, 46% of the pastors reported that they held this view” (Block, *Assaulting*, 90). The glorification of suffering in and of itself as redemptive can encourage abuse. He stated “the church’s task must be to confront abusers with the reality that violence destroys relationships. Pastors must be more assertive in counselling victims to leave the abuser. The victims’ safety and sense of personal worth are at stake” (Block, *Assaulting*, 90).

Block recommended increased networking and institutional direction regarding professional conduct. The church must realize its limitations and networks with the wider secular community regarding abuse. “The church could benefit by the realism of the secular agencies and the secular agencies could benefit by the hope of the church” (Block, *Assaulting*, 97). For professional conduct he calls for confidentiality, accountability, supervision, and privacy but not seclusion (Block, *Assaulting*, 97-98).

It was also in 1991 that the MCC first released a resource packet that addressed child sexual abuse by clergy. Persons in Canada and the United States jointly compiled the packet *Crossing the Boundary: Sexual Abuse by Professionals* [Appendix 2]. The first section contains stories of persons who had been abused by church counsellors and a reflection by the relative of an abuser. Next, is a series of articles from persons working in the field of sexual abuse, including “An Introduction to Professional Abuse” by Shirley B. Souder and excerpts from *Sex in the Forbidden Zone* by Peter Rutter. Following these resources is material on sexual harassment, sexual misconduct, and sexual misconduct by a clergy person. A limitation of this otherwise valuable resource is that it is informed by US law; the authors indicate that “guidelines are similar in Canada although each province has its own legislation” but no specific instruction or information is provided for Canadian churches.

Worthy of mention are two resource sheets, included in this packet, that address the process of reporting sexual abuse. The first, “Reporting Professional Sexual Abuse,” advises a complainant: to find a “‘friendly’ person to whom to make your initial disclosure of abuse;” to know the options for formal reporting; and to “clarify your own needs and interests in making a report” (1991, 1-2). Further, this resource sheet advises



that the “abuse of minors generally carries mandatory reporting requirement to civil child protection authorities, as outlines in state or provincial codes. If minors are involved, seek special counsel on these legally-mandated reporting processes” (“Reporting” in *Crossing*).

The second resource sheet is “A Checklist for Church Response to Professional and Pastoral Sexual Abuse.” Churches are advised to have clear policies, and those policies should include “clear mechanisms[s] for reporting the abuse including to whom and where.” When responding to victims of child abuse, the “local Family and Children Services” agency should be notified. It is important to remember that this resource packet is simply a resource for the various Mennonite churches and denominations and is not official policy.

Another resource of interest, published in 1990, is *Broken Boundaries: Resources for Pastoring People – Child Sexual Abuse* [Appendix 3]. In its opening section it is explained that “when children are used to meet the emotional and sexual needs of the adults in the family, exploitation and violation of personal and role boundaries are clearly the result.” The role of the church in healing and justice seeking is explored, as is the role of other professionals in this work. The packet addresses child abuse within church communities, child abuse in families, and adults who had been victims of historical child abuse.

### **Approach to Child Sexual Abuse Including Relevant Statements, Policies and Practices: 1992-2006**

In the mid 1990s, the MCC released two training manuals. The *Advocacy Training Manual: Advocating for Survivors of Sexual Abuse by a Church Leader or Caregiver* (by Heather Block, 1996) [Appendix 4] is intended for those dealing pastorally with victims of clergy abuse and, later, *Expanding the Circle of Caring: Ministering to the family members of survivors and perpetrators of sexual abuse* (by the MCC) is directed at those caring for family members of survivors [Appendix 5]. The documents do not propose policy or procedure within the church, but are representative of the educational material that was being released by the Mennonite community.

At the Mennonite Church General Assembly on July 31, 1993, *A Resolution on Male Violence Against Women* was adopted. The resolution acknowledged violence against women and children both in the church and outside the church. It continued by countering the argument that it is the natural order for man to rule woman, stating rather that this domination resulted from sin: “The fall into sin has shattered God's intended mutuality of women and men, distorting personal relationships and resulting in dominance and violence of men against women” (MC, *A Resolution on Male Violence Against Women*, <http://www.mennonitechurch.ca/about/foundation/documents/1993-maleviolence.htm>). Through the life, death, and resurrection of Jesus “this curse has been lifted” (MC, *Resolution on Male Violence*). It follows with a reaffirmation of woman and man being created as equals:

we live in a society whose structures imply men's power and superiority over women. Within that system too many Mennonite fathers, husbands, employers and even church leaders have used their power in oppressive

and violent ways. They have excluded women from opportunities, silenced their ideas and protests, sexually harassed them and violently abused them (MC, *Resolution on Male Violence*).

The church has been complicit through its silence in this violence (MC, *Resolution on Male Violence*).

Eight actions were recommended. First, it must be confessed that abuse exists within the Mennonite community. Second, the church needs “to listen to, believe and feel the pain of women who have been violently abused or sexually harassed by men” (MC, *Resolution on Male Violence*). Third, abuse must be declared intolerable within the marriage covenant. Fourth, abusers must be called to account and repentance, with help and healing offered by the community. Fifth, the abused must be protected by the church. Sixth, “church agencies [must be held] accountable for dealing appropriately with abuse that occurs within their organizations” (MC, *Resolution on Male Violence*). Seventh, Mennonite Church mission needs to include outreach “to model, within our congregations, alternative and counter-cultural ways of being male and female; to practice parenting skills that help families learn how to share power and resolve conflict peacefully” (MC, *Resolution on Male Violence*). The last resolution called for work to be done at a congregational level, and suggested a series of resources be prepared by the MCC.

In December 2000, the MCC, in conjunction with the U.S. and Canadian Women’s Concerns offices, re-released *Crossing the Boundary: Sexual Abuse by Professionals*, with an updated resource. This is a collection of resources and articles put together with the intention to educate others regarding the meaning of professional abuse

and how to address it. The packet “is heavily focused on pastoral abuse. This is done not in an effort to diminish other types of professional abuse, but to reveal our specific concern as a church agency” (MCC, *Crossing the Boundary*, Cover Letter).

The packet includes stories of sexual abuse by people in positions of authority in the church. The stories are varied and concern adults, children, females and males. As well, there are stories from the points of view of the families of abusers and from an abuser himself on the road to recovery.

The next section defines professional abuse and describes how it can happen in the church. Articles by Marie Fortune – a pioneer in the field of abuse and professional ethics – and feminist theologians Susan Brooks Thistlethwaite and Pamela Cooper-White are included. Cooper-White is quoted to explain that “a pastor’s sexual or romantic involvement with a parishioner is not primarily a matter of sex or sexuality but of power and control.”

Articles address numerous related issues including how to work with victims in recovery and “the reasons why people are afraid to disclose having been sexually abused by their pastor” (MCC, *Crossing*, “Why Victims of Pastoral Sexual Abuse Stay Silent” by Hugo Hildenrand). There are articles directed to ministry with the offenders as well as with the congregation in which the abuse took place.

A collection of preventative measures is provided in the third section. Appropriate behaviour in a counselling relationship is discussed. There are articles directed towards clergy in order for them to help identify warning signs. The packet also contains practical methods for prevention directed towards congregations. These include

having clear guidelines; finding “ways to promote and support health of individual clergy persons” (MCC, *Crossing*, “Prevention”); education on sexuality and on abuse; and training regarding how to minister among the abused.

The final section consists of resources to help establish policies regarding sexual abuse complaints including guidance on receiving reports and conducting investigations.

In 2002 the MCC U.S. and Canada’s Women’s Concerns Committee released another educational resource directed at congregations entitled *Making Your Sanctuary Safe: Resources for Developing Congregational Abuse Prevention Policies* [Appendix 6]. “The focus of this packet is [to] offer resources on how to prevent abuse from occurring in your church” (MCC, *Making Your Sanctuary Safe*, Introductory Letter).

The first part of the packet emphasizes that “the main objective is to provide a safe and secure environment for the children who are entrusted to your church. In seeking to accomplish this objective, you will be accomplishing another very important objective – reducing legal risk and liability” (MCC, *Making*, “The Need For A Prevention Program”). It points out moral and legal issues, as well as provides sample anonymous cases and resources for abuse prevention within the congregation (see “Screening Policies” section later in the chapter).

During this period, the Mennonite Church Eastern Canada (MCEC) adopted a policy on child abuse and volunteer screening called *A plan to protect our Children, Youth & Leaders*. It must be emphasized that this policy is only binding on MCEC and not its member congregations. The plan states clearly the need for proactive policies to protect the vulnerable in church communities: “to grow as communities of grace, joy and

peace, MCEC events must provide an environment in which children and youth can grow physically emotionally and spiritually. We recognize that this requires providing an environment in which the risk of physical, sexual or emotional abuse is absolutely minimized through policies that outline expectations of positive expectations of positive relational boundaries between MCEC staff and/or volunteers and the children or youth at MCEC events. There will be no tolerance for abuse, harassment or neglect by staff and/or volunteers working with children and youth at MCEC events” (*A Plan*, 1). It is also the policy of MCEC that at all “sponsored events involving children and/or youth, a team approach will be employed to ensure that there are always two or more adults present’ (*MCEC A Plan*, 6).

Listowel Mennonite Church (LMC) (Listowel, Ontario) provides an example of a congregational policy [Appendix 7]. The LMC policy -- *Safe Church Policy: A plan to Protect Children, Youth and Adults* -- states that its purpose is “to ensure that LMC is a safe place for all people” and the intent of the policy and its procedures “is to protect children and youth from harm and abuse, adults who work with them from false allegations, and the church from unnecessary litigation” (LMC 2003, 1). The policy has a number of risk minimisation protocols including: not permitting “vehicle transportation by workers alone with unrelated youth”; and the use of “a sign-in/out sheet” for the church’s nursery program (LMC 2003, 5). Not surprisingly, there is a significant amount of overlap between the MCEC policy and that of LMC, given that LMC is a member of MECE.

## **Complaints of Child Sexual Abuse and Complaints by Adults of Historical Childhood Sexual Abuse**

*Broken Boundaries – Child Sexual Abuse* provides guidance for responding pastorally to complaints of historical and current child sexual abuse; however, it focuses on family sexual abuse and not so much on sexual abuse within the church. The pastor is reminded to “avoid blaming, judging or minimizing what has happened” and to “know about support or self-help groups” in the local area that can help the victim deal with the memories of their experience (“Practical Tips” in *Broken Boundaries*). The resource sheet does not discuss how to make a complaint against a particular person inside or outside the church; rather, the emphasis is on pastoral care.

The MCEC’s later policy, *A plan to protect our children, youth & leaders* [Appendix 8], addresses this and includes procedures for investigating complaints of current child sexual abuse; it is silent regarding any specific mention of complaints of historical child sexual abuse. When there is suspicion of child abuse it may be appropriate for the observer to “ask a child how an observed symptom appeared, [but] it is never appropriate to ask any leading questions which might suggest to a child that s/he has been abused or suggest names, place or methods of abuse” (MCEC *A Plan*, 5). It continues, “no person shall conduct any investigation or question any individuals regarding suspected child abuse unless otherwise authorized by the appropriate [civil] authorities” (MCEC *A Plan*, 5). Also, “any MCEC volunteer or employee having reasonable suspicion of abuse of a child attending a conference sponsored event must report the suspicion to the focal Family & Children’s Services or the police immediately” (MCEC *A Plan*, 5).

