

**MARANATHA CHRISTIAN REFORMED CHURCH**  
**SAFE CHURCH POLICY**

Program Leader Edition (approved in Council February 2, 2011)

*He will defend the afflicted among the people and save the children of the needy. (Psalm 72:4)*

The purpose of the Safe Church Policy of MARANATHA Christian Reformed Church (hereinafter referred to as MCRC) is to ensure that our church and its programs remain a haven of safety for all who attend. Through education and awareness, we are mandated to enhance the safety of all who attend our church, to protect all who attend our church from any form of abuse and from false accusations of abuse, and to prudently guard the reputation of our congregation. This document contains policies and guidelines intended to foster this purpose.

There are two versions of this policy. This Program Leader Version provides details that are essential to our Program Leaders and Council members as they supervise the volunteers and programs of MCRC. The Volunteer Version is an abbreviated version of the Program Leader Version and is designed to provide volunteers with a comprehensive understanding of what is expected of them in their role of service within our church. The provisions of this policy are set forth in the following order:

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## **Definitions:**

### **Abuse:**

There are many definitions to the meaning of abuse but for the purposes of this policy, the following are outlined.

**"Physical abuse"** means any non-accidental act that violates the dignity of the image of God in another person by inflicting de-humanizing pain or injury. Physically abusive behaviour also includes physical neglect which means not doing what one is supposed to be doing to meet the physical needs of someone in his or her care. It is sometimes a single event but can also be a chronic pattern of behaviour. It may result from severe discipline. Canadian law prohibits using the use of physical contact (i.e. spanking or hitting) inflicted upon children 2 years or younger or youths 13 years or older by anyone, including their parents. If physical discipline is used, it may only be by parents against their own children (who are between the age of 2 and 13 years), it may only be with an open hand, it may not involve contact above the shoulders and it may not be excessive.

**"Emotional abuse"** means any attempt to demean, hurt, or insult another person through words, threats, fears, and/or deprivation in such a way that it impairs a person's God given sense of self-worth. Examples include bullying and verbal harassment.

**"Sexual abuse"** is exploitation of a person regardless of age or circumstance for the sexual gratification of another. It includes any sexual experience (verbal or physical) forced on one person by another and may or may not involve physical contact between people (i.e. sexual harassment which may be purely verbal). Sexual abuse also includes any inappropriate sexual encounter, even if consensual at the time.

### **Candidate:**

Any person who has expressed a desire to serve as an employee of MCRC or in any volunteer capacity at MCRC (including Council) and, subject to compliance with this policy, has been accepted by Council and/or the congregation to serve in that capacity.

### **Safe Church Team of Classis Alberta North:**

The Safe Church Team of Classis Alberta North that has been created to deal with issues of abuse allegation and prevention amongst the member churches of Classis Alberta North. It is comprised of two major components.

The **Listening Panel** will, upon the request of the council of MCRC convene when allegations are made by an adult against a past or present church leader in MCRC. These panels consist of synodically trained members and will not contain any members who may be in a conflict situation as regards the accuser or the accused. The use of an advisory panel is an ecclesiastical procedure intended to give the accuser and the accused a non-adversarial environment within which to discuss the allegations. The use of the advisory panel does not prevent the accuser from taking criminal or civil action if deemed necessary.

The **Education Group** consists of members of the Safe Church Team of Classis Alberta North who will provide training, education, resources or workshops about various topics related to abuse and its prevention as needed or requested.

### **Child, Youth, or Minor:**

Individual who is under the age of 18.

### **Church Leader:**

Any employee or volunteer of MCRC who, as a result of that role, possesses a position of trust and responsibility amongst the members and/or visitors of MCRC

### **Consistory:**

The elected elders of MCRC.

**Council:**

The governing body of MCRC consisting of the elected members of the diaconate and the Consistory.

**Council Executive:**

The Executive Committee of MCRC's Council, which provides assistance in preparing matters for Council.

**Program Leaders:**

Those volunteers or employees who are in charge of a particular church program.

**Maranatha Safe Church Team:**

The committee of MCRC whose mandate it is to ensure the efficient administration of the Safe Church Policy of MCRC, the annual review thereof, and the compliance thereto by the applicable members and policies of MCRC.

**Staff:**

Any employee of MCRC. Also, for the purposes of this policy, this will include any contractor employed by MCRC on a regular basis whose duties include meeting with members of the congregation and/or visitors on behalf of MCRC.

