

# The Anglican Diocese of Huron



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## Anti-harassment and Anti-bullying Policy

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The Anglican Diocese of Huron  
190 Queen's Avenue  
London, Ontario  
N6A 6H7



*Approved at December 9, 2005 Diocesan Council*

## *Table of Contents*

|   |      |
|---|------|
| Part one—Policy Statement .....                         | p.3  |
| Part two—Purpose.....                                   | p.4  |
| Part three—Application of the Policy.....               | p.4  |
| Part four—Definition.....                               | p.5  |
| Part Five—Procedures.....                               | p.5  |
| Initiating a complaint.....                             | p.5  |
| Direct Action.....                                      | p.6  |
| Informal Procedure.....                                 | p.6  |
| Mediation Procedure.....                                | p.7  |
| Formal Procedure.....                                   | p.8  |
| Part Six—General Provisions.....                        | p.9  |
| Part Seven—Roles and Responsibilities.....              | p.10 |
| Executive Archdeacon .....                              | p.10 |
| Harassment Resource Group.....                          | p.10 |
| Advisory Committee on Harassment.....                   | p.11 |
| Who to Contact in the event of an alleged incident..... | p.11 |
| Harassment Investigation Guide.....                     | p.13 |
| Appendices.....   | p.14 |



*“Faithful Christian living is all of a piece... The essential call of God is constant throughout the many different biblical periods. The people of God are to worship only God, to love God, and to experience holiness in reflecting God’s righteousness and mercy in their own just living and compassion. All human relationships are meant to find their deepest value in the context of this response to God’s love. ‘We love because God first loved us’ (I John 4:9).”<sup>1</sup>*

## Anti-Harassment Policy

### Part One--Policy Statement:

Harassment, whether sexual, racial, based on a personal characteristic, or through abuse of authority, is more prevalent in our society. Christ has taught us that we are all created equal, we are all to treat others as we would like to be treated. But harassment and bullying is also against the laws of our Country. It has a negative impact on employees, parishioners, volunteers, and costs in money and productivity.

The Church occupies a unique position in society as a place for sanctuary and spirituality. The Church bases its principles on the Gospels. In order to live out the Gospels, it is necessary to ensure that people feel Safe, respected and cared for while in on our Church property or participating in church events or dealing with those who represent the church. Therefore, harassment and bullying will not be tolerated in The Diocese of Huron—in individual Parishes/congregations, parish events on church property or off, nor at non-church programs being held on Church property. Immediate steps will be taken to end any instances of harassment of which the Church becomes aware.

All members of the Diocese of Huron have a responsibility as Christians to ensure that parishes are free from harassment and bullying. Wardens and rectors bear the primary responsibility for encouraging and maintaining a Safe and healthy environment. They are free to act, and should act, on this responsibility, whether or not they are in receipt of individual complaints. It is the obligation of the Wardens, Rectors and all persons in leadership positions to be familiar with this policy and, where appropriate, to undertake training, in order to ensure that they are able to fulfill these responsibilities.

The Diocese of Huron’s position is that harassment and bullying is a form of misconduct that undermines the integrity of the relationship of those to whom we minister. All persons have the right to be free from all forms of discrimination and conduct which can be considered harassing, coercive, or disruptive, including sexual harassment. Anyone engaging in harassing conduct will be subject to discipline, ranging from a warning to termination or inhibition. For further details on discipline, please refer to Canon 21. **{Please note: This policy deals with harassment and bullying that are not of a sexual nature. For the Sexual Misconduct Policy, please see section 17 of the Guidelines Manual or contact the Chair of the Safe Church Committee, or the Executive Archdeacon} If at any point in the investigative process contained herein, it is determined that it is a sexual misconduct situation, this process will be stopped and the process described for investigations of sexual misconduct will be instituted.**

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<sup>1</sup> The Right Reverend Frederick H. Borsch, Christian Discipleship and Sexuality, Forward Movement Publications, 412 Sycamore Street, Cincinnati, Ohio 45202, 1993, p. 1

## **Harassment is against the law**

Both the *Ontario Human Rights Code* and the *Employment Standards Act* protect employees from harassment related to work. The *Criminal Code* protects people from physical or sexual assault.

The Corporations of our Parishes are also responsible for ensuring that those who are not employees, i.e., volunteers, parishioners, contracted workers, employees of other employers that the Parish might be utilizing, are also in compliance with this policy.

## **Support for Complainant and alleged Harasser**

Pastoral support and/or counseling will be offered in the initial contact with both parties and will be offered throughout the process and as follow-up.