## **Responses to Involved Persons**

In the previously mentioned 1990 resource packet *Broken Boundaries – Child Sexual Abuse* one resource sheet addresses the process of responding to complaints of current child sexual abuse but does not make explicit reference to complaints of historical child sexual abuse. The sheet makes specific mention of the legal responsibility to contact the responsible child welfare agency and/or the police. A person receiving a complaint from a child is to “assume that the child is telling the truth . . . assure the child that he/she is not to blame . . . and remain with the child until” civil authorities arrive. If a family member has abused the child, the parents or legal guardians of the child are not to be contacted; if the child has been the victim of abuse by someone outside of the family, the parents or legal guardians are to be contacted.

When responding to the abuser, the person is to remember “abusers seldom tell the truth about their behaviour . . . [and] seldom express remorse or a sense of wrongdoing.” However, an abuser’s disclosure to a person in authority in the church “may be a cry for help to change” in which case the abuser should be helped to seek treatment and encouraged to report himself to the appropriate child welfare agency.

Under the MCEC guidelines, *A plan for the protection of children youth and leaders*, any observer of symptoms of abuse is expected to document his or her observations in a specific report form included in the policy (MCEC *A Plan*, 5). The report form gathers:

- (d) specific signs of observed symptoms;
- (e) any report of abuse made by the child or others, and/or any



witnessed event that raised the suspicion; as well as

(f) the date and time relating to any of the above; and

(g) any response the child made to any of the above (MCEC A *Plan*, 5).

Witnesses to the abuse are to be given support and “should also be instructed on how to respond if the child, parents, or other interested parties contact him/her” with such instructions including “refraining from sharing any statement made by the child with anyone other than the authorities until the authorities have determined whether or not the child needs to be protected from contact with the person in question,” and also to “refrain from attempting to convince a parent that the alleged abuse happened or did not happen” (MCEC A *Plan*, 5).

The MCEC policy includes provision “to ensure that the victim of abuse and other children at the event or events are kept safe during the ongoing investigation by authorities” (MCEC A *Plan*, 6). Appropriate actions may include the suspension of an accused employee or volunteer, “pending the outcome of the [secular] investigation” with full pay and without prejudice or interference with any investigation (MCEC A *Plan*, 6). “Plans for pastoral and possible clinical support of all parties involved will be developed as soon as the investigation is under way” (MCEC A *Plan*, 6). In the case of a criminal conviction, “the abuser will not be restored to his/her previous position or duty within the conference”; and “reinstatement will be done only if it is deemed safe and property to do so” in consultation with the civil authorities and other experts (MCEC A *Plan*, 6).

The response section of the LMC policy is much shorter than its MCEC counterpart. Again, there is the admonition that “suspicion of abuse must be taken

seriously” and that the person receiving the complaint or with the suspicion must be careful not to taint a civil investigation (LMC 2003, 6). It is again repeated that under Ontario law, such suspicions must be reported to civil authorities, and it should also “be reported to the senior pastor and/or any committee that LMC has put in place for the purposes of responding to such concerns” if the allegation “involves personnel or program under the auspices of LMC” (LMC 2003, 6). Upon receiving a complaint, the senior pastor and, if established, the committee are to follow specific procedures. An “Abuse Incident Report form” must be completed, and “the alleged offender [ought to be suspended] from duties, pending [the] outcome of the investigation” (LMC 2003, 6). There is also a provision to “contact LMC’s insurer to satisfy the statutory conditions of our liability policy and to avoid jeopardizing any available coverage response” (LMC 2003, 6).

### **Screening Policies and/or Mandatory Education for Church Volunteers, Employees, and/or Officials (in Positions of Responsibility Regarding Children and Youth)**

Materials to assist in the implementation of a screening policy are in the second part of the resource packet, *Making Your Sanctuary Safe: Resources for Developing Congregational Abuse Prevention Policies*. This part opens with a checklist for congregations to conduct a self-assessment, asking questions pertaining to screening, training, policy, and insurance coverage. Furthermore it establishes some basic procedures to be followed when ministering to children and youth. One of the major goals of these is to cut down on privacy, since “abusers thrive on secrecy, isolation, and their ability to manipulate victims. When abusers know they will never have a chance to

be alone with potential victims they quickly lose interest in ‘working’ with children” (MCC, *Making*, “Basic Procedures for Safe Ministry”).

Accordingly, it is suggested that churches maintain multiple supervisors for all programs and ministries that involve youths; have an open door policy when counselling; and have windows on all the doors. Age is also emphasized, calling for no one younger than 18 to act in a supervisory capacity, and for there to always be at least five years in difference between supervisors and participants. Education is encouraged for both the workers and the families, as a means of breaking the silence around sexual abuse as well as informing people about the policy.

Questions for use in screening interviews are also provided. These include questions about an applicant’s background. The interviewer is encouraged to watch for signs of anxiety. The document states that “volunteers are not excluded because of an abusive childhood or highly dysfunctional family history, but it is important to assess that those issues do not interfere with their ability to help others” (MCC, *Making*, “Questions for Screening”). Also, direct questions around abuse and molestation ought to be asked. People with a history of having been abused themselves, however, are not automatically excluded as “adults-abused-as-children can be wonderful volunteers if they have resolved their issues with help from therapy, family, support systems, or other kinds of healing” (MCC, *Making*, “Questions for Screening”).

The final portion “highly recommend[s] that your congregation organize a safety audit of the church and surrounding community” (MCC, *Making*, “Organize a Safety Audit”). It encourages a variety of groups within the congregation to proceed with safety

audits of their own. Three sample policies are provided developed from sources in the United States. These recommend full screening of all volunteers and employees, practical methods for prevention, as well as investigative and reporting procedures. These procedures vary, calling for immediate reporting to civil authorities or encouraging an internal discussion amidst leaders and lawyers before reporting.

The MCEC policy, *A plan to protect our Children, Youth & Leaders*, contains a significant section outlining screening for MCEC events. Risk assessment breaks events into three levels of responsibility with MCEC “events where children and youth do not attend” as a low responsibility event, and “any event [involving children and/or youth] with an overnight component” as a high responsibility events (*MCEC A Plan*, 3). Medium responsibility screening involves two steps: “a) targeted recruitment, b) volunteer registration” (*MCEC A Plan*, 3). For a high responsibility position there are five requirements: “a) targeted recruitment, b) volunteer registration, c) background reference checks, d) minimum waiting period, [and] e) police records check” (*MCEC A Plan*, 3). In the case of a police records check, “a record involving any abuse of children or youth will, in all cases, disqualify the individual from working with children and/or youth” (*MCEC A Plan*, 3). When adults accompany children or youth from their home congregation, the congregation is responsible for conducting screening of these adults (*MCEC A Plan*, 3).

The LMC policy includes a section outlining the requirements for screening. The congregation is committed to “screen all children’s and youth ministry workers to a degree that is appropriate with their interaction with children” (*LMC 2003*, 3). Persons new to the congregation must wait six months before they may be involved with children

and youth ministries, and once the waiting period has ended they must agree to background checks, which involve consulting former pastors or supervisors of the potential volunteer (LMC 2003, 3). High risk positions include “pastors, elders, youth group sponsors, children’s club leaders [and] nursery helpers” (LMC 2003, 3). Medium risk positions include “Sunday School superintendents, Vacation Bible School directors, Christian Education committee member [and] music directors for children’s programming” (LMC 2003, 3). No person “with a child abuse conviction [may] serve in any capacity where s/he could be involved with children or youth” (LMC 2003, 3).

### **Chapter Summary**

Obtaining information regarding policies of the Mennonite communities proved difficult. Not only is this religion divided into several streams or traditions, but the congregational nature of Mennonite polity militates against overarching policies applicable to all congregations. However, umbrella Mennonite organizations have taken a proactive stance on issues of domestic violence and child abuse, and within the confines of their polity attempted to educate their constituents on these matters but do not provide policies per se. The policies of the MCEC and LMC, dealing with screening of staff and volunteers and complaints of child sexual abuse, are excellent examples of congregational work following on the heels of resources developed by the MCC.

Although we did not put as many hours into the researching of the Mennonites, the material we discovered indicates a strong focus on proactive, preventative, and educational efforts on behalf of umbrella organizations, especially the MCC. They have

been committed to breaking the silence around child sexual abuse and taking proactive measures particularly in terms of screening and the distribution of educational materials.

In terms of protocols for responding to complaints of child sexual abuse, the religion seems to rely more on civil processes than do the Roman Catholic, Anglican, and United Churches. Certainly, all indications are that individual congregations make pastoral care of victims and others affected by the abuse, a priority. Also, once the law is followed and the authorities notified, the congregation will suspend the volunteer or employee until they are cleared. However, in the policies we encountered, the congregations did not conduct their own internal investigations. In sum, regarding child sexual abuse, the Mennonite Church has put most of its energy into proactive educational work, and screening measures.

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## **Chapter 6: Islam in Canada**

### **Introduction: Description of the Context**

In 1938, the first mosque was built in Edmonton. According to the 2001 Census - the most recent tabulated Census to include a question about religious affiliation - between 1991 and 2001 the percentage of the Canadian population self-identifying as Muslim increased by 128.9%, Jewish by 3.7%, Buddhist by 83.8%, Hindu by 89.3%, Sikh by 88.8%, Roman Catholic by 4.8%, while Protestant Christians declined by 8.2%. Multi-faith awareness increases, and sometimes struggle with that awareness both within and outside of these faith communities, as the number of those belonging to religious groups other than Christian increases in Canada.

Of the approximately 580,000 Muslims in Canada (Census 2001) it is estimated that between one-half ([www.canadianislamiccongress.com](http://www.canadianislamiccongress.com)) and three quarters are foreign-born (Todd, 438-451). Most Muslims live in Ontario (352,530), followed by Quebec (108,620). Creating a home in a country – Canada - that values diversity in principle, but often not in reality, can be challenging. There are differences in values between dominant Canadian culture and the Islamic faith: “Living in a non-Muslim society and struggling to maintain our Muslim identity and values and to further instill them in our children requires spiritual and communal support” (*Women Friendly Mosques and Community Centers: working together to reclaim our heritage*, 3) [Appendix 1]. Further, for some Muslims it is an issue that Canadian laws often contradict the *shari’ah*, the Islamic holy law. Unlike the *shari’ah*, Canadian law does not

prohibit mixed marriages or premarital sex (Todd, 438-451). Others are equally concerned that the *shari'ah* has been interpreted by some in ways that contravene women's rights and, therefore, strongly support Canadian law above the *shari'ah* ([www.nosharia.com](http://www.nosharia.com)). A concern for some is that Canadian-born Islamic children will lose their traditional values growing up in a culture that espouses values different from some Islamic ones and that often does not support, and sometimes discriminates against, Muslims.

Of particular interest to concerns regarding child abuse, is the Muslim cultural tendency to be physically demonstrative. Adults often show affection publicly for their children and grandchildren, just as adult Muslim male friends have tended to hold hands in public. Much of these habits have been curtailed, in Canada, due to a dominant North American culture that is suspicious of such expressions (Trothen, Phone Interview with Dr Mohamed Elmasry, 9 March 2007).