**Volunteer:**

Any person who assists in the programs of MCRC wherever such programs may occur. This includes church leaders, teachers, supervisors, helpers, ushers, committee members (where such committee is involved with meeting and assisting members of the congregations and/or visitors), council members, etc.

**B. Screening Process:**

The following procedure must be followed by all Candidates aged 16 or older prior to the commencement of their duties. Once this has been completed, the process does not have to be renewed for subsequent terms of duty as a volunteer. Since the following process may take several months, it is recommended that this process commence at least 5 months prior to the scheduled commencement of duties:

- 1) All Candidates must fill out the Volunteer Profile Form (a copy of which is attached hereto as Schedule "A"); Program Leaders shall ensure that such Volunteer Profile Forms are completed and handed over to the Safe Church Team for further processing. It is the responsibility of the Program Leader to keep the Safe Church Team informed of any new volunteers in MCRC.
- 2) All volunteers who are newcomers to MCRC must meet with the Program Leader or with a member of Consistory for an interview and must provide a minimum of two background reference checks. Written notes of the interview must be provided to the Privacy Officer to be retained in the appropriate personnel file.
- 3) All Candidates must submit to a security clearance check. This will involve a review via Edmonton Police Services ("EPS") of the Candidate's status with EPS or the RCMP. To ensure that the Candidate is aware of the process of a security clearance check, an explanatory note should be given to the Candidate informing them of the nature of the process, the privacy of the information received and the minimal extent of detail that will be forwarded by the authorities to the Safe Church Team.
- 4) The Safe Church Team shall have the sole responsibility to process completed Volunteer Profile Forms and security clearance. Since maximum care must be taken to maintain confidentiality of the interview notes, the Volunteer Profile Forms and the security clearance checks, all documents pertaining to the Screening Process are to be kept by the Privacy Officer in a

personnel file in a secured location within the church facility. The provisions of Alberta's Personal Information Protection Act must be complied with.

- 5) In the event that a security clearance check is returned by EPS as "Unable to Clear", the Candidate will be notified by a member of the Safe Church Team with information as to what can be done. The Candidate may apply in person at EPS for disclosure of the reasons and/or clarification of identity proving that the Candidate is not the person identified in the police files. The reasons and the details for the UNABLE TO CLEAR will not be released to anyone but the actual Candidate whose name has been searched.
- 6) It is important to note that the classification of "Unable to Clear" will result if the EPS review reveals that any person with that name or a similar name has a police file or record that, in the opinion of EPS, makes that person unsuitable as staff or volunteer.

### **C. Compliance Requirement:**

- 1) All Candidates should have been attending MCRC for a minimum of 6 months prior to the scheduled commencement date of any duties that involve the care or supervision of children.
- 2) All Candidates must submit to the Screening Process prior to starting their volunteer duties. In the event that any existing staff, existing volunteers and/or existing church leaders have not completed the Screening Process, that process must be undertaken by them as soon as possible.
- 3) All Candidates and existing volunteers and staff must agree to comply with MCRC's Safe Church Policy, the Discipline Policy and the Off-site Activity Policy. They will be asked to sign the Code of Ethics (attached hereto as Schedule "B") to confirm their agreement and understanding of these policies. The original copy of this, once signed, shall be retained by the Privacy Officer of MCRC in the appropriate personnel file.
- 4) Any Candidate or existing volunteer or staff person who refuses to follow the provisions of this policy and the affiliated policies described herein will be required to resign from their position. Any such decision shall only be made by Council or Council Executive and shall only be made after hearing the reasons for such refusal from the volunteer or staff person.

### **D. Training & Continuing Education:**

- 1) All successful new Candidates should attend an introductory general education and information seminar regarding abuse prevention and detection and the affiliated MCRC policies. Ordinarily, this training session will be scheduled to coincide with the commencement of each church program year. Existing volunteers, teachers, assistants, leaders, helpers, and council members will be encouraged to attend.
- 2) All new staff members shall, prior to the commencement of their duties, review the provisions of MCRC's Safe Church Policy and the affiliated policies. This review should be conducted with the assistance of at least one member of the Safe Church Team.
- 3) This policy, and any revisions to it or to its affiliated policies, shall be distributed to all volunteers and staff of MCRC. Copies should be available for review by members of the congregation.
- 4) New Council members and Program Leaders should attend annual training programs related to the subject matter of this Policy and other volunteers should be invited to attend.
- 5) Members of the Maranatha Safe Church Team are expected to stay up-to-date with the issues contained within this Policy so as to retain that committee's capacity as Council's resource in Safe Church matters and so as to maintain the mandate of the Committee and this policy.