## **Part Two--Purpose:**

The purposes of this policy are:

- a) to be educational, in that its existence will increase awareness of and sensitivity to the negative impact of harassment and bullying and an understanding of how it contravenes Jesus' teachings;
- b) to prevent harassment and bullying by indicating the seriousness with which the Diocese of Huron views this issue;
- c) to provide fair procedures for handling complaints when they do occur.

## **Part Three—Application of the Policy**

1. This policy prohibits harassment or bullying by any member of the Diocese. Any parishioner or employee may make a complaint of harassment or bullying against another parishioner or employee.
2. This policy applies to incidents of harassment or bullying that occur in the course of ministry or participation in church-sponsored organizations, activities and programs, whether they occur on-site or off-site. Examples of off-site settings include, but are not limited to, field trips, pastoral visits, conferences or training events, and church-sponsored social functions.
3. Persons who are not employees or parishioners of the Church (hereafter called "Third Parties") may have concerns about harassment and are encouraged to express their concerns to the The Executive Archdeacon. The Archdeacon will advise the person raising the concern and, where appropriate, refer the matter to the appropriate individual. In appropriate circumstances, these procedures may be used where a Third Party makes a complaint against a parishioner or employee who was involved in the course of her/his ministry or participation in Church-sponsored organizations, activities and programs. Third parties include, but are not limited to, contractors, their employees and agents; vendors of goods and services to the Church, their employees and agents; visitors to the Church; volunteers; and others with similar connections to the Church.
4. The procedures referred to in this policy do not necessarily apply to Third Parties against whom a complaint is made. However, such persons are expected to conduct themselves in any Church-related activity in a manner consistent with this policy. Allegations of harassment or bullying against a Third Party will be dealt with by the Church as unacceptable behaviour that may result in suspension of Church privileges, such as access to the Church, or other appropriate action. Such allegations should be reported to the Diocesan Executive Archdeacon.
5. This policy will not be applied or interpreted in such a way as to detract from the right of those in supervisory roles to manage and discipline employees and volunteers in accordance with normal Church practices, or from any existing rights or obligations contained within any existing code of conduct or legislation.
6. This policy is to be interpreted and administered in a way that is consistent with the principles of religious freedom. Neither this policy in general, nor its definitions in particular, are to be applied in such a way as to detract from the right of staff, volunteers and parishioners to engage in the frank discussion of potentially controversial matters, such as age, race, politics, religion, sex and sexual orientation.

7. Notwithstanding the existence of this policy, every person continues to have the right to seek assistance from the Human Rights Commission or, where a criminal act is involved, the police, even when actions are being taken under this policy.

## **Part Four—Definition**

### **IDENTIFYING HARASSMENT**

#### **Unwelcome behaviour that demeans, humiliates, or embarrasses**

Harassment is any behaviour that demeans, humiliates or embarrasses a person, and that a reasonable person should have known would be unwelcome. It includes actions (e.g. touching, pushing), comments (e.g. jokes, name-calling), or displays (e.g. posters, cartoons). The *Ontario Human Rights Code* prohibits harassment related to race, national or ethnic origin, colour, religion, age, sex, marital status, family status, disability, pardoned conviction, or sexual orientation.

Disrespectful behaviour, commonly known as "personal" harassment is not covered by human rights legislation. While it also involves unwelcome behaviour that demeans or embarrasses an employee, the behaviour is not based on one of the protected grounds named above. Nevertheless, as followers of Christ, we choose to include personal harassment in our anti-harassment policies.

#### **Unwanted sexual behaviour**

Sexual harassment includes offensive or humiliating behaviour that is related to a person's sex, as well as behaviour of a sexual nature that creates an intimidating, unwelcome, hostile, or offensive work environment, or that could reasonably be thought to put sexual conditions on a person's job or employment opportunities. A few examples are: questions and discussions about a person's sexual life; touching a person in a sexual way; commenting on someone's sexual attractiveness or sexual unattractiveness; persisting in asking for a date after having been refused; telling a woman she belongs at home or is not suited for a particular job; eyeing someone in a suggestive way; displaying cartoons or posters of a sexual nature; writing sexually suggestive letters or notes.

Sexual harassment is frequently more about power than about sex. It occurs in situations where there is unequal power between the people involved, and is an attempt by one person to assert power over the other. Harassment can also occur when an individual is in a vulnerable position because he or she is in the minority - the only woman or man, member of a visible minority, aboriginal person or person with a disability - and is, for example, ostracized by colleagues. **For the detailed Diocese of Huron policy on Sexual Misconduct, please see section 17 of the Guidelines manual.**

#### **Bullying**

Bullying is when one person uses power in a willful manner with the aim of hurting another individual.