Mohammed Elmasry, President of the Canadian Islamic Congress, addresses the topic of cultural and religious differences for Muslims in Canada. In a paper entitled *Towards Smart Integration: The Choice of Canadian Muslims*, he argues against assimilation and isolation as the two patterns that tend to be followed most by Muslims in Canada. Instead, he proposes "smart integration," a model that encourages both the preservation of one's culture and faith claims, and participation in Canadian society ([www.canadianislamiccongress.com](http://www.canadianislamiccongress.com)).

The issue of how to live in a place that is sometimes at odds with one's religious beliefs, and is sometimes hostile, is very relevant to threatening issues such as child

sexual abuse; a felt need to protect the community and the faith may well mitigate against a willingness to bring any “dirty laundry” into the open.

### **Institutional Structure**

The Islamic religion is structurally very decentralized. Each mosque in Canada is a separate incorporation (as religious charitable organizations). Each mosque is run by a board of directors and has an Imam, who may range from being paid full time to unpaid part time, to lead them. Further, each mosque establishes its own set of by-laws that are in accordance with the law of the land and the Qur’an (Trothen, Phone Interview with Dr Mohamed Elmasry, 9 March 2007).

The Boards of Directors make all the policy decisions for each mosque. The Imam is an ex-officio member of the Board and, therefore, does not have voting power. For a mosque to have a policy specific to complaints of child sexual abuse, it would have to be developed and approved by the Board of Directors of the individual mosque.

Although each mosque is autonomous, there are national Islamic organizations that seek to provide services for Muslims in Canada including the following: the Canadian Council of Muslim Women, the Canadian Islamic Congress [The Canadian Islamic Congress is “Canada’s largest national non-profit and wholly independent Islamic organization,” see Appendix 2] ([www.canadianislamiccongress.com](http://www.canadianislamiccongress.com)), and the Islamic Social Services Association of Canada.

### **Approach to Child Sexual Abuse Including Relevant Statements, Policies and Practices: 1960-2006**

The early 1980s saw the beginning of organized internal efforts to support the rights and well-being of Muslim women in Canada. Accordingly, the Canadian Council of Muslim Women was formed in 1982. During the 1980s, the Council's focus was more internal as the organization needed to be built. By the mid 1990s "it started its aggressive outreach to women" ([www.routledge-ny.com/ref/namuslim/ServicesWomen.pdf](http://www.routledge-ny.com/ref/namuslim/ServicesWomen.pdf)). The organization has developed several chapters across Canada and "believes Muslim women must develop their Muslim identity, make significant contributions to Canadian society, and provide positive role models for Muslim youth." Further, the proponents "are guided by the Quranic message of God's mercy and justice, and of the equality of all persons, and that each person is directly answerable to God" and, more particularly, one of their purposes is "to attain and maintain equality, equity, and empowerment for all Canadian Muslim women" ([www.ccmw.com](http://www.ccmw.com)).

The first national study in North America regarding the prevalence of physical abuse among Muslims was conducted in 1993; the study found that 10% of Muslims in the United States were experiencing physical abuse, which is consistent with the general population and other faith groups ([www.peacefulfamilies.org](http://www.peacefulfamilies.org)).

Prior to 1999, the Muslim community was focusing on self-identity and establishing themselves in Canada (Adele, Phone Interview with Shahina Siddiqi, president of Islamic Social Services Association of Canada, 2 March 2007).

Further, as Elmasry has pointed out, since 9/11 resources have been directed primarily at issues and concerns arising from a perceived equation between Islam and the terrorists (Trothen, Phone Interview with Elmasry, 9 March 2007); “Prejudice against Canadian Muslims today is compounded by media stereotyping that has built an image colouring them all as terrorists, potential terrorists, or terrorist sympathizers.” Moreover, since “9/11, domestic violence has been on the rise in the American Muslim community, according to social-services agencies nationwide” (Sarah Childress, “9/11’s Hidden Toll: Increase in Domestic Violence” in *Newsweek*, August 4, 2003). 9/11 and the resulting increased suspicion of Muslims, especially Muslim men, seems to have contributed to both male rage and within the Muslim communities an increased female hesitancy to report abuse for fear that their male partners would be abused themselves by the authorities. Further compounding the problem, seeking refuge at a shelter is even less attractive to Muslim women, since many of these women experience being misunderstood by community social service agencies, especially in regards to their religion and culture. Added to this is the reality that “Islam has a long history of associating runaway women with immorality... Shame and the difficulty of adhering to religious customs in a shelter means many women eventually return to the socially appropriate, albeit abusive, place beside their husbands” (Childress).

Related to the concern regarding shelters for abused Muslim women is concern for the availability of resources for abused Muslim children. In 1999 an article was published on the Canadian Islamic Congress’ Web site regarding Muslim foster homes in Canada. In it is a statement acknowledging the existence of child abuse in some Muslim families: in some families “parents through emotional and financial neglect and

ignorance tend to apply excessive physical and verbal discipline which is counter productive, and in a few cases results in harm to the child with serious consequences for the family. ... In anger we as parents forget the examples set by our own Prophet Muhammad and the Qur'anic teachings... Under certain conditions that are considered unsafe for the child such as physical abuse, sexual abuse, neglect, etc, the children are removed from their own home.” The fact that there are very few Muslim foster families is a serious problem for Muslim children who are deemed unsafe with their families (Wahida Valiante, “Muslim Foster Homes: Community Responsibility” at [www.canadianislamiccongress.com](http://www.canadianislamiccongress.com)); “usually, Muslim victims do not want to go to non-Muslim shelters or foster homes and this is sometimes a barrier in seeking help” (Sexual Abuse, 11). When there are no adequately safe options perceived for these children, sometimes the status quo is seen as least harmful and abuse is likely not challenged as often as it is in the wider population.

A booklet entitled *Women Friendly Mosques and Community Centers: working together to reclaim our heritage*, was produced recently, in 2005, by the Islamic Social Services Associations Inc (both in Canada and the USA), and Women in Islam Inc (the USA). This publication is significant to this study in that it calls individual mosques in North America to be more faithful to the Qur'an by arguing that “when we empower women, we will empower future generations of Muslims and fortify their Muslim identity” (16). Further, leaders “must honor and promote the right of female servants of Allah to assume full inclusion in affairs of the community and to worship in peace and dignity...without fear and anger” (17). These arguments were grounded by references to the Qur'an and to the 2001 *Report from the Mosque Study Project*. The study project,

which was co-sponsored by the Council of American Islamic Relations, the Islamic Society of North America and others, surveyed and interviewed mosques and Muslim women finding that women were both under represented in mosques as members and leaders, and were often discriminated against in others ways (9-12).

Efforts to support women and to encourage them to find their voice are relatively new but underway in North American Muslim communities. With the gradual emergence of these voices, more attention is being called to the limited resources including social services for victimized Muslims women and children. The roots of this lack which go beyond limited financial resources and include systemic prejudice, and a general lack of understanding regarding the Islamic faith, are being brought into the open gradually.

## **Policies**

Our research has not revealed any policies specific to complaints of child sexual abuse or any written policies under which such complaints would be considered. The people consulted who indicated either no knowledge of any child abuse policies or indicated that there were no such policies are as follows:

- o Ahmed Yousif, Assistant Professor, Department of Religious Studies, University of Winnipeg
- o Dr Mohamed Elmasry, National President of the Canadian Islamic Congress
- o Shahina Siddiqi, President of the Islamic Social Services Association of Canada
- o Forough Jahanabak, Assistant Professor, Department of Religious Studies, Queen's University, Kingston (Islamic scholar)



- o Mohammed Bayoumi, Professor Emeritus, Queen's University, Kingston
- o Mohammed Darr, Member Board of Directors, Cambridge Islamic Centre, Ontario
- o Bader Siddiqi, President Ottawa Muslim Association
- o Dr. Ahmad Al-Hashimi, Ihsan Muslim Heritage Society
- o AIRashid Islamic Institute of Cornwall
- o Islamic Society of Kingston
- o Faith Mosque of Toronto

Alia Hogben, Executive Director, and Nuzhat Jafri, National Board Member, of the Canadian Council of Muslim Women indicated that they received our e-mails but were unable to respond until after the month of March.

Mosques contacted without response include:

- o Jaamiah Aluluoom Alislamilyah of Ajax
- o Halton Islamic Association of Burlington
- o London Muslim Mosque
- o Muslim Society of Waterloo
- o Windsor Islamic Association
- o Islamic School of Ottawa
- o Islamic Society of Sudbury
- o Canadian Turkish Islamic Centre of Toronto
- o Jami Mosque of Toronto
- o Madina Masjid of Toronto
- o Masjid-ut-Taqwa of Toronto

- o Sunnatul Jamaat of Ontario of Toronto
- o Bosnian Community Mosque of Etobicoke
- o Etobicoke Muslim Community
- o Imdadul Islam Centre of Downsview
- o Islamic Association of Ghazi Khosrof Beg of Etiobicoke
- o Islamic Society of Toronto
- o Masjid Al-Ansar of Don Mills
- o Muslim World Ledgue of Etibicoke
- o Islamic Society of Niagra
- o Masjid Al-Noor of St. Catherines
- o Islamic Foundation of Toronto
- o Slaheddin Islamic Centre of Scarborough

If an incident of child sexual abuse was reported, in most cases after it was received, it then would be reported, by the person receiving the complaint, to someone in the mosque's office or to a Board member (Adle, Interview with Bader, 16 March 2007). It was explained to me that, generally, each Board of Directors then would talk with both the complainant and the person accused to determine if the complaint can be resolved easily or if it is a case of child sexual abuse and needs to be reported to the police or appropriate child protection agency (Trothen, Phone Interview with Dr Mohamed Elmasry, 9 March 2007). The only internal process available in case of a criminal conviction is the firing of the person (Trothen, Phone Interview with Shahina Siddiqi, Islamic Social Services Association of Canada, 5 March 2007).

Representatives from the Muslim community with whom the researchers spoke indicated that according to Islamic teachings, sexual abuse is a sin; the perpetrator has a moral and religious obligation to “apologize and repent” (Trothen, Phone Interview with Dr Mohamed Elmasry, 9 March 2007). Further, “The Muslim child has a number of Allah given rights; these include the right to be born through a legitimate union, to know fully one’s parentage, to be suckled, and to be reared with kindness and respect” (A. R. Gatrad and Aziz Sheilch, “Muslim birth customs” in *Archives of Disease in Childhood*, Jan 2001; 84:6-8, 8). Other relevant teachings include the Prophet Muhammad’s advice that children of a certain age (6 is advised currently) have separate beds; and the Quranic directive for children and adults to dress modestly (*Sexual Abuse*, 2006, 15). Certainly, Islamic faith claims were more pervasive in all research sources than were the faith claims of the other religious institutions examined in the study.

There seems to be a reliance on Islamic faith teachings, by some, to address social issues including child sexual abuse. Some of the people we contacted within Muslim communities indicated that because of their faith teachings they did not need such policies. For example, Dr Ahmad Al-Hashimi of the Ihsan Muslim Heritage Society indicated that if Muslims follow the strict values and traditions that they ought, including a regard for the permanence of heterosexual marriage outside of which no sexual expression occurs, then nothing else is needed. Consequently, he did not think that his mosque had any need for policies with which to address complaints of child sexual abuse (Adle, Phone Interview with Dr Ahmad Al-Hashimi, 13 March 2007).

