

Sexual Abuse and Sexual Harassment Policy

Theological Basis

The policy of The Presbyterian Church in Canada on sexual abuse is set in the framework of what it means to be a sexual person of Christian faith and a servant in the Church. Our sexuality, as a dimension of our whole selves, is to be offered to God. In the expression of sexual desires we are called to holiness. God values sexuality as good, blessed and purposeful, both as an expression of love and for the procreation of children. Sexuality is a gift to be celebrated. We are called to be responsible in the use of our sexuality and to respect each other as children, women and men made in God's image. From this belief in the sacredness of our physical beings we understand and declare that every person has the right to sexual and bodily integrity.

All those who serve the Church, especially clergy, church leaders, staff and volunteers, are expected to adhere to Christian ethical principles in their sexual conduct and in their exercise of authority and power. The Church in all its extended ministries is to be seen as a safe place in the community; a place where it is known that sexual abuse is not tolerated. This is part of our Christian witness to the community. Therefore, the leadership of any group using church premises for their activities is also subject to this policy.

Our commitment is to model the example of Christ and to be rooted in the love of Christ in all our relationships. For any Christian to betray trust by the grave ethical transgression of sexually abusing another, whether child or adult, is to deny his or her own Christian identity, as well as to deny to the one abused the witness to the risen Christ in the world. Such a betrayal will be a gross injury to the one abused and a violation of faithfulness to Christ. Because of the serious consequences of sexual abuse, the Church must make every effort to ensure that sexual abuse does not occur within its jurisdiction. When such abuse does occur, the Church must make a clear and just response. (The Policy of the Presbyterian Church in Canada for Dealing with Sexual Abuse and/or Harassment, Page One)

Policy

It is, therefore, the policy of The Presbyterian Church in Canada that sexual abuse or sexual harassment of any kind by any church leader, staff or volunteer will not be tolerated.

Camp Kintail upholds the Presbyterian Church in Canada's Sexual Abuse and Sexual Harassment Policy.

We believe that our faith implies a responsibility to deal ethically and fairly with all members of the Camp Kintail community and to avoid discrimination. Camp Kintail cannot accept behaviour that undermines the dignity, self-esteem, or productivity of any employee or camper.

Definitions

Sexual abuse includes, but is not limited to, any unwanted sexual contact.

Sexual contact includes, but is not limited to, sexual intercourse, genital contact, petting, fondling, sexually suggestive language or the display of pornography.

Sexual abuse includes, but is not limited to, *sexual assault* and other sexual offences involving children as defined in the Criminal Code of Canada.

Sexual abuse includes, but is not limited to, sexual harassment. *Sexual harassment* is defined as:

- a course of vexatious comment or conduct that is known or ought reasonably to have been known to be unwelcome, including repeated sexual remarks or physical contact that is degrading;
- a sexual advance or solicitation made by a person who is in a position to grant or deny a benefit to another;
- the threat of or an actual reprisal by a person in authority against a person who has rejected a sexual advance from that person in authority.

Sexual harassment may include, but may not be limited to, behaviour such as:

- Unwarranted touching
- Suggestive remarks, jokes, innuendos, or taunting about a person's body, attire, sex, or other verbal abuse of a sexual nature
- Leering
- Compromising invitations
- Demand for sexual favours
- Sexual assault
- Practical jokes of a sexual nature which cause awkwardness or embarrassment
- Persistent unwanted contact or attention after the end of a consensual relationship
- Displaying pornographic pictures or other offensive material
- A hostile environment

Sexual abuse is often accompanied by violence. Violence impairs or destroys mutual consent, which is needed to ensure that sexual activity is voluntary. Sexual abuse therefore includes *spousal violence*.

(The Policy of the Presbyterian Church in Canada dealing with Sexual Abuse and/or Sexual Harassment, Page Seven)

Where is the workplace?

The workplace is not confined to the offices, buildings, or site of Camp Kintail. It also includes any location where a Camp Kintail event or program is being held and any location where the business of the camp is being conducted.

Abuse and/or harassment which occurs outside the workplace, but which has repercussions in the work environment, adversely affecting relationships, may also be defined as workplace abuse and/or harassment.

Consent

In order not to be abusive, any sexual act must be done by mutual consent of the parties involved. Mutual consent presumes that the parties are on an equal footing with each other, so that one person is not pressured by any consideration of the stature or position of the other person.

Camp leaders are in a position of authority and trust which makes the achievement of mutual consent difficult and increases the potential for harm and abuse of those whom they serve. When one person holds power in the relationship, the relationship is not an equal one and therefore, mutual consent does not exist. The responsibility of maintaining personal boundaries rests with the person with the positional power.