## **Part Five--Procedures**

### **Initiating a Complaint**

1. Anyone may anonymously seek the advice and assistance of an advisor from the SAFE Church Resource Group. That advisor shall assist the individual in identifying concerns, and in considering the applicability of various options. The advisor shall provide individuals seeking advice with a copy of this policy and shall make them aware of the availability of counseling services, as appropriate.
2. Complaints of harassment may be made by any member of the Church community who has been directly affected by harassment, or who has reasonable cause to believe that harassment has taken place. A complaint may also be made on behalf of the Church by the appropriate Wardens or Rector of any Parish against any member of the Church community where there is reasonable cause to believe that harassment exists.
3. Individuals are encouraged to bring forward complaints as soon as possible after the incident or incidents giving rise to the complaint in order that the most thorough and fair consideration of the matter may occur. In general, it is recommended that complaints be initiated within one calendar year of the alleged incident, (it is encouraged that incidents be reported and the investigation process started within 72 hours of the incident) or in the case of a series of incidents, the last incident in a series.

4. Alleged incidents of harassment can be resolved by using any of the following procedures: (A) informal procedure (B) mediation procedure, (C) formal procedure. In order to use the mediation or formal procedures, the identity of the person making the complaint (hereafter called the "complainant") and the details of the complaint must be disclosed to the other party (hereafter called the "respondent"). Disclosure of the identity of the complainant may or may not be required under the informal procedure, depending on the nature of the action pursued.
5. At any time, complainants may choose to withdraw from these complaint proceedings. Nevertheless the Church's legal commitment to provide an environment free from harassment may obligate the Church, through the appropriate Parish or Diocesan Leaders, to proceed in the absence of a complaint from the person directly affected. In deciding whether to proceed in such cases, the Church will take into account all relevant circumstances including, but not limited to, the availability of evidence, the accessibility of witnesses, the need for protection against retaliation on the part of witnesses and the need for due process on the part of respondents.
6. In responding to complaints of harassment, persons involved in the application of these procedures should consult with the Archdeacon, Human Resources.

### **Direct action**

Sometimes it is possible to stop harassment just by speaking up or by writing the harasser. If the person being harassed or bullied is unable to do so, other steps must be taken. Differences in power (age, sex, religion, race, and so on) or status (such as a subordinate job) may make this impossible. Even if a person does speak up, the harassment may not always stop.

### **Informal Procedure**

#### **Definition**

Informal procedures do not involve an investigation, a report, or an official decision. An person who complains informally is enlisting the help of the rector, another priest or Archdeacon, a warden, the Executive Archdeacon, or someone else appointed by the Bishop to act as an intervener. This person can give advice as to how to proceed, may help the employee write a letter or initiate a conversation, or may be able to approach the person accused of harassment to let them know their behaviour is causing discomfort or not appropriate.

1. If, after discussion of a concern with an advisor from the SAFE Church Resource Group or with the Bishop or Archdeacon, Human Resources, an individual wishes to proceed with the informal procedure, she/he may request that the advisor assist in attempting to resolve the matter. No written complaint is required to commence the informal procedure. The options available under the informal procedures are numerous and will vary depending on the nature of the complaint. However, the informal procedure does not include adjudication as to whether harassment has or has not occurred. Examples of informal actions may include, but are not limited to, advice to the complainant (including advice that the complaint has not reasonably been made out or does not fall within the scope of this policy), referral of either party for counseling, investigation, letter to the respondent, meeting with the respondent, voluntary relocation of the complainant and/or the respondent, or apology from the respondent.
2. The informal procedure can occur without the knowledge of anyone other than the complainant and the advisor from whom the complainant seeks assistance. Normally, however, before the advisor proceeds with any informal action other than providing information about self-help options, counseling or referring the complainant to other resources or services, the advisor shall consult with the Executive Archdeacon to discuss the proposed informal action. When a matter is concluded or closed, records of any informal actions taken shall be forwarded by the advisor to the Executive Archdeacon for entry in the confidential files of the SAFE Church Committee.
3. The complainant may, at any time prior to the matter being concluded or closed, choose to pursue alternative procedures provided under this policy.
4. No informal action that adversely affects the interests of the respondent shall proceed under the informal procedure without the knowledge and consent of the respondent.
5. In the case of employees, no record of an informal procedure shall be entered into the personnel file of the complainant or the respondent, without the knowledge and consent of that person.