Also, there is a general reluctance to acknowledge that child sexual abuse may be perpetrated by Muslim leaders: “There is an unhealthy denial within our community that

sexual abuse does not exist. The fact is that it is more common than we think... The lack of resources and services within the community...may result in low reporting... In addition, the cultural taboo of talking about sexual matters makes disclosure of sexual abuse particularly difficult... [Further, a tendency] to blame Western societies for this ill...result[s] in Muslim communities hindering the victim's family from accessing help. In some cases, immigrant families ship the victim (especially girls) to the family's country of origin for a quick marriage to cover up the situation" (*Sexual Abuse*, 2006, 8). Also, the Islamic emphasis on modesty, although having upsides, has the downside of discouraging open dialogue regarding sexuality (*Sexual Abuse*, 2006, 16).

Canadian law is upheld in Muslim communities as the main resource for addressing complaints of child sexual abuse. For example, the Canadian Council of Muslim Women declares: "as Canadians we abide by the Charter of Rights and Freedoms and the law of Canada" ([www.ccmw.com](http://www.ccmw.com)). Most people with whom we talked were clear that the law is the ultimate authority when dealing with child sexual abuse and that the appropriate body (i.e. the police and/or child protection service such as CAS) would be contacted in such instances.

### **Screening Policies and/or Mandatory Education for Volunteers, Employees, and/or Officials (in Positions of Responsibility Regarding Children and Youth)**

Regarding screening policies, our research has revealed none. Mohammed Darr, member of the Board of Directors at the Cambridge (Ontario) Islamic Centre, reported that the Board of Directors tried to implement a police record screening for all volunteers and staff, but members were reluctant to be screened. As a result, the number of

volunteers diminished and screening was abandoned (Adle, Phone Interview with Mohammed Darr, 16 March 2007). Mr Bader Siddiqi, president of the Ottawa Muslim Association, reported that their Board is discussing the implementation of a screening policy. They recognize the need for screening as one mechanism through which to safeguard vulnerable people including youth and children. The teams from the mosque who visit people in hospital undergo police record screening in accordance with hospital policy. The mosque hopes to implement a similar screening process in the near future for their staff and volunteers (Adle, Phone Interview with Bader Siddiqi, 16 March 2007). Some Muslims we have spoken with, such as Darr, have indicated that references are checked for anyone who is placed in a position of trust. In terms of other safeguards, some point to the Muslim rule against one-on-one counseling with the opposite sex and the general tendency to separate males and females in vulnerable settings (for example, in at least half the mosques in Canada, only women teach girls and only men, boys (Trothen, Phone Interview with Elmasry, 9 March 2007). As the Badgely Report indicated, most child abuse is perpetrated by men against girls, so this tendency to separate the sexes may help to safeguard some children from sexual abuse, but certainly not all. Again, there seems to be a great deal of reliance on Islamic teachings for safeguarding against abuse rather than working towards policies with which to address such complaints.

### **Educational Work**

Educational work is underway within various Canadian Islamic communities regarding abuse. by 1999, Muslim communities were becoming more aware

of social services support and were identifying areas of need more clearly (Adle, Phone Interview with Shahina Siddiqi, Islamic Social Services Association of Canada, 2 March 2007). A critical part of this educational work is directed at women and children; women and children have not had much voice historically in Islam and need to claim their voices now in order to raise awareness regarding such issues as abuse.

A series of booklets have been published by the Islamic Social Services Associations in both Canada and the USA. Of those related to child abuse, the first was in 2002 and is entitled *Muslim Culture and Faith – a guide for social service providers* [Appendix 3]. It has a small section on child abuse that, in part, reads:

Islamic parenting emphasizes mercy, gentleness and respect when dealing with children. The duty of parenting is seen as one of the most important roles in society. Physical, emotional and sexual abuse of children has zero tolerance in Islamic law and Muslim communities. ...

Sexual abuse is...unacceptable in Islam. Sexual intimacy is solely reserved for a marital relationship... The current increase in child pornography and the exploitation of young children by the advertising industry is disturbing to Muslims.

The cycle of abuse against children, in many cases by parents or guardians who were themselves abused as children is one that needs to be broken with sensitivity and support. Muslim survivors and Muslim perpetrators of child abuse are often not able to discuss their situation with others. In Muslim culture it is a taboo topic. (*Muslim Culture*, 28)

At this point, child sexual abuse is perceived primarily in the context of the family; the possible sexual abuse of children by people in positions of trust, in mosques, is not yet discussed openly.

Later, in 2005 and 2006, booklets regarding “domestic abuse” and “sexual abuse,” respectively, were published and dissemination of these resources has begun [Appendix 4 and Appendix 5]. The first addresses wife abuse acknowledging that “thousands of Muslim women are victims of abuse every year around the world by their husbands and other family members, usually in-laws” and, specifically, “[d]omestic violence accounts for 50% of murdered women in Canada” (*Domestic Abuse*, 1). Wife abuse is against both the Shariah and Canadian law (2). This booklet is in its second printing and 1000 copies have been sent out in Canada and the USA upon request.

The primary author of *Sexual Abuse Prevention and Intervention* is the president of the Canadian Islamic Social Services Association, Shahina Siddiqui. “Islamic Social Services Association (ISSA) has produced this pamphlet in response to the growing number of documented cases of sexual abuse in Muslim communities. These incidents clearly indicate a critical problem that must be addressed immediately by imams, parents and community leaders” (*Sexual Abuse*, 2006, preface). The booklet discusses the sexual abuse of adults, particularly women, and the sexual abuse of children, offering information including: signs of sexual abuse; barriers to addressing this abuse effectively; how best to care for victims; and available resources. ISSA also offers, in the booklet, to arrange workshops on the topic for anyone interested.

Distribution of this sexual abuse booklet just began in November 2006 and no data is as yet available regarding the number distributed. No mosque representatives whom we contacted reported any knowledge of this resource.

## **Chapter Summary**

The decentralized structure of Muslim communities means that there are not overarching policies but rather individual policies adopted by each mosque. There are yet to be established any policies specific to complaints of child sexual abuse. The reasons for this are multiple.

As with the other religious institutions examined in this study, the clear emergence of women's voices and the identification of violence against women have preceded the establishment of policies that address child sexual abuse. Women's voices emerged later than in other religious institutions examined likely in large part due to the relative newness of Islam in Canada. As women and children gain more voice, issues of sexual abuse are being discussed increasingly.

Another factor is the strong taboo around sexuality and related issues. Until sex can be discussed and reflected upon in the faith community context, it seems that it is much more difficult to get child sexual abuse on the agenda. Part of the reason for this is the shame that is always part of experiences of sexual abuse, and that is exacerbated by any communal tendency or temptation to view sexual abuse as shameful for not only the perpetrator but the victim. All of this is related to issues of voice and silencing.

A significant factor is the wider context; there is much prejudice and/or misunderstanding in North America regarding Islam and Muslim practices. Until this ignorance and prejudice is more fully challenged and transformed, it will be very difficult to break the silence regarding child sexual abuse in Muslim communities. Because of these wider systemic issues, there are very limited acceptable social resources for



Muslims experiencing abuse. Further, discrimination usually causes groups to be more self-protective; external persecution is a real threat and most do not want to risk adding to this threat. These wider contextual issues probably also make it more difficult for some Muslims to engage in strong self-critique; some freely own that child sexual abuse occurs not only within Muslim communities but can be and has been perpetrated by some leaders, while others are not prepared to confess this yet.

Muslims are committed to their holy teachings. This means that most are very interested in cultivating a safe and nurturing environment, especially for those who are most vulnerable among them. The teachings of the Prophet are central to the Islamic faith and provide excellent impetus for most to work to end violence. There are some important educational steps being made in Canadian Muslim communities. I suspect that if wider Canada becomes increasingly educated regarding Islam, antagonism will lessen, awareness will increase, and both resources and emotions will be freed up to continue this important work on child sexual abuse.

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## **Chapter 7 – The Canadian Unitarian Council/**

### **The Unitarian Universalist Association**

#### **Introduction**

Information in this chapter was gathered from: the Canadian Unitarian Council (CUC) and the Unitarian Universalist Association (UUA) staff; organizational web sites; local congregations; and other secondary sources. Two different organizations, the CUC and the UUA, located in two countries – Canada and the United States - participated in this research. Inquiries were answered promptly and all materials requested, sometimes more, were provided without question. Each conversation revealed the importance given this matter within these organizations. Since the two organizations functioned as one until 2001, this chapter offers a brief summary of UUA activity from 1960-2000 and then shifts to reporting in more detail on responses to the need for creating “safe space” from 2000-2006.

The CUC emerged from the UUA as an independent organization in 2001. After the formation of the CUC, the UUA retained the responsibility for setting ordination standards for clergy and responding to any complaints regarding clergy misconduct, with the CUC providing guidance regarding administrative and educational matters to Canadian congregations. To reflect this dual responsibility for creating safe religious communities, the particular activities of each organization are discussed in each of the following subsections. When applicable, more information regarding organizational cooperation is provided. Because the congregations are autonomous, denominational

policies will be addressed first in each sub-section followed by examples of how local congregations have chosen or not to implement these suggested denominational policies.

### **Church Structure and Description of Context**

The Unitarian and Universalist denominations first formed congregations in Canada in the mid-1800s. The Canadian congregations forged working relationships with those in the US, eventually joining either the American Unitarian Association or the Universalist Church of America. These two organizations merged in 1961 to form the Unitarian Universalist Association (UUA) with headquarters in Boston, Massachusetts. Each organization being governed by congregational polity, the merger resulted in only minimal changes at the local level. Many congregations retained their historical name, so some are known as Unitarian, others Universalist, with the majority adopting the Unitarian Universalist name. The Canadian Unitarian Universalist congregations continued as members of the UUA. In 2001, the Canadian Unitarian Council (CUC) formally incorporated to provide services for the Unitarian Universalist congregations in Canada, with the exception of youth and ministerial support. The UUA retained sole responsibility for the education, ordination, and oversight of clergy, as well as continental Youth and Young Adult programs and services (Summary of UUA-CUC Negotiation Meeting January 5-7, 2001). [Appendix 1]

The CUC is divided into four regions with the UUA being divided into twenty districts. Each region and district has a president/moderator and a board of directors. Every congregation, within the region or district, is autonomous and voluntarily joins the CUC/UUA, contributing funds each year to the denomination as a member congregation.

The CUC/UUA and member congregations uphold seven “Principles of Faith.” These principles address how UUs choose to be in the world, rather than a particular belief in a transcendent being. The current principles were adopted by the UUA General Assembly in 1985 and are as follows:

- o the inherent worth and dignity of every person;
- o justice, equity, and compassion in human relations;
- o acceptance of one another and encouragement to spiritual growth in our congregations;
- o a free and responsible search for truth and meaning;
- o the right of conscience and the use of the democratic process within our congregations and in society at large;
- o the goal of world community with peace, liberty, and justice for all;
- o respect for the interdependent web of all existence of which we are a part.

[http://cuc.ca/who\\_we\\_are/principles](http://cuc.ca/who_we_are/principles)

Unitarian Universalists consider their faith to be a “living tradition” that draws from many sources of authority, including individual experiences of transcendent mystery, words and deeds of prophetic women and men, wisdom and teachings of the world’s religions, humanist teachings, and the teachings of the earth centered traditions.