In relationships of unequal power or trust, consent may not exist even when sexual activity has been initiated by the one who feels violated and alleges abuse has occurred. Therefore, the claim of mutually consensual or private sexual contact does not relieve the camp leader of ethical responsibility.

Sexual contact between a camp leader and camper, LIT, colleague, employee or any person over which the camp leader has pastoral oversight is fundamentally at odds with their responsibilities. It is one or more of the following:

- a breach of the trust placed in a camp leader
- an abuse of the power of the camp leader over the vulnerability of another
- a scandal to the Camp and Church
- a breach of contract

(The Policy of the Presbyterian Church in Canada for Dealing with Sexual Abuse and/or Harassment, Pages Seven & Eight)

Camp leadership includes some degree of intimacy with campers and staff.

Camp leadership does not include mutual intimacy or sexualized behaviour.

Guiding Principles of the Policy regarding Sexual Abuse and Sexual Harassment:

All allegations of sexual abuse or harassment will be taken seriously. Every allegation will be received, investigated and acted upon in accordance with the terms of this policy.

The accused person is always presumed innocent until proven guilty. In the context of this policy, no adverse finding will be made against an accused until a full investigation is completed and it has been determined that the complaint has been substantiated on a balance of probabilities.

However, it must be clearly understood that the story of the victim of sexual abuse and/or harassment will be believed. That means that the Director must assume that sexual abuse and/or harassment did occur, even if it was unintentional.

A person who is alleging to have been sexually abused and/or harassed shall be informed of the right to seek assistance of, and take their complaint to, the Ontario Human Rights Commission.

The protection of children is a priority. In accordance with Ontario law, any allegation of sexual abuse of a child will be reported to the child protection agency.

Procedure for Dealing with allegations of sexual abuse/harassment:

When a camper or staff member feels sexually harassed and/or abused, that person is encouraged to bring the situation to the attention of the Camp Director. Please know you will be believed if you share that you are being harassed or abused. Once the Director knows about the situation, the following steps will take place.

- You will be kept safe. The Camp Director will talk with you and gather some information.
- The person accused will be spoken to regarding the situation.
- It will be determined if the harassment/abuse is a criminal matter.
- All Criminal matters will be dealt with by the police. No internal camp investigation can happen while the police are deliberating.
- Once all police and legal investigations are completed, Camp Kintail can begin an investigation. The accuser, accused and relevant witnesses will be interviewed. This will be done according to the Policy of the Presbyterian Church in Canada for dealing with Sexual Abuse and/or Harassment.
- The Camp Director will take appropriate actions based on the need for safety and welfare in the camp community. All decisions made by the Camp Director are final in this matter.
 - This may include a paid leave of absence for the staff member accused of sexual abuse and/or harassment while the investigation is on-going.
 - If abuse or harassment is found to have occurred, then dismissal of the staff member may occur.

Director's Responsibilities

The Camp Kintail Director is responsible to:

- Establish and maintain a work, play, and living environment free from sexual abuse and harassment for each individual staff and camper.
- Eliminate sexual abuse and harassment if it occurs.
- Treat complaints seriously, investigating and taking appropriate action when sexual abuse and harassment complaints are raised.
- Make reasonable accommodation to a staff or camper objection to an abusive living or working environment.
- Take appropriate action when she has knowledge of sexual abuse and harassment.
- Communicate and reinforce the Camp Kintail policy and procedures on sexual abuse and sexual harassment to all staff and ensuring that all are aware of the complaint mechanism, including the Director's role in these procedures.

Program and Support Staff Responsibility

Any program or support staff member who is aware of, or who reasonably ought to be aware of sexual abuse and/or harassment taking place, must take appropriate action to stop it. Any program or support staff member who does not investigate and take appropriate action in these circumstances will be disciplined and may also be held liable under the *Ontario Human Rights Code*.

Employees' Responsibility

Employees who feel that they are victims of sexual abuse and/or harassment have a right and responsibility to report their concerns to the Camp Director. Staff members who witness sexual abuse and/or harassment have a responsibility to report their observations to the Director. Any employee found to have engaged in any type of sexual abuse and/or harassment will be disciplined up to and including dismissal.

Campers

Campers who feel that they are victims of sexual abuse and/or harassment have a right to report their concerns to any Camp Kintail staff member or the Director. Staff members who witness sexual abuse and/or harassment of a camper have a responsibility to report their observations to the Director.