

Sexual Misconduct Policy & Procedures

PURPOSE

Personnel of PWRDF are assured that their workplace is safe from any form of sexual misconduct including sexual harassment, sexual exploitation and sexual assault

APPLICATION

This Policy applies to all PWRDF personnel. The Executive Director, or in extraordinary circumstances the Executive Committee of the Board of The Primate's World Relief and Development Fund is responsible for overseeing the administration of this Policy. If a diocese does not have a policy on Sexual Misconduct, this policy will apply.

POLICY

1. All PWRDF work places will be free from sexual misconduct.
2. No form of sexual misconduct will be condoned by PWRDF.
3. PWRDF positions and personnel will be screened for risk in relation to vulnerable persons, following the PWRDF Procedure for Screening.
4. Orientation of new personnel will include a review of this policy and will be held at least once every three years and for new employees within six months of the start of employment.
5. All personnel must agree in writing to their acceptance of this policy.
6. Any and every complaint of sexual misconduct will be dealt with promptly, seriously and systematically following the PWRDF procedure for Sexual Misconduct Complaint.

DEFINITIONS

For the purpose of this policy the definitions are as follows:

1. *Personnel*
Any person who deals with members of the public or other third parties on behalf of PWRDF, whether the person does so as an employee, agent, volunteer or otherwise.
2. *Sexual Harassment* is any behavior of a sexual nature that:
 - a. is unwanted or unwelcome or which ought reasonably be known to be unwanted or unwelcome
 - b. may involve behavior that is unintentional as well as intentional
 - c. is defined by its impact on others rather than the intent of the person engaged in the behavior.
 - d. may consist of a single incident or persistent and repeated behavior.
 - e. may include telling or circulating offensive material (jokes, stories, cartoons)
 - f. may include stereotyping of individuals or groups on the basis of gender or sexual orientation

3. *Sexual Exploitation* may consist of:
 - a. conduct that places or may reasonably be perceived as placing or attempting to place a condition of a sexual nature on employment, opportunities for training, promotion, or participation in any church activity.
 - b. an express or implied promise of reward for complying with sexually oriented suggestion.
 - c. a real or implied reprisal, denial of opportunity or threat of reprisal for refusal to comply with a sexually oriented suggestion.
 - d. taking advantage, or attempting to take advantage, of the vulnerability of a person under one's pastoral care or other guidance or leadership

4. *Sexual Assault* is a criminal offense and shall be taken as interpreted by the Canadian Criminal Law.

5. *Vulnerable Persons* include all children who are less than 18 years of age, AND/OR persons who, because of their age, a disability or other circumstances, whether temporary or permanent:
 - (a) are in a position of dependence on others; or
 - (b) are otherwise at a greater risk than the general population of being harmed by persons in a position of authority or trust relative to them.

Amendment

This policy and procedure may be amended by the Board of Directors of PWRDF.

Approval Date: May 8, 2014

Last Review Date:

Last Revision Date:

PROCEDURES
for
SCREENING and SEXUAL MISCONDUCT COMPLAINT

SCREENING

1. List all PWRDF Positions and responsibilities held by personnel, both paid and volunteer
2. List all activities included in each position and assess Risk for Potential Harm to Vulnerable Persons.
3. All personnel will be screened before hiring or dealing with the public on PWRDF's behalf.

SEXUAL MISCONDUCT COMPLAINTS

A complaint should be made within six months after an incident. The Executive Director may extend the time for making a complaint if no one will be prejudiced by the extension.

The person against whom the complaint is made is presumed innocent of the alleged misconduct until it is admitted or substantiated by clear and convincing evidence.

Every complaint will be taken seriously and will be processed as quickly as possible

All persons involved with a complaint are expected to maintain complete confidentiality, unless the law requires otherwise, there are concerns about safety, or the parties waive confidentiality.

Complaints of sexual assault or abuse of children or other vulnerable persons must be reported to the appropriate authorities as required by law.

No one shall knowingly make a false or vexatious complaint of sexual misconduct. To knowingly do so is itself sexual misconduct.

Complainants and those against whom a complaint has been made are entitled to seek legal or other counsel.

If a volunteer or employee of PWRDF reasonably believes that this policy has been violated, s/he may make a complaint by

1. ensuring the person responsible for the misconduct is aware of the misconduct and that it must stop, and, if necessary
2. reporting the misconduct to the appropriate authority for resolution

CHANNELS FOR MAKING A COMPLAINT

A complaint shall be made to one of the following individuals:

1. The supervisor of the employee making the complaint
2. A member of PWRDF's management
3. The President of the PWRDF Board of Directors
4. The Executive Director of PWRDF

Where this complaint is made to the supervisor of the complainant or a member of PWRDF's management, that supervisor or member of management shall submit it or the Executive Director of PWRDF

Content of a Complaint

A complaint made under this policy:

1. may be made either verbally or in writing.
2. shall contain sufficient information to substantiate the concerns that it raises.

Determining Policy Violations

The Executive Director of PWRDF shall determine whether any complaint that is received discloses a violation of this policy.

This determination shall be performed in confidence to the maximum extent possible.

Should the nature of the complaint involve a Sexual Assault, the Executive Director will refer the matter to the appropriate police authority for criminal investigation.

Consequences of Violation

Where the Executive Director determines that this policy has been violated:

1. The complainant whose rights under this policy were violated shall be entitled to appropriate corrective action, and
2. The individual or group of individuals whose conduct violated this policy shall be subject to appropriate disciplinary action.

The meaning of appropriate corrective action and appropriate disciplinary action shall be determined by the Executive Director on a case-by-case basis and shall be consistent with the purposes of this policy, and in accord with guidelines reviewed and affirmed tri-annually by the Personnel Committee.

Records

The Executive Director shall maintain a confidential record of all information regarding the complaint. This record shall be maintained in perpetuity.

Media

Only the Executive Director or his/her designate may speak to the media on behalf of PWRDF should any information regarding complaints become known publicly.