According to Phillip Hewitt’s *Unitarians in Canada*, “Unitarians have never been the religion of more than a tiny segment of the Canadian people. The 1991 census recorded no more than 16, 535 in the whole country” (20). The CUC web site reflects that according to the 2001 census, 17, 480 persons declared themselves to be affiliated with the UU, which reflects a relatively stable membership.

Since each congregation is autonomous, the president of the CUC is the leader of the council, but not of the local congregations. Congregationalism means that each congregation has “full authority to order its own affairs” (Wright, 74). The CUC can suggest the congregations implement policies, but cannot require they do so.

The importance of independent communities is reflected in the CUC mission statement that states:

The Canadian Unitarian Council is an organization of Unitarian and Unitarian Universalist member congregations and individual members acting to enhance, nurture, and promote Unitarian and Unitarian Universalist religion in Canada. The CUC provides tangible support for religious exploration, spiritual growth and social responsibility. It represents our faith in the larger social and religious environments. Which can be summarized as: Growing Vital Religious Communities in Canada. ([http://cuc.ca/business/council/vision\\_statement](http://cuc.ca/business/council/vision_statement))

Although the congregations are independent, the belief in the importance of religious freedom is shared by all.

As autonomous congregations, membership requirements are determined at the local level. However, all congregations in the CUC/UUA agree that membership in a congregation will not be dependent upon agreement to a statement of faith or creed. Individuals are free to choose whatever spiritual path they desire (i.e. humanism, Hinduism, Buddhism, Christianity, etc.). This also means that members will not be excommunicated for their beliefs - when to leave a congregation based upon religious beliefs is each individual's decision. Each congregation develops their own policies

regarding excommunication for other reasons, such as behavior that may be dangerous to others. Thus, congregations are diverse in their spiritual pursuits, while unified in their beliefs regarding inherent dignity and worth of every individual.

Each local congregation determines the curriculum for their children/youth religious education programs. The UUA/CUC offers curriculum to the local congregation that is age-appropriate and seeks to balance the need to educate but not indoctrinate (Ross, 138). Since 1985, the curricula have been undergoing a change in emphasis to teach more about what it means to be a Unitarian Universalist and a shift from secular to religious (Ross, 138-139).

This change in focus is evident in religions education material on human sexuality. The new curricula published in 1999 entitled *Our Whole Lives* [Appendix 2] teaches “not only facts about anatomy and human development, but [seeks] to help clarify values, build interpersonal skills, and to create an understanding of the spiritual, emotional, and social aspects of sexuality” (Ross, 139-140). This curriculum offers information on human sexuality to five specific age-group levels, and covers topics such as “sexual abuse, exploitation, and harassment” (Ross, 140). The UUA/CUC approach to human sexuality reflects a belief in the inherent dignity and worth of every individual. Again, each congregation selects their own curriculum with many choosing to use the suggested one. According to Ross, “as of 2000, more than three hundred congregations had already trained teachers in the new curriculum” (140). Sylvia Bass West, CUC Director of Lifespan Learning, reported that out of forty-five member congregations, about half are using the *Our While Lives* material.



## **Approach to Child Sexual Abuse Including Relevant Statements, Policies, and Practices: 1960-2006**

### *Complaints of Child Sexual Abuse and Complaints by Adults of Historical Childhood Sexual Abuse*

In cases of alleged abuse of a minor, the complaint will be reported to the state/province in accordance with the law. If a complaint is also filed with the UUA, possibly simultaneous investigations will take place. Of note, the policy clearly states that “All participants in any complaint process will be informed that confidentiality may be breached to protect against harm” (UUA “Process for handling complaints of misconduct”, [www.uua.org](http://www.uua.org)). [Appendix 3] At the present time, the UUA currently has no time limit for filing complaints. The process as described below is followed for all complaints.

### *Investigative Policies and Procedures Regarding Complaints*

If the complaint is contested by the respondent, the Director of Congregational Services, Tracey Robinson-Harris, contacts the complainant and requests the person be as forthcoming with information as possible to aid in determining the next steps. If it is decided that the complaint warrants adjudication by the Ministerial Fellowship Committee (MFC), a request will be made to put the complaint in writing. Robinson-Harris also noted that if the case warrants, in the face of significant information, the MFC could initiate an inquiry.

Once all information is gathered (the UUA holds primary responsibility for gathering information), the Director of Congregational Services meets with the UUA

Executive Vice President and Director for Ministry and Professional Leadership to make one of three determinations:

- o The complaint is sufficient;
- o Additional information is needed. In this case, Ms. Robinson-Harris is charged with the responsibility for follow-up investigation; or
- o The case is of such a nature that a significant amount of additional information is needed. At this point, Ms. Robinson-Harris would appoint a volunteer investigator.

If it is determined that the complaint is sufficient and requires adjudication by the MFC, the Director of Congregational Services presents the case to the committee (“Process for handling complaints of misconduct” and electronic conversation with Robinson-Harris).

*Complaints Regarding Religious Professionals and Volunteers*

“In May of 2000 an Ad Hock Task Force on Ethics and Congregational Life was convened by UUA Executive Vice President Kay Montgomery to recommend clarifying changes in the UUA process for responding to complaints of ministerial misconduct. In March 2001 the Task Force concluded its work, presenting recommendations for improvement. In July 2002, as a part of the restructuring of UUA staff, those recommendations were used to guide changes in the process for handling complaints of misconduct.” ([www.uua.org/cde/ethics/complaintprocess](http://www.uua.org/cde/ethics/complaintprocess))

The current policy entitled “*Process for handling complaints of misconduct*” effective July 2002 has undergone several revisions and is again under review. According to Robinson-Harris, a Canadian congregation would contact her department

with any complaint of sexual misconduct by a religious professional, with religious professional defined to include ministers and religious educators who are members of the LREDA, as well as those who are or may be seeking credentialing with the UUA. At the time a complaint is received, the religious professional(s) involved are notified of the complaint. If the allegations are not contested, the religious professional may enter into negotiations for a voluntary resolution without the necessity of an investigation. The UUA holds responsibility for investigating clergy misconduct. Individual congregations are responsible to develop and implement policies and procedures regarding alleged misconduct of staff and volunteers.

#### *Third Party Complaints*

“In some cases, a third party submission will be acceptable, for example a congregation’s Board of Trustees could file a formal complaint,” according to Robinson-Harris. She notes that “I would review third party complaints on a case by case basis” (electronic conversation, 21 March 2007). For her to accept a third party complaint the complaint would need “the permission/agreement of the victim to file” and also more than “hearsay” information...that in many instances a third party complaint would, at the least, prompt an investigation (electronic conversation, 21 March 2007).

#### *Responses to Involved Persons*

While the case is in the adjudication process, the complainant will be appointed a liaison within the UUA. The liaison helps the complainant through the process and is

their point person to contact with any queries. The liaison is not intended to be a source of spiritual care.

The congregation receives support and guidance throughout this process by the Regional Staff of the denomination (CUC). Of note, the policy clearly states that “All participants in any complaint process will be informed that confidentiality may be breached to protect against harm.” (“Process for handling complaints of misconduct”).

If the UUA found the complaint to have grounds, the complainant would have to endure going through the process of adjudication, which is very difficult. In coming forward, there is also always the risk to the complainant of losing one’s religious community. Naturally, a person might consider these costs too great and decide not to report the incident.

For the religious professional, “the most serious consequences would be loss of position, loss of credential and/or legal action” (electronic conversation, Robinson-Harris, 21 March 2007). He or she would also risk losing their religious community.

### **Screening Policies and/or Mandatory Education for Church Volunteers**

As noted, before 2001 Canadian congregations were members in the UUA. All policies and procedures reflecting denominational activity regarding member education, as well as clergy education were and continue to be housed in Boston. When contacted, Tracey Robinson-Harris, Director of Congregational Services, noted that Kay Montgomery, the UUA Executive Vice President, would need to be contacted to obtain

archived information. Ms. Montgomery referred the request back to Ms. Robinson-Harris, whose response is pending.

A consortium of faith communities (UCC, Catholic, Anglican, and Unitarian) developed and published a workbook entitled *Screening in Faith* in 1999. The workbook offers details on how to implement screening as part of hiring practices and ongoing evaluation. The booklet states, “The aim of *Screening in Faith* is to provide each faith community with tools to create and maintain a safe environment, to protect those who are to be cared for and to prevent sexual, physical and emotional misconduct from occurring in places of ministry” (iii). The table of contents reads as follows:

- I. Introduction
- II. The screening process
- III. Before you select your volunteers
- IV. The selection process
- V. Managing the volunteer
- VI. Conclusion.

Included in the workbook are exercises to assist an organization in creating policies and procedures, job applications, and screening tools. This tool has been suggested to Canadian congregations.

The CUC initiated many actions in conjunction with their involvement with the *Screening in Faith* consortium. A web page “Safe Congregations/Screening in Faith” [Appendix 4] was developed to aid congregations in implementing the screening process. Information available on this web page includes: the aim of the program as noted above; how to assess risks; steps to develop and implement a program; a list of resources; legal implications; director’s liability paper; and the CUC recommendations stating, “The CUC is committed to the prevention of sexual misconduct through a continuing programme of

information sharing and education of clergy, staff and laity...Each congregation is encouraged to actively work toward prevention of sexual misconduct and deal with every allegation or accusation promptly, seriously, and systematically, in co-operation with the proper authorities, where appropriate” (<http://www.cuc.ca/safe/recommendation>).

Several congregations volunteered to champion this program and were involved from its inception in 1999. They attended a “train the trainer” workshop in 2002 to better assist other congregations in developing and implementing screening programs. Congregations participating as “screening champions” included but are not limited to Toronto, London, Hamilton, and South Peel (*SIF Annual Report, 2002*).

Sylvia Bass West, Director of Lifespan Learning, conducted “Screening in Faith” workshops at the CUC Annual Meeting in Calgary 2000 and Montreal in 2001. Plus, workshops were held at the Regional Fall Gatherings in 2002 and in congregational clusters. Bass West and congregations that have implemented the screening program remain available to coach congregations through the process of implementing a screening program.

To inform congregations about the need for screening, the CUC published and distributed a “Screening in Faith” brochure. [Appendix 5] These brochures are available to congregations upon request.

To assist youth in understanding the meaning of “safe space,” the CUC developed Youth Program Rules. [Appendix 6] “These rules were approved by the CUC Board in 2001 and ratified in January 2002.” The rules state:

- o No drugs or alcohol
- o Adults must remain in the role of advisor at all times
- o All conferees/parents must sign the medical release
- o No weapons, violence or threats of violence
- o No leaving the site except as part of an activity
- o All participants must follow site rules
- o No drop-ins
- o Code of ethics must be signed
- o No violating the policy on sexual behavior
- o Must be between 13 to 20 years of age
- o No sharing of sleeping bags
- o Participants must have a completed registration form submitted before the weekend begins.

Breach of the above rules may result in participants being disallowed to participate in the remainder of the conference.

Note: One adult will remain awake at all times during the conference.

Policy on Sexual Behavior: Sexuality is a healthy and important part of young people's lives. Youth programs are an opportunity for youth to express themselves in healthy ways. Exclusive relationships detract from the community. All members of the community must respect each other's physical boundaries. Inappropriate sexual behavior (i.e. sexual intercourse, oral sex, heavy petting or sexual harassment) is not permitted. The Spirit Committee reserves the right to deem any behavior inappropriate. Parents/guardians are invited to discuss this policy with youth.