6. If the advisor, after discussion with the complainant, concludes that, in the advisor's opinion, the concern raised by the complainant is unsubstantiated or does not fall under this policy, the advisor shall advise the complainant as to other Church policies or procedures that may be relevant, and may, if the complainant wishes, refer the complainant to the appropriate person or office with responsibility therefore. The complainant shall also be advised of their right to proceed under the section on Mediation or Formal Procedure.
7. No person involved in the informal procedure shall give evidence or introduce documents from that process during any other subsequent Church process under this policy where that evidence or those documents would disclose that any person agreed or refused to participate in the informal procedure, or if informal action occurred, the nature of that action, unless all parties involved in the informal procedure consent to that disclosure.
8. Where no action has been or will be taken, or where the advisor and the complainant agree that there are no reasonable grounds to substantiate the concern or the concern does not fall under this policy, the advisor shall make a notation to this effect on the file containing any record of this matter and shall forward the file to the Executive Archdeacon for entry in the confidential files of the SAFE Church Office.

### **Mediation Procedure**

#### **Definition**

Mediation is a voluntary process whereby the people involved in a complaint meet with a neutral third party (mediator) who is trained to help them agree to a solution with which both are comfortable.

Mediation can work well when the people feel that they have equal power. It is not appropriate when one of the people feels at a disadvantage or feels vulnerable (perhaps because of a difference in age, sex, religion, race, level of authority, or other characteristic). It is also not appropriate when there is a case of severe harassment for which strong corrective action such as termination is likely to be required.

If the circumstances warrant it, mediation can come before a formal investigation. At the request of one of the parties and with the consent of the other, an appropriate person may be appointed by the Bishop. Either party has the right to refuse mediation. Each should also have the right to be accompanied and assisted by someone of their choosing during mediation.

1. At any time after the initial contact with an advisor, the Bishop or Archdeacon, Human Resources, a complainant may request to have the matter mediated. To initiate mediation, the complainant shall file a written statement of complaint with the Bishop, the Chair of the SAFE Church committee or the Archdeacon of Human Resources. The statement of complaint must include the names of the parties, a detailed description of the oriented behaviour that forms the basis of the complaint and a request to initiate the mediation procedure.
2. Within five working days of receipt of the written complaint, the Executive Archdeacon or designate shall deliver or send by mail to the respondent, a copy of the statement of complaint, an invitation to participate in the mediation process and a copy of this policy. The Executive Archdeacon or designate shall also advise the respondent of the availability of support and assistance through the SAFE Church Resource Group.
3. The respondent has the right to respond in writing to the statement of complaint and shall provide any written response to the Executive Archdeacon within ten working days from receipt of that complaint. The respondent may agree to enter into mediation, acknowledge or deny the validity of the complaint in whole or in part, provide new information or propose a resolution of the complaint.
4. Within five working days from receipt of the respondent's written response to the statement of complaint, the Executive Archdeacon or designate shall deliver or send by mail a copy of the response to the complainant. The complainant may accept the response as full resolution of the complaint or, on the basis of the respondent's written response, may choose to pursue the informal procedure, to proceed with mediation, to proceed with the formal procedure or to withdraw the complaint. Upon notification of the complainant's choice, which shall be made in writing to the Executive Archdeacon within ten working days from receipt of the written response from the respondent, the Executive Archdeacon shall direct the complainant to the appropriate procedures.
5. If the respondent does not respond to the invitation to participate, or declines to participate in the mediation within the time set out in number 3, the Executive Archdeacon shall communicate this to the complainant who may then choose to pursue the informal procedure, to proceed with the formal procedure or to

withdraw the complaint. Upon notification of the complainant's choice, which shall be made in writing to the Executive Archdeacon within ten working days from the communication of the respondent's response or lack thereof, the Archdeacon shall direct the complainant to the appropriate procedures.