## **E. Affiliated Policies/Guidelines:**

- 1) The provisions of the Discipline Policy (attached hereto as Schedule "C") shall apply to all child/youth programs.
- 2) The provisions of the Off-Site Activity Policy (attached hereto as Schedule "D") shall apply to all child/youth programs involving activity away from the facilities of MCRC programs.
- 3) The provisions of the Privacy Policy (attached hereto as Schedule "G") shall apply to all personal information gathered, utilized and distributed by the Safe Church Team.

## **F. Review/ Revision/Maintenance of Church Facilities**

- 1) The facilities of MCRC are to be designed and maintained in a manner that minimizes opportunities for abuse allegations (true or false) to arise. The ability to have private "one-on-one" closed-door meetings should be eliminated. Accordingly, all rooms within which members or visitors may meet (i.e. classrooms, offices, nursery, etc.) shall have unobstructed windows in either the doors or walls.
- 2) Closets, storage areas, elevators and mechanical rooms must be kept locked and access thereto should be restricted on an "as needed" basis.
- 3) Adequate lighting shall be maintained throughout the church facility (interior and exterior). Lighting shall be maintained to provide security for anyone entering or leaving the facility at any time.
- 4) When the congregation is in worship, the ushers will maintain the security of the building and will restrict unauthorized access to areas where children are gathered for their activities.

## **G. Procedures/Guidelines for Minimizing Risk of Abuse**

### ***G.1 General Procedures applicable to all Children and Youth Programs:***

- 1) Parents should encourage their children to use bathroom facilities before class so as to limit bathroom usage during Sunday School or Nursery.
- 2) A volunteer should check bathrooms before any Children's program begins and after it ends.
- 3) Whenever possible, children should use the nearest designated bathroom.
- 4) Preschoolers who require the use of a bathroom should be accompanied by an adult. For children who do not require assistance in the bathroom, the attendant should remain outside of the bathroom or bathroom stall. For children who require assistance, the attendant must assist the child with the bathroom door ajar and preferably with another volunteer present or nearby. Children with a disability may require additional assistance and, in such instances, another adult or the child's parent(s) should be called for assistance. Whenever possible, women should assist girls and men should assist boys.
- 5) Volunteers should not meet or supervise a child alone in a private or isolated area.
- 6) If a child needs significant medical attention, the parent(s) should be notified immediately.
- 7) If possible, hall monitors (or ushers) should be selected to monitor the church facility whenever a children's program is in session. These individuals can be called upon for assistance by staff/volunteers or children, can temporarily supervise the staff/volunteer activities in youth programs/nursery, and can monitor the facility for any suspicious behavior or intruders.
- 8) Leaders will stay with their charges until all are picked up by a parent or guardian. This applies to all programs for children younger than Grade 4.
- 9) Discretion should be used by all volunteers as regards displays of support and/or affection. Regardless of age, all persons (volunteers and/or their charges) have the right to refuse

displays of affection or support. Accordingly, physical displays of support should be appropriate and respectful of the intended recipient's right to refuse.

- 10) Any person not complying with any of the guidelines contained within this policy or the affiliated policies must be reported to the Program Leader of the particular program and to the Maranatha Safe Church Team.
- 11) Recommended ratios for staffing/volunteers vs. participants are as follows:

<u>Age of children</u>	<u>Staff/Child Ratio</u>
a) Under 13 months	1:3
b) 13 – 19 months	1:4
c) 19months – 3 yrs.	1:6
d) 3 – 4 yrs.	1:8
e) Sunday School	Minimum 2 people/class (teacher & helper)
f) GEMS & Cadets	Minimum 2 adults for all activities
g) VBS	Minimum 2 adults for all activities
h) Youth Groups	Minimum 2 adults for all activities
i) Catechism (Gr.3-12)	1 Teacher in classroom situation only

In instances where the only volunteers who are present in a particular program are members of an immediate family, an additional volunteer (who is not an immediate family member and who is an adult) is required to be present in the room or as a hallway monitor.

Programs must be canceled or combined if adequate supervision cannot be provided.