Data is not available regarding the number of congregations that have implemented screening protocols for volunteers and staff. Seventeen Ontario congregations were contacted with four responding. All four congregations have policies

and procedures in place regarding safe communities. Two of the four use “Our Whole Lives” curriculum in their religious education programs.

Don Heights Unitarian Congregation submitted a working draft of their “Worth and Dignity Policy 2005-2006. [Appendix 7] The policy is based upon the seven principles and states, “We are committed to creating a safe and welcoming environment for all, free of harassment and abuse as defined by this policy” (2). Section 4.3 of the policy defines child abuse as “physical, sexual, or emotional abuse or neglect of a minor” (3). To further define sexual abuse the policy states, “1) unwelcome physical touch or exposure with sexually suggestive overtones or 2) sexual involvement with a minor or 3) sexual involvement with any person unable to give informed consent” (3). To ensure the safety of children the congregation developed the following principles:

1. Abusive, Harassing, Violent or Coercive Behavior will not be tolerated in our Congregation.
2. [w]hen unrelated children or adults are gathered, groups should consist of at least three individuals.
3. We recognize a special responsibility to safeguard children
  - No individual who has been previously convicted of child or sexual abuse will be allowed to work with children or youth.
  - Volunteers and employees working with youth must attend a Worth and Dignity training.
  - Members or friends volunteering for jobs with identified risks will be required to go through an application process and sign relevant documents.
  - Registration forms designating caretaker(s)...will be completed for all children attending religious education programming.
  - There will be one adult present for every 5 children and



every 7 youth at all congregationally sponsored functions.

- Adult members or friends voluntarily working with children or youth must have been regularly attending Don Heights for a minimum of six months.
- Employees of volunteers who are transporting children are asked to sign a waiver indicating that they have a valid driver's license and at least \$1,000,000 in liability insurance.
- Any adult person working with the children is required by Ontario's law to report to the local Children's Aid Society if they have reason to suspect any child may have been abused, whether at Don Height's of in the child's home. ("Worth and Dignity Policy: Appendix A)

As noted above, Don Height's policy is considered a working draft.

Another congregational policy was obtained from the Kingston Unitarian Fellowship who first developed a "Screening in Faith Policy" [Appendix 8] approved by the board on May 9, 2005 and amended it in June and August 2005. The policy states: "We are aware of the occurrence of sexual abuse, interpersonal violence, harassment, and criminal acts in human society, and that it crosses gender, racial, age, sexual orientation, and socio-economic lines....We recognize that the maintenance of a safe environment must be proactive, not reactive, and as such, we must take steps to make all persons safe while they are participating in Kingston Unitarian Fellowship gatherings."

The policy establishes screening as part of the volunteer selection process by: determining risk (both congregants and candidate risk); application forms including contact information and references; police checks; and personal interviews. The policy clearly states that screening is an ongoing process and is to be incorporated into orientation and training sessions. Appendices to this policy include: position description

template; list of positions; harassment policy (complaint process); guidelines for working with children; child care policy; child abuse prevention and response policy.

Of note, Appendix F is the Child Abuse Prevention and Response Policy. The procedures are:

If any complainant or other person reasonably believes that illegal actions have taken place, they shall contact the police.

1. If the complainant wishes to pursue the matter within the Fellowship, the complainant is requested first to bring the concern to any one or more of the following contacts: the Minister, the Director of Religious Education, the President, or the Vice-President.
2. If the complaint concerns the Minister, the complainant shall bring the matter to the Board, or the President, or the Committee on Ministry. ..In addition, the President shall call on the Department of Ministry of the UUA for support and guidance.
3. The first person contacted by the complainant shall bring the matter to the Board.
4. After being satisfied that the Board has all relevant information concerning the incident, the Board may take any of the following actions (or any other action they feel is appropriate):
  - Immediately inform the police
  - Restrict or ban communication between the parties involved during KUF-organized gatherings
  - Withdraw the membership of the accused; or
  - Dismiss the complaint

The Board shall, upon a majority vote at a legally constituted meeting, issue a decision stating the appropriate course of action to be taken, and the decision of the Board shall be final. (“Screening in Faith Policy, Appendix F”, Kingston Unitarian Fellowship).

This congregation also developed a *Field Trip Policy* [Appendix 9] that was approved by the Board in August 2006. This policy establishes the requirement for permission slips; emergency medical information; and the ratio of adult to youths on overnight trips. (“Field Trip Policy”, Kingston Unitarian Fellowship)

## **Chapter Summary**

As a small denomination, the CUC/UUA took the initiative in 1999 to participate in programs in Ontario to inform their congregations regarding the need to create safe spaces. They not only attended the workshops, but more importantly have supported local congregations in implementing programs. Even congregations with as few as twenty-one members reported having screening policies in place, such as the congregation in Fergus, ON. This demonstrates the priority given to creating safe communities by these congregations. However, given the congregational polity of the denomination, attaining 100% participation in the program will be challenging. I understand that the “Screening in Faith” program continues and that policies and procedures are currently under revision within the UUA, CUC, as well as in many local Canadian congregations.

When queried as to the latest education initiatives, I was informed by the Director of Lifespan Learning that education is ongoing at regional and national meetings. At the same time, the majority of the information on the web page is from 2002, as are the annual reports provided this writer regarding “Screening in Faith.” The focus of this web page is the screening program. Of concern is the lack of information or training on the CUC “Safe Space” web page regarding what to do if an incident should occur, i.e. how to

file or respond to a complaint regarding sexual misconduct by anyone within the congregation. This omission may be due to the autonomy of local congregations. Each community implements its own policy regarding complaints of sexual misconduct although the organization suggests a policy. Although much time has been given to the screening process, it is not clear how people in the local congregations are educated regarding the incidence of sexual misconduct or the congregation's complaint process.

In the future, the UUA/CUC and local congregations may want to consider how to support any person that files a complaint. According to the UUA, only those cases that warrant adjudication have a liaison assigned. To come forward takes great courage and complainants need support in this endeavor from within the community to ensure their voice is heard and to prevent a sense of ostracization. Congregational reconciliation also needs to be considered. Misconduct by a religious professional can create conflict within the religious community.

Overall, the UUA/CUC response to this issue is commendable and offers a model for other denominations in the process of addressing the issue of childhood sexual abuse.

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[www.cuc.ca/safe](http://www.cuc.ca/safe)

<http://www12.statcan.ca>

Congregations consulted by telephone and/or e-mail

Don Heights Unitarian Congregation of Toronto

Elora and Fergus Unitarian Church

Kingston Unitarian Fellowship

Unitarian Universalist Church of Olinda

Congregations contacted without response include

Huronian Unitarian Fellowship of Barrie

Unitarian Congregation of Guelph

The First Unitarian Church of Hamilton

Unitarian Fellowship of London

Unitarian Congregation of Niagara

Lakehead Unitarian Fellowship of Thunder Bay

Unitarian Universalist Congregation of Durham

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## **Chapter 8 – Concluding Remarks**

### **Identification of Overarching Themes and Historical Shifts**

The first part of this section will address the common factors that led these religious institutions: the Roman Catholic Church in Canada, the Anglican Church in Canada, the United Church of Canada, the Mennonite Church of Canada, the followers of Islam in Canada, and the Canadian Unitarians – to begin addressing child sexual abuse. Next I will identify some commonalities amongst the institutions that have created and implemented detailed policies regarding responses to complaints of child sexual abuse by people in positions of trust.

Every one of the religious institutions examined in this study first recognized women's voices and violence against women – or woman abuse – before addressing child sexual abuse in any depth. The Roman Catholic Church began producing literature on both woman abuse (for example, the Quebec Assembly of Bishops produced a booklet regarding “conjugal violence” and pastoral care as referenced in chapter one of this study) and child abuse (including the first child sexual abuse protocols) around the same time in the late 1980s. However, in the global context, liberation theology, including feminist theology, was generated primarily by Roman Catholic theologians in the 1970s.

The Anglican Church's official records throughout the 1960s, 1970s and 1980s show much attention paid to the changing roles of women in church as society, as do the records of the United Church. For example, the Anglican General Synod of 1986 received the report of the Taskforce on Violence Against Women, *Violence Against*



*Women: Abuse in Society and Church and Proposals for Change*. Further, the Anglican Church first ordained women as priests in 1975.

The United Church created its first task groups and committees dedicated to women's issues in the 1970s. Pornography was discussed in depth during the late 1970s. In addition to pornography, sexual harassment was identified by the mid 1980s as a form of sexual abuse to which the church had a responsibility to respond. In 1986, as a result of this increasing concern, General Council approved a policy statement on sexual harassment, as proposed by the Women in Ministry Committee (WIM) in consultation with the Standing Committee on Sexism. This was their first policy statement regarding any form of sexual abuse. Further, sexism was the first systemic form of violence in which the United Church officially confessed its complicity (*ROP* 1984, 90).

The greater emergence of marginalized voices, including those of women and children, helped to generate greater awareness and response to abuse.

The Mennonite Central Committee's first educational packet on a form of sexual abuse was *The Purple Packet: Domestic Violence Resources for Pastoring Persons – Wife Assault*, published in 1990. Shortly thereafter in 1991a parallel resource was produced regarding child sexual abuse: *Broken Boundaries: Resources for Pastoring People – Child Sexual Abuse*.

Although the Islamic communities in Canada produced educational material regarding sexual abuse later than did the other religious institutions examined, clearly women's issues related to sexism and abuse were explored first.

Lastly, the Unitarians founding principles are centered, among other principles, on a belief in the inherent dignity of every person and a belief in the equality of the sexes.

Women's issues, sexism, and in particular woman abuse, also were addressed before any sustained work on child sexual abuse in wider Canadian society. Canadian women's movements emerged with the second wave of feminism beginning in the late 1960s. One of the first issues for which these groups advocated and agitated for was the legalization and availability of birth control. (The United Church had much earlier taken up this same cause in the 1930s.) During the 1970s women's organizations proliferated and the issues addressed multiplied; women were taking their voice and raising concerns that were specific to their experiences (Adamson et al). In 1973, the first Canadian rape crisis centre opened in Vancouver (CASAC, 1986, 13). Twenty-one crisis centres had come into being by 1978 and by 1982 this number had increased to forty-eight (Toronto Rape Crisis Centre, *No Safe Place*, 67). In the mid to late 1970s feminist groups in Canada paid particular attention to physical and sexual violence against women. Pornography was an important issue to these groups in the late 1970s. Child abuse was raised in conjunction with these concerns and soon gained a place in the public domain.

Liberation theologies, including feminist theologies, emerged in the late 1960s and 1970s. Marginalized voices were claiming their right to speak and to challenge dominant societal normative presumptions. As these marginalized voices of women, children, and the poor gained volume through organized grassroots and institutional means, previously silenced experiences including sexual abuse came to the fore.

An additional factor, preceding sustained work on child sexual abuse, common to the different religious traditions examined is the importance of an established ability to speak of sexuality within the religious community. Taboo and silence have surrounded sexuality in both Christianity and Islam. Before child sexual abuse can be understood not as aberrant sexual acts perpetrated by a very few aberrant individuals, but as abuse that ought not cast shame on its victims/survivors, sexuality has to be understood as more than a series of good or bad acts with good sex automatically occurring within heterosexual marriage and bad sex defining all sexual acts outside of marriage. This requires open discussion of sexuality. Sex is not equivalent with sin, as often has been presupposed historically.