6. If the complainant and the respondent agree to attempt to resolve the complaint through a process of mediation, an advisor who is trained in mediation and alternative dispute resolution techniques shall be selected by the parties to mediate the complaint. No person shall serve as mediator if that person has previously assisted the complainant or the respondent in the informal procedure stage of the complaint. The advisor selected to mediate the complaint and the format of the mediation process must be acceptable to both the complainant and the respondent, otherwise the mediation shall be deemed to have failed.
7. The mediator shall have two calendar weeks from the date of her/his selection in which to bring about a mediated resolution. This two week period may be extended by mutual agreement of the parties and the mediator.
8. If a mediated resolution is achieved between the parties, the advisor who mediated the matter shall prepare a report of the process. The report shall include the identity of the complainant and the respondent, the type of harassment alleged, the details of the terms of the resolution, the time limits within which any action promised is to be carried out and any other relevant information. The report shall be signed by both parties, indicating their satisfaction that it is accurate and giving their acknowledgment that they agree to perform any promises in it. The report shall be countersigned by the mediator. If the resolution entails action to be taken by the Church, the report and the resolution must be acceptable to the appropriate Bishop before it can take effect.
9. Once all parties have signed the report referred to in number 8, it becomes the Resolution Agreement and copies shall be provided to each of the signatories and to the Executive Archdeacon for entry in the confidential files of the Human Resources Department. The Executive Archdeacon shall be responsible for monitoring whether the parties keep any promise(s) made. If either party fails to observe the promises made within it, this failure will be treated as a breach of the Resolution Agreement and the other party may revive the complaint. A breach of the Resolution Agreement may result in disciplinary action against the party in breach.
10. The Bishop will determine what remedial measures, if any, should be taken for the complainant.
11. If there is no mediated resolution, the mediator shall report this in writing to the Archdeacon of Human Resources. The Executive Archdeacon shall communicate with the complainant to discuss options including seeking the assistance of an advisor (other than the advisor who acted as mediator), pursuing the informal procedure, initiating a request for commencement of the formal procedure or withdrawing the complaint. Any further action shall be initiated by the complainant within fifteen working days after mediation has terminated.
12. With the exception of any disciplinary procedures initiated for breach of the Resolution Agreement, as set out in number 9, no person involved in a mediation process shall give evidence or introduce documents from that process during any other subsequent Church process under this policy where that evidence or those documents would disclose that any person had agreed or refused to agree to mediation, or if mediation occurred, what took place during the mediation.

## **Formal Procedure**

### **Formal complaints**

Informal procedures and mediation are not necessary first steps before filing a complaint. Persons in the church may file a formal complaint (see appendix for form). The formal process includes filing the complaint, investigating, reporting the findings, decision-making, providing remedies for the victim, and corrective action for the harasser. Appeals may be made to the Diocesan Bishop if either party feels that further action is needed.

1. To initiate the formal procedure, the complainant shall file a written statement of complaint with the Diocesan Bishop, the Chair of the SAFE Church Committee or the Archdeacon of Human Resources. The statement of complaint must include the names of the parties, a detailed description of the harassing behaviour or comment that forms the basis of the complaint and a request to initiate the formal procedure. The Executive Archdeacon shall provide the Diocesan Bishop or designate with a copy of the statement of complaint.
2. Within five working days of its receipt by the Executive Archdeacon or designate, he/she shall deliver or send by mail to the respondent, a copy of the statement of complaint and a copy of this policy. The respondent

shall have ten working days within which to respond in writing to the statement of complaint. The Executive Archdeacon or designate shall also advise the respondent of the availability of support and assistance through the SAFE Church Resource Group.

3. The Executive Archdeacon or her/his designate shall investigate the complaint in a timely manner and shall determine whether there is a reasonable basis for proceeding with disciplinary action and/or remedial measures.
4. Disciplinary proceedings taken against any person under this policy shall be taken in accordance with existing applicable legislation, Guidelines and Canons or other applicable disciplinary processes for employees. Any disciplinary action invoked under this Harassment Policy must meet the requirements of natural justice.
5. The Bishop will determine what remedial measures, if any, should be taken for the complainant.
6. If The Executive Archdeacon concludes that there is no reasonable basis to proceed with the complaint or that it does not fall within this policy, she/he shall advise the complainant, the respondent and the Bishop of this in writing and may, if appropriate, direct the complainant and the respondent to other Church procedures.
7. If there is reasonable cause to believe that the complaint was made in bad faith, The Executive Archdeacon will report the matter to the Diocesan Bishop. A complaint made in bad faith shall constitute grounds for disciplinary action against the complainant, which shall be commenced in accordance with other applicable disciplinary processes including suspension from serving on parish and diocesan committees and inhibition from partaking in Holy Eucharist or participating in any parish events. A bad faith complaint is a complaint that is made with a conscious design to mislead or deceive, or with a malicious or fraudulent intent.

### **Other options**

Any complainant who is not satisfied with the result of a harassment complaint result can consult the Ontario Human Rights Commission or seek legal counsel. If the harassment involves physical or sexual assault, which are criminal offences, the police should be contacted and Section 17 (Safe Church—sexual misconduct policy) should be implemented.