**G.2 *Applicable to Nursery (in addition to General Guidelines):***

- 1) Minors (under 16 years of age but over the age of 11) may volunteer for service in the nursery, provided that an adult is present.
- 2) At all times, supervision of the nursery must involve a minimum of two persons; at least one of whom must be an adult.
- 3) Attendants should not take children from the nursery unless an approved reason exists (i.e. to use the bathroom or in a case of illness) and the immediate supervisor should receive advance notification.
- 4) Diapering of an infant or toddler must take place in the nursery or an adjacent bathroom within sight of another volunteer.
- 5) An adult or minor who is not scheduled as a nursery attendant for that particular service may only help out at the discretion of the scheduled adult attendant but only if such adult or minor has meet the requirements of this policy as regards Screening and Training. Aside from such authorized personnel and/or parents assisting with their own children, all other adults and/or minors may not remain in the nursery during the church service.
- 6) Nursery attendants must release children to the child's parents or guardians only unless written or verbal authorization has been received by the adult volunteer from those parents or guardians specifying otherwise.
- 7) An information sheet should be maintained for each child that attends the Nursery denoting the child's name, age, parent's name, and any special concerns (i.e. allergies or the requirement that parents be called for bathroom visits). This sheet should also contain columns for signing the child "Out" and "In" for instances where bathroom visits are necessary. Visitors to MCRC and who wish to make use of the nursery should fill in such a sheet as well prior to use of the nursery.

**G.3 *Applicable to Sunday School (in addition to General Guidelines):***

- 1) Children may only leave the classroom for illness, bathroom assistance or other compelling reasons and, in such instances, the teacher should be aware of the reason.

**G.4 Applicable to Cadets/GEMS (in addition to General Guidelines):**

- 1) One-on-one outings (between a counselor and a youth) require that advance notification be given to the head counselor and to the parents detailing the date, location, time and purpose of the proposed outing. The counselor participating in such an outing must also provide a detailed follow-up report to the Cadet/GEMS head counselor. If this requirement cannot be met, an outing with a single youth must involve two adult counselors.
- 2) Although not recommended, Cadets and GEMS counselors may meet privately with members of their group within the church facility on the condition that such a meeting should take place in a public area or room with unrestricted view.
- 3) Cadets or GEMS should arrive within ten minutes of the start of a class and should leave within ten minutes after the conclusion of the class.
- 4) Cadet and GEM leaders should strive to identify potential abusive behaviour among minors or between counselors and Gems/Cadets in their program. These clubs should have an active policy to discourage such behaviour and should, where feasible, educate the club members as to the non-Christian nature of such activities as teasing, bullying, inappropriate clothing, inappropriate music lyrics, etc.

**G.5 Applicable to Youth Programs (in addition to General Guidelines):**

- 1) Youth Group leaders may meet privately with a youth group member but such meetings should occur in a public place and require advance notification to the program leader and the parents detailing the date, time, location and purpose of the proposed meeting.
- 2) Regardless of their relative ages, it is never appropriate for a youth program volunteer (who is an adult) and a youth group member to date each other. Similarly, a youth program adult leader should not date the close friend of a member of the youth group.
- 3) Youth group leaders may be single or married, although only one spouse may be appointed as youth group leader.
- 4) A minimum of two youth group leaders should be present at all youth group functions.
- 5) No gifts, phone calls, or letters of a personal nature should be directed to a youth group member by a youth group leader or vice versa.

**G.6 Applicable to Pastoral Ministry (in addition to General Guidelines):**

- 1) The elders, deacons, and pastor(s) should exercise good judgment when visiting alone with parishioners of the opposite sex in the privacy of their own homes.
  - a) Notifying a third party (i.e. (other elder, pastor or spouse) in advance of the visit with details of the time and location of the visit, expected length of stay, etc. would be helpful. It may be wise to use public places such as restaurants for such meetings.
  - b) Be cautious with touch, particularly in one-on-one visiting situations. Hugs can be misconstrued as meaning something more than the giver intended. For some, hugs are an invasion of personal space and are unwelcome.
  - c) Consider asking that an elder or deacon of the same gender (if possible) be assigned to someone who needs frequent visits.
- 2) Elders, deacons, and pastors need to report all pastoral visits to their respective coordinating bodies. Written notes of the visit should be maintained by the elder and any unusual situations, comments or reactions should be relayed to the respective coordinating body or, if such is of an extremely personal nature, to the chair of the respective body.