However, the world and humanity are not without sin. Systemic oppression has meant that vulnerable groups of people have been and continue to be discriminated against and exploited. A capacity to understand sin in terms of systemic injustice and in relational terms is necessary to the recognition of the systemic nature of child sexual abuse and, therefore, to the reality that religious institutions are not immune to this evil. This willingness to be self-critical and confess that something as horrific as child sexual abuse can and does happen within one's religious community is necessary to the creation of relevant policies and protocols. As religious institutions recognize the existence of systemic power imbalances, they become better able to recognize their complicity in abuse, and to address it.

For the United, Anglican, Roman Catholic, and Mennonite churches this awareness did not begin to occur significantly until the 1980s. This has been more difficult for Islam for many good reasons, including the reality that, unlike the other with

the possible exception of some Mennonite traditions, Muslims experience widespread systemic prejudice themselves, which has been exacerbated in the wake of 9/11. Each religion had to be confronted by evidence that this does happen in “my church” and is perpetrated by religious leaders before child sexual abuse policies could be developed.

There were other notable precipitating factors. First, the Badgely Commission’s findings released in 1984 garnered much attention, attention that was increased with the later media explosion regarding Mount Cashel orphanage and particularly Fr Hickey. The abuses perpetrated by Galiennie as organist and choir director (Kingston at St George’s Anglican Cathedral) generated awareness that not only Roman Catholic priests sexually abuse children. Of great significance, also, are the revelations of abuse in Canadian residential schools. First Nations children not only suffered the theft of culture and religion, but also the consequences of sexual and physical abuse. Awareness of this widespread abuse together with the consequent court proceedings caused the Anglican, United, and Roman Catholic churches in particular to examine their participation in and responses to child sexual abuse.

One must consider why these cases emerged during the 1980s and not before. It is untenable to claim that there were no previous cases. Again, the factors identified earlier have all contributed to the exposure of child sexual abuse cases in Canadian organized religious institutions. Additionally, the media has become very effective in reaching a global population and increasing public awareness around a variety of issues.

One further factor that has been necessary to begin work on child abuse is a regard for children as valuable and worthy of respect and love; such regard is shared by all of the religious traditions examined here.

These factors have led the most publicly culpable and largest religious institutions examined in this study to develop the most detailed policies. 1992 was a pivotal year: the UCC established its first sexual abuse policy that included child sexual abuse; the RCC published *From Pain to Hope* (although it should be pointed out that some dioceses had policies preceding *From Pain to Hope* beginning in 1987); the ACC National Executive Council adopted its first “Sexual Assault and Harassment” policy later revised in 2005 and named *Sexual Misconduct Policy*.

The Mennonite Central Committee released its study packet on child sexual abuse in 1991, and clearly supports civil processes for investigating complaints of child sexual abuse. Detailed internal policies for addressing complaints aside from supporting the Canadian legal processes and providing pastoral care for those involved have not been as much of a priority for the Mennonites. It is important to note that their detailed educational resource emerged at a similar time as did the policies of the three larger religious institutions. The Mennonite emphasis on education and other proactive measures may be due in part to both their theological convictions and the lack of widespread lawsuits filed against that religious institution.

The Unitarians use policies that were developed by United States Unitarians and that continue to involve the organization’s US officials if the complaint is serious enough and unable to be resolved at a less formal level.

All of the religions examined with the exception of Islam have implemented and/or strongly advised the use of screening resources. A consortium of faith communities (UCC, Catholic, Anglican, and Unitarian) developed and published a workbook entitled *Screening in Faith* in 1999. This resource proved formative for all the involved faith groups. It seems that some Mennonite churches have developed their own policies often using the guidance provided by the MCC.

### **Differences Between the Identified Religious Institutions**

Structure has been highly significant to the development and implementation of child sexual abuse policies. Because of the United Church's conciliar structure, it has been possible for one overarching and binding policy to be developed. The other religions examined are much more decentralized in terms of their institutional structures; hence there is no one binding policy for any of those religions. The Roman Catholics and Anglican are organized by dioceses and archdioceses; the Mennonites are comprised of some quite theological disparate traditions and each church functions with a significant degree of autonomy; in Islam each Mosque is run by an independent Board of Directors and although there exist some important national Islamic organizations – similar to the Mennonites and Unitarians -- none has the power to dictate policy for any mosque; and the Unitarian congregations function quite independently.

One may question why powerful organizations such as the Roman Catholic Church, in particular, and the Anglican Church do not choose to dictate a universally binding child sexual abuse policy. The main stated reason is that there are so

many regional differences and diocesan differences that such a policy would be impractical.

The respective size of the different religious institutions has also proven to be a significant factor influencing the development of child sexual abuse policies. Three institutions – Roman Catholic (43.2% of Canadians), United Church (9.6%), and Anglican (6.9%) -- are much larger than the other three – Mennonite (under 1%), Islam (2%), and Unitarian (under 1%). Because of their relatively large memberships, the first three have more financial and human resources with which to facilitate policy development. Also, the larger the organization the more likely it is that child sexual abuse will have a higher incidence.

Although the numbers of Mennonites are relatively low, they have produced, largely through their international body the MCC, significant and early educational resources. Their emphasis seems to be on proactive educational measures, which is a different emphasis from the three large churches and the Unitarians. This is not to say that those organizations do not produce educational material; they do. Rather the point is one of emphasis. The Islamic communities do not have policies at this point and the Islamic Social Services Association has recently produced an educational booklet on sexual abuse that addresses child sexual abuse; their work on the subject is new.

Other differences between the religious institutions include a difference of focus with the existing policies. The RC Church is the only religious institution examined that has a policy dedicated only to child sexual abuse; the policies of other religious institutions are applicable to sexual abuse of children and adults. The RC policies focus

on children as potential victims and priests as potential perpetrators; whereas the ACC and UCC focus on adult women, often implicitly, as potential victims and clergy as potential perpetrators but with more attention to other officials and volunteers. The Mennonite screening policies we discovered and the Unitarian policies are not focused on religious leaders but do include them. Muslims, to date, have focused more on family members as potential abusers – with incest being emphasized when sexual abuse is discussed.

In terms of policy particularities, only the United Church had a policy that explicitly precluded third party complaints. This will change in July of this year, 2007. The reason for excluding third party complaints was empowerment of the person victimized; out of a commitment to empower the complainant and not further victimize them, the United Church policy was complainant driven. Concerns around a wider duty of care prompted the UCC to change this approach in favour of one that may call more abusers to account.

The Roman Catholic Church has two particularities that distinguish it further from other religious institutions. First is the seal of the confessional. As discussed, the Roman Catholic canon law that forbids the breaking of the seal of the confessional can potentially place a priest in conflict both morally and legally regarding a confession of child sexual abuse. On the other hand, the safety afforded by the confessional may well allow some to name for the first time abuse that they are experiencing.

Second is the priestly requirement of celibacy. As is evident in the chapter, the RC church has devoted much attention to sexuality and the proactive training of



candidates for the priesthood. However, it has been, and in many dioceses continues to be, taboo to even talk about priests' sexualities. It can be easier for sexual abuse to go undetected in a religious community when the community's leaders find it difficult to discuss sexuality. If this silence is to be broken further, more work needs to be done.

The differences between these religious institutions can serve as resources to each other by modeling different approaches, resources, and building on shared experience. To do this more effectively, more networking and gathering of information such as that commissioned for this study, is essential.

### **Future Directions**

There is much work yet to be done if we are to both better understand the dynamics behind the creation of child sexual abuse policies and further the efforts towards justice and healing that have begun in religious institutions.

An ongoing question concerns motivation; have fears of court costs and liability issues been the most important motivations for the development of child sexual abuse policies and educational resources in religious communities, or has this work been more morally motivated? Judging by the many factors behind the emergence of child sexual abuse as a concrete issue on the agenda, albeit to varying degrees, of religious institutions in Canada, it would be reasonable to conclude that fear of liability is one factor but not the only one.

Another question that could be investigated is to what degree have these identified policies regarding screening and the processing of complaints been implemented in the

individual faith communities. A policy's existence indicates neither how well it is used nor how effective that use has been as judged by the involved parties.

Regarding policies, there will always be more work to be done as experience is accumulated and insights gained. For example, particularly from the point of view of the United Church, the costs and benefits of third party complaints will need to be assessed from the point of view of a religious institution that has fifteen years of experience with a policy that did not permit third party complaints. Such an assessment could also be useful to other religious institutions. Further, there are many grey areas that need to be considered when revising existing policies. For example, how would the religious institutions respond to the case of a 17 year old youth leader becoming romantically involved with a 15 year old youth member?

For others, including the Islamic community in Canada, some dioceses of the Roman Catholic and Anglican Churches, some Mennonite churches and some Unitarian groups, policies have either yet to be developed and/or used.

The latter case may indicate the need for more education in religious communities regarding child sexual abuse. Although there are many policies at this point there can still be a reluctance to talk openly about child sexual abuse during worship or at other religious gatherings. The issue must continually be brought into the open.

The care of religious communities after abuse is an ongoing issue. Many religious communities are split apart for years following the complaints of child sexual abuse against a religious leader, be they the Imam or priest or organist or youth leader.

Finally, more information such as that mandated for this study needs to be gathered and shared so that we may all continue to learn and use our resources well.

Child sexual abuse was long perceived as an aberration outside of moral religious institutions. The silence has been broken and religious institutions in Canada are now addressing child sexual abuse. Most have developed policies under which internal complaints are received. These continue to be revised based on experience. Where policies do not yet exist, there is an awareness of secular and/or other religious resources. Overall, there is a commitment to the well being of children as particularly vulnerable people within any community including those of religious institutions.