### **Appeals**

In the event that the complainant or the alleged Harasser is dissatisfied with the result of the formal investigation/complaint/dispute resolution, an appeal in writing may be submitted to the Diocesan Bishop.

## **Part Six-General Provisions**

### **Support and Assistance for Parties**

The complainant and the respondent are, at all times during any stage of these procedures, entitled to support and assistance. The SAFE Church Resource Group is available to provide or arrange assistance and support to complainants and respondents, but no Advisor shall assist or support more than one party to a complaint.

### **Retaliation**

No person shall retaliate against another for bringing forward a complaint of harassment or for providing information in respect of a complaint. The Church considers retaliation or the threat of retaliation at any stage to be a serious offense because it prevents potential complainants, witnesses and administrators from acting on their concerns. Any person should report threats, acts of retaliation and other Safety concerns to the Executive Archdeacon and/or the relevant Diocesan Leaders. Retaliation may include, but is not limited to, unfair evaluation; unfair work or assignments; having information withheld or made difficult to obtain in a timely matter; name-calling or ridicule (public or private); oral or written threats or bribes; or further harassment of any nature. Acts of retaliation may be subject to disciplinary action.

### **Confidentiality**

- All persons involved in a case are expected to maintain confidentiality, particularly within the ministry in question.

- Terms of confidentiality, including the need to disclose information that restores a parish to effective functioning, may be agreed on during informal action or mediation between the complainant and respondent, or, in the case of the formal procedure, as determined by the Diocesan Bishop. Liturgies and other methods of healing can be found in the attached Appendix.
- For educational purposes, the Human Resources Department, Bishops or Archdeacon, Human Resources may discuss specific cases and their resolutions without identifying information.
- Confidentiality may not apply to persons subject to extra-Church judicial processes or where disclosure is required by law.

### **Interim Measures**

The Church may, at any time during the processing of a complaint, take necessary steps to ensure the health, Safety and security of any member of the Church community.

### **Documents**

Normally, documents created in the course of the procedures under this policy shall be treated as confidential and are retained by the Human Resources Department in confidential files in accordance with that Office's policy on confidential records. However, reports and other documents used during the formal procedure under this policy may be used by the Church for other purposes such as appointments, reappointment, discipline, or in the case of parishioners, lay leadership opportunities, where appropriate and where permitted by the procedures governing such processes. In addition, documents might be required by law to be released to third parties.

### **Multiple Proceedings**

Where there are two or more complaints arising out of the same incident against the same respondent, these may be dealt with at the same time. Where there are two or more complaints against the same respondent arising out of different incidents, these may be dealt with at the same time with the consent of the complainants and respondent.

## **Part Seven-Roles and Responsibilities**

### **A. The Executive Archdeacon**

The role of the Executive Archdeacon is to:

- provide information on the Harassment Policy and procedures to members of the Church community and Third Parties having connections to the Church;
- provide information on the Anti-Harassment and Anti-Bullying Policy and procedures to persons bringing forward a complaint and persons named as respondents during all stages of the procedures;
- advise and assist the members of the SAFE Church Resource Group, Archdeacons, Regional Deans and others seeking direction in the handling of complaints;
- ensure Diocesan Bishop is kept apprised of the status of the complaint;
- assist persons wanting to initiate the mediation procedures or the formal procedures and to facilitate arrangements in connection with those procedures, as set out in this policy;
- in consultation with the SAFE Church Advisory Committee on Harassment and Bullying, develop and provide education to the Church community on the prevention of harassment;
- in consultation with the Advisory Committee on Harassment and Bullying, coordinate and ensure appropriate and regular training for the Harassment Resource Group, Archdeacons, and others involved in the application of the harassment procedures;
- maintain statistical information on reported harassment and bullying and report, as requested, to the Bishop on the number of complaints made, types of complaints, outcomes, and educational activities;
- maintain confidential records on all reported harassment complaints handled by advisors from the Harassment Resource Group, the Executive Archdeacon and Archdeacons;

- j. serve as a resource to the Advisory Committee on Harassment;
- k. report to and perform such other responsibilities as the Bishop, or her/his designate, may request.

## **B. Harassment Resource Group**

1. The Harassment Resource Group shall be appointed by the Bishop in consultation with the Executive Archdeacon and the Advisory Committee on Harassment. In appointing persons to serve as advisors and in filling vacancies as they occur, the Bishop shall endeavour to ensure that the Group:

- a. reflects the diversity of the diocese including men, women, Aboriginal persons, laity, ordained, etc.;
- b. includes persons from various areas of the Diocese;
- c. includes persons trained in mediation and alternative dispute resolution techniques.