**H. Requirements & Procedures in Suspected Cases of Abuse Regarding:**

**H.1 Suspected Abuse of a Child**

Alberta law requires that suspected incidents of child suffering abuse must be reported to government authorities (i.e. police or Family Services). Section 4.1 of the Child, Youth and Family Enhancement Act states:

**"Any person who has reasonable and probable grounds to believe that a child is in need of protective services shall forthwith report the matter to a director."**

A person who knowingly fails to make such a report is in violation of Alberta law and may be found guilty of an offense. If a reasonable suspicion is reported and no charges are laid or no conviction arises, those who have reported the alleged abuse to officials are ordinarily protected from charges of false accusation and/or slander. If the suspected child abuse is being reported by or regarding a victim who is now an adult, the provincial legislation is not applicable and the Reporting Requirements & Procedures detailed in Section H.2 (if involving a Church Leader) or Section H.3 (if not involving a Church Leader) of this policy are to be followed.

The following procedures and the recommendations contained in the Report of Advisory Committee 5 of Synod of 1997 (as found on pages 681 -684 of the Acts of Synod 1997, Article 64) are to be followed in instances involving the suspected abuse of child:

- 1) Any staff or volunteer of MCRC who becomes aware of possible child abuse (regardless of where such suspected abuse may have taken place) is required by Alberta law to report the matter to the government authorities. By law, the person who becomes aware of possible abuse is not allowed to exercise their own discretion as to whether or not they themselves believe the abuse has actually occurred. It is not up to the staff member or volunteers to conduct an investigation into the matter. If the staff member or volunteer is uncertain as to whether or not the circumstances that have come to their attention indicate "reasonable and probable grounds to believe that a child is in need of protective services", the staff member or volunteer should, within 24 hours of the incident or observation, contact a member of Council Executive and provide a written report. Such a report should indicate what the specific signs or symptoms of the possible abuse are, on which date such symptoms were (or incident was) noticed and what comments might have been made by the child regarding such symptoms or incident. The Council Executive should not conduct an investigation. The issue is simply a question of whether or not "reasonable and probable grounds" exist. If Council Executive determines such grounds exist, the government authorities must be contacted immediately. If Council Executive deems the allegation does not provide "reasonable and probable grounds to believe that a child is in need of protective services," the matter is at an end. However, the individual who provided the report of information must be notified that further action is not being taken.
- 2) When a volunteer/staff observes what may be a sign or symptom of abuse, it is appropriate to ask the child how the sign or symptom appeared. However, the volunteer/staff should not interview the child in great detail and it is never appropriate to suggest to the child that he or she has been abused.
- 3) In instances where a child brings allegations or information of potential abuse to the volunteer's or staff's attention, the volunteer/staff should, in their report, indicate specifically what was told to him or her by the child, the date that the child relayed such information, the date on which such abuse may have occurred (if indicated by the child) and what, if any emotion/response the child displayed while making the complaint.
- 4) If the matter is reported to the government authorities, the Council Executive:
  - a) will inform Council of the incident and the reporting thereof. In the absence of formal charges, confidentiality should be maintained.
  - b) will inform the individual who provided the report that secular authorities have been contacted in this matter;
  - c) will contact the Chair of the Safe Church Team of Classis Alberta North in the event that alleged abuser is a leader of a CRC congregation;
  - d) will contact the congregation's insurer of a potential claim in the event that the alleged abuse occurred during a church program or activity or the alleged abuser is a church leader;

- e) consider a care plan for the child and family as an investigation is undertaken and/or after the investigation concludes, regardless of the findings
  - f) consider a care plan for the alleged abuser and his/her family as an investigation is undertaken and/or after the investigation concludes, regardless of the findings;
  - g) consider which steps, if any, should be taken to limit contact between the alleged abuser and the victim if both are members of the congregation;
  - h) consider the possibility of suspending the alleged abuser from office, position or duty pending the outcome of the investigation. If suspension of staff is involved, it should be carried out with full pay.
  - i) prepare for any necessary disclosure of the incident to the congregation but, until such time as this is deemed necessary, ensure the confidentiality of the allegation;
  - j) may request that a member of the Maranatha Safe Church Committee be designated as the information liaison between the secular authorities and the Council Executive. This may require the consent of the parents of the alleged victim.
  - k) take any other action deemed appropriate under the circumstances.
- 5) At any point in the process, if the alleged abuser admits wrongdoing against the alleged victim, the admission of guilt should be brought to the attention of the Council, who will deliberate and dispose of the matter in accordance with Articles 78 - 83 of the Church Order.
  - 6) In the event that Council Executive becomes aware that formal charges have been laid against the alleged abuser (and in some instances where the report of abuse did not initiate from within the congregation, this may be the notification that Council Executive receives of the allegation of abuse), Council Executive should convene Council. Again Council should give consideration as to what steps should be taken regarding limitation of contact between the accused and the victim and/or suspension from church duties or employment.
  - 7) No church personnel should notify the child's parents or guardians of the allegations until contact has been made with them by the government authorities.
  - 8) Church personnel should cooperate in any investigation that may occur but are not responsible for gathering evidence of abuse.
  - 9) In the event of prosecution resulting in a conviction, Council should be convened and Articles 78 - 83 of the Church Order should be referred to. The abuser should not be restored to any position of trust or duty within the congregation.
  - 10) In the event that the criminal charges are dropped or a conviction is not achieved, Council should be convened to consider what action should be taken. Council should consider that secular conviction is not the only criterion used by the church in determining ungodly conduct. Any decision to reinstate the alleged abuser to a position of leadership/trust within the church should only be made in consultation with legal counsel, police/child protection authorities, the congregation's insurer, and/or child abuse experts.