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**Executive Summary Chart**

<b><u>Issues</u></b>	<b>Roman Catholic Church in Canada</b>	<b>United Church of Canada</b>	<b>Anglican Church in Canada</b>
1. Institutional Structure	<ul style="list-style-type: none"> <li>- Diocesan</li> <li>- 71 Dioceses</li> <li>-each diocese/archdiocese has its own governance and policies regarding most matters</li> <li>- 43.2% of Canadians self-identify as RC</li> </ul>	<ul style="list-style-type: none"> <li>- Conciliar</li> <li>- generally one policy applies to all congregations and members</li> <li>- 9.6% of Canadians self-identify as UCC; the UCC is the second largest religious institution in Canada</li> </ul>	<ul style="list-style-type: none"> <li>- Diocesan</li> <li>- 30 Dioceses</li> <li>-each diocese/archdiocese has its own governance and policies regarding most matters</li> <li>- 6.9% of Canadians self-identify as Anglican</li> </ul>
2. Women's Roles	<ul style="list-style-type: none"> <li>-all-male priesthood</li> <li>- RC theologians generated liberation theology in the 1970s; feminist theologies arose out of this movement in the late 1970s and 1980s</li> <li>-1989: the Assembly of Quebec Bishops produced a booklet on "conjugal violence"</li> </ul>	<ul style="list-style-type: none"> <li>- ordained women beginning in 1936</li> <li>-women's groups and gender task groups emerged in the late 1970s and 1980s</li> <li>-a sexual harassment policy (1986) was the first UCC policy regarding sexual abuse</li> </ul>	<ul style="list-style-type: none"> <li>- ordained women beginning in 1975</li> <li>-through the 1980s there were efforts made to increase the number of women in senior church positions</li> <li>-1981 – taskforce on Violence Against Women created; report of taskforce released in 1987 acknowledging church's complicity</li> </ul>
3. Approach to Human Sexuality	<ul style="list-style-type: none"> <li>-sexuality is a gift from God in whose image we are created</li> <li>-priests must be celibate</li> <li>-sexual abuse became a prominent issue</li> </ul>	<ul style="list-style-type: none"> <li>-sexuality is a gift from God in whose image we are created</li> <li>-addressed human sexuality in depth through the 1980s</li> <li>-moved from a primarily act-centered sexual ethic to a</li> </ul>	<ul style="list-style-type: none"> <li>-sexuality is a gift from God in whose image we are created</li> <li>-beginning in the late 1970s, sexual orientation was studied and debated</li> <li>- sexual abuse in residential schools</li> </ul>

	<p>with the late 1980s exposure of child sexual abuse at Mount Cashel orphanage; the Winter Commission (1990) made recommendations regarding the priesthood and complaints of sexual abuse</p> <p>- sexual abuse in residential schools raised awareness in the late 1980s and 1990s</p>	<p>primarily relationship-centered sexual ethic since 1960</p> <p>- sexual abuse in residential schools raised awareness in the late 1980s and 1990s</p> <p>- officially supports same-sex marriage and ordains people regardless of sexual orientation</p>	<p>raised awareness in the late 1980s and 1990s</p> <p>- late 1980s-1990s: case of John Gallienne raised awareness of sexual abuse by church leaders other than clergy</p>
<p>4. Emergence of Policies Regarding Complaints of Child Sexual Abuse</p>	<p>-1987: Canadian Bishops produced first guidelines and Canada's first RC Diocesan Child Abuse protocols emerged</p> <p>-1992: <i>From Pain to Hope</i> released as the first set of nationally recommended procedures</p> <p>-2005: review of <i>FPtH</i> released</p>	<p>-1992: "Sexual Abuse: Harassment, Exploitation, Misconduct, Assault and Child Abuse"</p> <p>- has been revised in 1997, 2001, and 2007 with minor revisions in additional years</p>	<p>-1992: "Sexual Assault and Harassment Policy" released as the first nationally recommended guide</p> <p>-Nov 2005: revised as <i>Sexual Misconduct Policy Applicable to National Staff and Volunteers</i></p>
<p>5. Investigative Procedures</p>	<p>-generally there are separate meetings with the complainant and suspected aggressor to determine if the appropriate child protection agency ought to be notified</p> <p>- other interviews may be conducted</p>	<p>-detailed procedure to be implemented July, 2007; previously, included a "fact-finding" piece through discussion with the complainant and respondent</p>	<p>- diocesan bishop may choose to investigate complaint after the legal investigation is complete</p> <p>-the national policy outlines a specific investigative procedure</p>

<p>6. From Whom and Against Whom Complaints May be Received and Made</p>	<p>- generally from anyone, including third parties, who has reason to suspect someone in a position of trust in the RC Church of child sexual abuse</p>	<p>-from anyone who has reason to suspect someone in a position of trust in the UC of child sexual abuse - 2007: third party complaints process to be implemented</p>	<p>- generally from anyone, including third parties, who has reason to suspect someone in a position of trust in the ACC of child sexual abuse</p>
<p>7. Historical and/or current complaints of child sexual abuse</p>	<p>-complaints of historical abuse are received and can be investigated depending upon diocesan policy -complaints, judged to be of substance, of current child sexual abuse must be reported to the authorities</p>	<p>-complaints of historical abuse are received and can be investigated -complaints, judged to be of substance, of current child sexual abuse must be reported to the authorities</p>	<p>- complaints of historical abuse are received and can be investigated depending upon diocesan policy -complaints, judged to be of substance, of current child sexual abuse must be reported to the authorities</p>
<p>8. Responses to Involved Persons</p>	<p>-pastoral care for all involved parties encouraged -financial support encouraged for those who claim to have been abused -compliant with legal proceedings -if accused is a paid employee, including priests, leave with pay and benefits may be required during proceedings -re-appointment of an offending priest is now very unlikely (2005) -RC Church could find the accused guilty regardless of legal verdict - discipline may</p>	<p>-pastoral care for all involved parties required -financial support available for those who claim to have been abused -compliant with legal proceedings -if accused is a paid employee, including ordained ministers, leave with pay and benefits may be required during proceedings -re-appointment of an offender is very unlikely and requires: letters of apology, repentance, restitution, supervision, and restriction of activities -the UCC could find</p>	<p>-pastoral care for all involved parties encouraged -financial support encouraged for those who claim to have been abused -compliant with legal proceedings -if accused is a paid employee, including priests, leave with pay and benefits may be required during proceedings -re-appointment of an offender is very unlikely - if complaint is found to have grounds, proceedings under <i>Canon XVIII: Discipline</i> may be pursued -Ecclesiastical</p>

	include: therapy, termination of employment, restrictions, voluntary laicization, retirement, canonical penal proceedings, or financial compensation	the accused guilty regardless of legal verdict -discipline may include: therapy, termination of employment, restrictions, restitution, admonition, rebuke, suspension, deposition, discontinued service list, expulsion	Discipline follows any criminal conviction - Ecclesiastical Discipline may occur regardless of legal verdict - discipline may include: admonition, suspension, deprivation of office or ministry, or deposition
9. Screening Policies and/or Mandatory Education	-most bishops require psychological assessment and training for priesthood candidates and require candidates to have a CPE unit -1999: OCCB endorsed Volunteer Canada's <i>Screening in Faith</i>	-1999: UCC endorsed Volunteer Canada's <i>Screening in Faith</i> - 2000 – <i>Faithful Footsteps</i> (built on <i>Screening in Faith</i> ) is released as a required guide to screening those in positions of trust	-most bishops require a CPE unit before a candidate is ordained -1999: ACC endorsed Volunteer Canada's <i>Screening in Faith</i> -some dioceses developed policies usually based on <i>Screening in Faith</i>
10. Issues Particular to the Religion	- seal of the confessional - celibacy of the priesthood	- third party complaint procedures and in-depth investigative step to be implemented July 2007	

<u>Issues</u>	<b>Mennonite Church in Canada</b>	<b>Islam in Canada</b>	<b>CUC/UUA</b>
1. Institutional Structure	- less than 1% of Canadians self-identify as Mennonite - structure is congregationalist: there are different	- 2% of Canadians self-identify as Muslim - very decentralized structure; each mosque is autonomous and has	- less than 1% of Canadians self-identify as Unitarian - CUC emerged from the UUA as an independent organization in 2001



	<p>traditions that function mostly autonomously with international Mennonite organizations (ex. Menno Central Committee – MCC) providing links</p> <p>-each congregation functions mostly autonomously</p>	<p>its own policies</p> <p>-national Islamic organizations in Canada provide links</p>	<p>- all share 7 principles of faith</p> <p>-congregations are autonomous</p>
2. Women's Roles	<p>- 1990: MCC produced <i>The Purple Packet: ... Wife Assault</i></p> <p>- 1993: Mennonite Church General Assembly adopted <i>A Resolution on Male Violence Against Women</i>; the church recognized its complicity</p>	<p>- 1980s saw the beginning of organized internal efforts to support Muslim women in Canada including the 1982 formation of the Canadian Council of Muslim Women</p> <p>- 2005: <i>Women Friendly Mosques</i></p>	<p>- CUC/UUA uphold the equal dignity and worth of all people both spiritually and institutionally</p>
3. Approach to Human Sexuality	<p>-Mennonite Church of Canada: 1986 – <i>Resolution on Human Sexuality</i> affirming sexuality as a gift from God</p> <p>- affirms sexual intercourse only in heterosexual marriage</p> <p>- spouse abuse is a sin</p>	<p>- other issues have taken precedence</p> <p>- understands sexual intimacy to belong only within heterosexual marriage</p>	<p>- belief in the dignity and worth of everyone and the goodness of human sexuality</p> <p>-welcomes all sexual orientations</p> <p>-are committed to educating members regarding appropriate sexual expression</p>
4. Emergence of Policies and Resources Regarding Complaints of Child Sexual Abuse	<p>- 1990: MCC published <i>Broken Boundaries: Resources for Pastoring People – Child Sexual Abuse</i></p> <p>- 1991: MCC published <i>Crossing the Boundary: Sexual Abuse by</i></p>	<p>- no policies yet</p> <p>- any complaints would be received following each mosque's approach to receiving a complaint regarding any matter</p> <p>- 2005 and 2006 the Islamic Social</p>	<p>- 2002 first policy emerged: <i>Process for handling complaints of misconduct</i></p> <p>-policy is recommended for use by all congregations</p>

	<i>Professionals</i> which includes guidance for Mennonite Churches on how to receive complaints	Services Association produced resources on wife abuse and child abuse, respectively	
5. Investigative Procedures	- 1991 – MCC <i>Crossing the Boundary</i> includes resources for congregations to help establish investigative procedures but there is no one recommended procedure aside from supporting legal proceedings	- dealt with as other complaints would be addressed according to each mosque's tradition/policy	-all formal complaints are investigated and reviewed by the Director of Congregational Services (UUA)
6. From Whom and Against Whom Complaints May be Received and Made	-the MCC encourages those who have experienced abuse or have third party knowledge to tell the church	-no official policy	-anyone in a position of trust can have a complaint made against them by anyone under their care
7. Historic and/or current complaints of child sexual abuse	- there is no universal church policy in place to investigate complaints of historical abuse; -complaints, judged to be of substance, of current child sexual abuse must be reported to the authorities	-no official policy	-complaints of historical abuse are received and can be investigated -complaints, judged to be of substance, of current child sexual abuse must be reported to the authorities
8. Responses to Involved Persons	- pastoral care for all involved parties encouraged -compliant with legal proceedings - if accused is a paid employee, including priests, leave with	- most agree that spiritual care ought to be provided for all involved parties - a criminal conviction may lead to termination of the person's	- spiritual care for all involved parties encouraged -compliant with legal proceedings - if accused is a paid employee leave with pay and benefits

	<p>pay and benefits may be required during proceedings</p> <ul style="list-style-type: none"> <li>- if found guilty in a court of law, in the case of at least one conference, the abuser will never be re-appointed</li> </ul>	<p>employment or volunteer position</p> <ul style="list-style-type: none"> <li>- Canadian law is the main resources; compliant with legal proceedings</li> </ul>	<p>may be required during proceedings</p> <ul style="list-style-type: none"> <li>- the membership of the accused may be withdrawn and/or other actions may result</li> </ul>
<p>9. Screening Policies and/or Mandatory Education</p>	<p>-2002: MCC released <i>Making Your Sanctuary Safe</i>; many congregations have since developed similar policies</p>	<p>-no recommended screening policies yet</p> <ul style="list-style-type: none"> <li>- general reliance on faith teachings to safe guard against sexual abuse</li> </ul>	<p>-1999: CUC endorsed Volunteer Canada's <i>Screening in Faith</i>; many congregations have developed policies based on this resource</p>