The Bishop, in consultation with the Executive Archdeacon and the Advisory Committee on Harassment, may appoint as members of the Harassment Resource Group one or two persons who are not members of the Church community, but who have particular expertise or skills in the areas of harassment, mediation and/or alternative dispute resolution.

2. The Harassment Resource Group shall normally have no fewer than eight members who shall serve for staggered renewable terms of two years. Names of Harassment Resource Group members will be promulgated regularly within the Church community.

3. The role of the Harassment Resource Group is:

. to provide, on a confidential basis, information to members of the Church community (including complainants, potential complainants, respondents and witnesses) concerning the Harassment Policy, and to advise such individuals regarding courses of action available to them;

- a. to be supportive and impartial toward those who seek their advice;
- b. where appropriate, to assist individuals to resolve concerns about harassment informally;
- c. where appropriate, to refer individuals to other resources available in the Diocese (such as the Archdeacon of Human Resources, counseling and psychological services, Chaplains to Families of Clergy; or secular resources);
- d. to provide support and assistance, when requested, to complainants and respondents involved in the mediation or formal procedures set out in this policy;
- e. to act as mediators, as required, under the mediation procedures set out in this policy.

4. In making appointments to the Harassment Resource Group, the Bishop may designate some individuals to act only as mediators and others as only advisors.

5. All members of the Harassment Resource Group shall undergo regular training sessions, as established by the Advisory Committee on Harassment.

## **C. The Advisory Committee on Harassment**

1. The Advisory Committee on Harassment will be a sub-committee of the SAFE Church Committee and shall be composed of:

- a. The Suffragan Bishop or Dean;
- b. One Archdeacon;
- c. One Regional Dean;
- d. Two lay-persons;
- e. such other members as might be recommended by the SAFE Church Committee and approved by the Bishop, or her/his designate.

2. Members of the Committee shall normally serve staggered two-year renewable terms. The Committee shall appoint a Chair and Secretary from among its members.

3. The role of the Advisory Committee on Harassment is to:

- monitor the effectiveness of the Harassment Policy and to make annual reports and recommendations for changes to the Bishop and the Archdeacon, Human Resources;
- advise the Executive Archdeacon concerning harassment education and awareness programs for the Church community and to assist with their implementation;
- maintain communication between the various Church constituency groups and the Committee concerning the Harassment Policy and educational programs;
- advise the Bishop with respect to the appointment of persons to serve as members of the Harassment Resource Group;
- advise the Executive Archdeacon concerning the development and implementation of regular training programs for the Harassment Resource Group, Archdeacons and others involved in the application of the harassment procedures;
- undertake other functions and duties as reasonably requested from time to time by the Bishop or her/his designate.

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#### **WHO TO CONTACT IN THE EVENT OF AN ALLEGED INCIDENT OF HARASSMENT OR BULLYING**

**A member of the Advisory Committee on Anti-harassment and Anti-bullying and/or**

#### **Weekdays (9am to 5pm)**

1-519-434-6893 or 1-800-919-1115 Ext. 230 or 226

#### **Weekends & Evenings**

1-519-671-4504

#### **By Email**

**[sacredtrusthuron@gmail.com](mailto:sacredtrusthuron@gmail.com) Your Archdeacon and/or**

**Your rector or another trusted clergyperson and/or**

**The Ontario Human Rights Commission.**

**In the event of physical or sexual abuse, please contact your local Police Department.**

**For details on the Sexual Misconduct policy, please refer to section 17 of the Guidelines manual**

#### **HOW TO REACH THE ONTARIO HUMAN RIGHTS COMMISSION**

Human Rights Inquiries:

- Local: (416) 326-9511
- Toll Free (outside Toronto Area): 1-800-387-9080
- TTY (Local) (416) 314-6526
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*The foundation of this document is from materials from the Canadian Human Rights Commission as well as materials from the following aided in the creation of this document: Dalhousie University, CCH Business Owner's Toolkit website.*

The Parishes known as the Diocese of Huron seeks to provide a spiritual, Safe, healthy and fulfilling environment for its parishioners, employees and others to whom they minister. **Harassment will not be tolerated.** If you feel you are being harassed, contact us. We want to hear from you.