Throughout the process, accuracy and confidentiality are of the utmost importance in that wrongful or inaccurate circulation of allegations of abuse can potentially lead to adverse legal consequences.

## ***H.2 Suspected Abuse of an Adult by a Church Leader***

The following requirements and procedures are only applicable to those instances where the alleged victim is an adult at the time of the initial reporting of an alleged abuse by a Church Leader and incorporate the recommendations of the Advisory Committee 5 to Synod of 1997 as found on pages 678 - 681 of the Acts of Synod 1997, Article 64. In the event that the alleged abuser was not a church leader at the time of the alleged incident and is not a church leader at the time of reporting, the requirements & procedures set forth in Section H.3 of this policy should be referred to. In the event that alleged victim is a child at the time of reporting of the incident, the requirements and procedures set forth in Section H.1 of this policy should be referred to.

Where an alleged victim (who does not need to be a member of MCRC) is an adult at the time of the reporting of the incident and the alleged abuser is now a Church Leader or was a Church Leader at the time of the alleged abuse and is now a member of MCRC, the procedure and recommendations are as follows:

- 1) The alleged victim or his/her representative should contact a member of Council Executive, present an allegation of abuse, and identify the alleged abuser. If any member of Council Executive is alleged to be the abuser, the alleged victim or representative should contact the remaining person(s) not implicated by the alleged victim.
- 2) In the event such notice is provided, a meeting of Council Executive should be convened within 24 hours. In the event of a potential claim against MCRC, Council Executive should contact the insurer of MCRC.
- 3) Council Executive, after consulting with one another (no one of those consulting may be implicated by the victim) and reviewing the alternatives, should contact the Safe Church Team of Classis Alberta North to convene an Listening Panel regarding the allegation(s). The Listening Panel should be convened within fifteen days after the allegation is presented to a member of Council Executive.
- 4) A representative of the Listening Panel will contact the accuser that an Listening Panel meeting will be held. This representative or a member of Council Executive should ensure that the accuser is aware of their right to legal counsel.
- 5) The Listening Panel chooses the location and the time for the meeting. The accuser and witnesses should be available for the meeting. No public mention of the meeting should be made by the panel members, the pastor, any members of council, or the accuser.
- 6) When the Listening Panel is convened, a chairperson will be appointed who is responsible to bring all panel members under a pledge of confidentiality regarding the name(s) of the alleged victim(s), the name of the alleged abuser, and any details of the allegation brought forward. The summary of the Listening Panel should be confidential, as well as any report of the Listening Panel.
- 7) The Listening Panel should receive all the information presented to it by the accuser, examine the contents of all written materials, question the presenters, and consult with identified experts as needed. The experts should be knowledgeable in abuse dynamics, legal matters, church policy, child welfare, etc. The requirement of obtaining a pledge of confidentiality extends to them as well. For the Listening Panel, supporting evidence may be in the form of written material, witnesses, depositions (taken under oath), or oral testimony, including hearsay testimony. When distance would make it difficult or costly for travel or cause an undesirable delay in the convening of the Listening Panel, videotaping and telephone conferencing are allowable. A verbatim transcript of the proceedings is recommended by means of a court reporter.
- 8) A representative of the Listening Panel should contact the accused person and notify him/her that a Listening Panel meeting has taken place. This representative or a member of Council Executive should ensure that the accused is aware of their right to legal counsel. The accused person should then be invited to present his/her defence before the same Listening Panel at a time and location chosen by the Panel. Whenever possible, the accused should appear before the Panel within seven days after the accuser does. At the time the accused is notified, he/she shall be given information about the charges including specific incidents, dates of specific incidents where possible, and corroborating evidence. The charges must be presented in writing.
- 9) The Listening Panel should receive all the information presented to it by the accused, examine the contents of all written materials, question the accused and witnesses, and consult with experts as needed. For the Listening Panel, supporting evidence for the accused may be in the form of written material, witnesses, depositions (taken under oath), or oral testimony. When distance makes it difficult or costly for travel or causes and undesirable delay in convening the

Advisory Panel, videotaping and telephone conferencing are allowable. A verbatim transcript of the proceedings is recommended by means of a court reporter.

- 10) The Listening Panel should convene to consider the gravity and the probable veracity of the allegations as quickly as possible. A summary of its findings should be put in written form for all panel members to sign. The written report may contain specific recommendations for pastoral care and/or discipline.
- 11) The chairperson of the Listening Panel should report the Panel's summary to Council Executive. This meeting should be convened within forty-eight hours of the Listening Panel's formulations of its summary. Members of the Listening Panel should contact the accuser orally or in writing with the panel's findings.
- 12) Council Executive should convene Council within forty-eight hours to present the Panel's summary and its recommendations for pastoral care and/or discipline. The Listening Panel ends when the chairperson of the Listening Panel reports the Panel's summary and its recommendations for pastoral care and/or discipline to the Council of MCRC. If one of the Council members is implicated by the alleged victim, he/she must be excused from participation in the deliberative work of the Council dealing with the allegations against that member.
- 13) Whether or not the Listening Panel finds the allegations to be weighty and probable, Council is accountable to judge the matter. If Council judges the allegations not to be weighty or probable, then the matter is closed. Council should notify the accused and the accuser that the matter is closed.
- 14) If Council judges the allegations to be weighty and probable, then two members should notify the accused person within twenty-four hours that the allegations of abuse have been lodged against him/her. These designees should also indicate to the accused the specific charges and the names of those making the charges. These charges should be given in writing. Also, within twenty-four hours, the accuser(s) should be notified by two members of the Consistory that charges of abuse have been accepted against the accused person and that he/she is being notified of such charges. A summary of the Consistory's deliberations should be given in writing if requested. The accused person may acknowledge or deny his/her guilt at the notification meeting. The two Consistory members present should confirm such acknowledgment or denial. This acknowledgment or denial should be brought to a full Council meeting to be scheduled within seven days after the notification meeting.
- 15) If the accused person denies the allegations made against him/her, Council has the responsibility to conduct a formal hearing to determine the likelihood of the accused's guilt. The formal hearing should be conducted prior to any recommended steps of discipline.
- 16) The formal hearing should be conducted within one week of the notification meeting in which the accused denies the allegations against him/her. The accused has the right to receive the specific charges in writing and may request a meeting with the accuser during the hearing. If, in the opinion of the accusers legal council, a face-to-face meeting between the accuser and accused would be materially detrimental, then alternative arrangements must be made for the accuser to be available but out of sight or presence of the accused. A tape recording of the testimony shall be made. A verbatim transcript of the proceedings is recommended by means of a court reporter.
- 17) Council should convene to deliberate the truthfulness of the allegation(s) and the accused person's guilt or innocence.
- 18) If the accused is found innocent, the matter ends, and both the accused and the accuser should be notified of Council's deliberations.
- 19) If the accused is found guilty, Council should be re-convened within seven days to initiate appropriate steps of discipline by following the Church Order, specifically Articles 81-83. Both the accused and the accuser should be notified in writing of the pastoral-care and church-discipline steps taken at this council meeting.
- 20) The accused may appeal the decision of Council in matters of discipline. Such appeals should be addressed to Classis Alberta North, where standard appeal procedures are applied.

- 21) When Council decides either to suspend or remove the accused from office (including deposition) a designee of Council should inform the congregation in writing at the next scheduled worship service.