# Harassment Investigation Guide

## ***Getting the complainant to describe the claim:***

- Listen to the charge. Don't make comments like, "You're overreacting."
- Acknowledge that bringing a harassment complaint is a difficult thing to do.
- Maintain a professional attitude.
- Gather the facts; don't be judgmental.
- Ask who, what, when, where, why, and how. Find out if the complainant is afraid of retaliation. How does the complainant want the problem resolved?

## ***Conducting an investigation of the claim—general rules to follow:***

- Investigate immediately. Delaying or extending an investigation can make witness testimony increasingly unreliable.
- Remember that the manner in which the investigation is handled can itself furnish grounds for a hostile environment claim, so carefully document every step.
- Treat all claims seriously—even those that seem frivolous—until you have reason to do otherwise.
- Keep the investigation confidential. Emphasize to those involved that your discussions are not to be shared with unconcerned parties. Warn of possible disciplinary action, if necessary.
- Limit the number of persons who have access to the information. Communicate strictly on a "need to know" basis.
- Ask questions so that information is not unnecessarily disclosed. For example, instead of asking, "Did you see Paul touch Joan?" ask "Have you seen anyone touch Joan at work in a way that made her uncomfortable?" Remember—the purpose of the investigation is to gather facts, not disseminate allegations.
- If there is more than one allegation, treat each separately.
- To avoid defamation liability, never broadcast the facts of a given situation or the results as an example to others or as a training tool.

## ***Interviewing the complainant (Can be done when complainant first reports charge):***

- Get specific details.
- Find out whether there was a pattern of previous episodes or similar behavior toward another employee.
- Get the specific context in which the conduct occurred. Where? What time?
- Determine the effect of the conduct on the complainant. Was it economic, non-economic and/or psychological?
- Determine the time relationship between the occurrence of the conduct, its effect on the complainant, and the time when the complainant made the report.
- Prepare a detailed chronology.
- Analyze whether there might have been certain events that triggered the complaint, *i.e.*, promotion, pay or transfer denial.
- Determine whether there were any possible motives on the part of the complainant.
- Find out what the complainant wants.
- Explain to the complainant that the charges are serious, that you will conduct a thorough

investigation before reaching any conclusion, and that he or she will not be retaliated against for making the complaint.

- Don't make any statements about the accused's character, job performance, or family life.

#### ***Interviewing the accused:***

- Obtain a statement from the accused.
- Identify the relationship of the accused to the complainant.
- Was there any prior consensual relationship between the parties? How long have they known each other? Is there a history of group or individual socializing?
- If the individual was a supervisor, indicate the individual's job title, obtain a copy of the individual's job description, and determine the individual's specific duties at the time of the alleged harassment.
- Determine whether the accused directed, or had responsibility for the work of other employees or the complainant, had authority to recommend employment decisions affecting others or was responsible for the maintenance or administration of the records of others.
- You can expect the accused to deny the charges. Observe the reaction. Note whether there is surprise, anger, or disbelief. Describe the details of the allegation and note the areas of disagreement between the testimony of both parties. If the accused denies the allegations, probe further to determine with the accused the background, reasons, and motivation that could possibly trigger the complaint.

#### ***Interviewing witnesses:***

- Obtain statements from any witnesses who support or deny any of the complainant's allegations. Be aware that witnesses are often reluctant to come forward out of fear of reprisal.
- Assure all witnesses that their cooperation is important, that their testimony is confidential and that they will not be retaliated against for testifying.

#### ***Resolving the complaint:***

- Apologize for the incident occurring, *if that is appropriate*.
- When attempting to remedy the conduct, avoid requiring the complainant to work less desirable hours or in a less desirable location. If you offer to transfer the complainant, try to get the complainant's consent and make sure the transfer position is substantially similar to the complainant's prior position. This helps ensure that the complainant is not being illegally or inappropriately punished for reporting discrimination or harassment.
- Consider the severity, frequency and pervasiveness of the conduct when imposing discipline on the harasser. There are several disciplinary options available, including:
  - oral and written warning
  - reprimand
  - suspension
  - probation
  - transfer
  - demotion
  - discharge
- When imposing discipline on the accused, any forms of discipline short of discharge should be accompanied by a warning that similar misconduct in the future may result in immediate discharge. If no discipline is imposed, document the reasons why.
- Provide remedial counseling and training on harassment, if appropriate. Also take the

opportunity to re-communicate your policy.

- Carefully and fully document the investigation, the discipline imposed, and any remedial steps taken.
- Conduct follow-up interviews with the parties to inform them of the Church's actions.
- Will healing rituals be needed i.e. Liturgy, etc.?

# Documents including Bibliography in regards to responding to Complaints of harassment and bullying

Forms to follow.....