### **H.3 Suspected Abuse of an Adult by a non-Church Leader:**

The following requirements and procedures are only applicable to those instances where the alleged victim is an adult at the time of the initial reporting of an alleged abuse and the alleged abuser was/is not, at the time of the reporting of the incident or at the time of the occurrence of the incident, a Church Leader. In the event that the alleged abuser was a Church Leader at the time of the alleged incident or is a church leader at the time of reporting, the requirements & procedures set forth in Section H.2 of this policy should be referred to. In the event that alleged victim is a child at the time of reporting of the incident, the requirements and procedures set forth in Section H.1 of this policy should be referred to. Where an alleged victim (who does not need to be a member of MCRC) is an adult at the time of the reporting of the incident and the alleged abuser was/is not a Church Leader at the time of reporting or at the time of the alleged abuse but is now a member of MCRC, the procedures/recommendations are as follows:

#### ***In the absence of criminal charges:***

In instances where the behaviour does not warrant, or the abused does not desire, formal criminal charges to flow from the alleged abusive behaviour, the matter may best be dealt with as follows:

- 1) Where a recipient of unwanted abuse (the "abused") is comfortable with personal confrontation with the alleged abuser, the procedure set forth in Matthew 18:15 - 17 should be the means used to resolve the conflict.
- 2) If the abused does not feel comfortable with "one-on-one" personal confrontation as suggested in verse 15, the abused should commence the process in the presence of witnesses as suggested in verse 16. Recent court decisions have found Councils liable for damages where an accuser was forced to confront the alleged abuser.
- 3) In cases where the abused is uncomfortable with or unwilling to personally confront the alleged abuser (regardless of the presence of witnesses) or in instances where the application of the principles of Matthew 18 have failed to resolve the conflict, the abused should contact a member of the Council Executive and advise him or her, in confidence, of the nature of the abusive behaviour and the identity of the alleged abuser.
- 4) The Council Executive should attempt to facilitate mediation of the matter in the following confidential manner and may, with the consent of the abused, seek assistance from the Safe Church Team:
  - a) A meeting should be scheduled with the following attendees:
    - i) A representative of the abused and, if requested, a support person for that representative;
    - ii) The alleged abuser and, if requested, a support person for that individual;
    - iii) A member of Council Executive or the Maranatha Safe Church Team who will act as Official Witness, and
    - iv) A person skilled or qualified to act as a mediator. The Council Executive (or Maranatha Safe Church Team) member may seek the advice of the Chair the Safe Church Team of Classis Alberta North regarding the selection of a mediator and/or the process of this meeting;
  - b) At this meeting, the representative of the abused sets out the allegations with some degree of detail and the alleged offender is given an opportunity to respond to those allegations.
  - c) The Official Witness should keep track of the testimony given but the details of this meeting are to remain confidential and may only be released if required by law or if requested by Council in the event resolution is not achieved.

- d) The purpose of the meeting is to resolve the matter. No judgment of guilt is to be made and, if possible, the parties present can come to a decision as to how best to proceed in the future. The parties should be made aware that if the alleged behaviour or the unwarranted accusations continue, either party may opt to pursue legal action or request church discipline via MCRC Council.
- 5) In the event that any agreement reached between the parties during the initial meeting is violated by either party, the Official Witness, upon being made aware of such violations, should bring the matter to Council's attention for adjudication or advice.
- 6) Council should, where necessary, consider Articles 78 - 83 of the Church Order and/or Article 30c of the Judicial Code in the Church Order Supplement and may contact the Chair of the Safe Church Team of Classis Alberta North for advice.
- 7) The timing of this entire process should reflect the severity of the accusations.

***In the event of criminal charges having been laid:***

In the event that the behaviour is so severe so as to warrant criminal charges (and in instances where the report of abuse did not initiate from within the congregation, this may be the notification that Council Executive receives of the allegation of abuse):

- 1) Upon becoming aware of the existence of criminal charges or conviction of one of the congregation's members, Council Executive should convene Council.
- 2) Council should give consideration as to what steps should be taken regarding limitation of contact between the accused and the victim and/or suspension from church duties or employment.
- 3) Church personnel should cooperate in any investigation that may occur but are not responsible for gathering evidence of abuse.
- 4) In the event of prosecution resulting in a conviction, Council should be convened and Articles 78 - 83 of the Church Order and/or Article 30c of the Judicial Code in the Church Order Supplement should be referred to.
- 5) In the event that the criminal charges are dropped or a conviction is not achieved, council should be convened to consider what action should be taken. Council should consider that secular conviction is not the only criterion used by the church in determining ungodly conduct.
- 6) Any decision to reinstate the alleged abuser to a position of leadership/trust within the church should only be made in consultation with legal counsel, police authorities, the congregation's insurer, and the Chair of the Safe Church Team of Classis Alberta North.

Throughout this process, accuracy and confidentiality are of the utmost importance in that wrongful or inaccurate dissemination of allegations of abuse can potentially lead to adverse legal consequences.