

POLICIES, STANDARDS, AND PROCEDURES  
OF THE  
***ORTHODOX CHURCH IN AMERICA***  
ON  
SEXUAL MISCONDUCT

*Adopted by The  
Holy Synod of Bishops  
April 2, 2003*

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**1. *Introductory Matters***

1.01. ***Terms and Interpretation:*** Certain terms used in these *Policies, Standards, and Procedures on Sexual Misconduct* are defined in paragraphs 2.01 through 2.07. Those terms, and the provisions of these *Policies, Standards, and Procedures*, should be broadly interpreted and applied to achieve the purposes of preventing sexual misconduct, effectively dealing with it if it occurs, providing appropriate pastoral care, and ensuring that justice and fairness are achieved.

1.02. ***Revision, Reorganization, and New Provisions:*** (a) These *Policies, Standards, and Procedures* revise and expand existing policies, rules and guidelines of the Church with respect to preventing and dealing with sexual misconduct. This document does the following:

- (1) Supersedes and replaces the 1994 *Official Guidelines for Sexual Misconduct* adopted by the Holy Synod of Bishops;
- (2) Updates and restates the *Statement of the Holy Synod of Bishops on Sexual Misconduct* of April 2002, which statement should be read in the context of these *Policies, Standards, and Procedures*;
- (3) Sets forth additional mandatory standards and procedures with respect to preventing sexual misconduct, and resolving allegations and complaints if they occur;
- (4) Creates a new office within the Chancery of the Orthodox Church in America, under the authority of the Metropolitan of the Church, to assist with matters concerning allegations of sexual misconduct, to be known as the Office for Review of Sexual Misconduct Allegations;
- (5) Supersedes, revises, and incorporates herein *Guidelines for Parishes for Reducing the Risk of Child Sexual Abuse*, adopted by the Holy Synod of Bishops in October 2002; and

- (6) Supersedes and replaces parts of existing *Youth Activity Safety and Liability Guidelines*. Remaining and revised parts are on the Orthodox Church in America website as [Youth Activity Safety Guidelines](http://yya.oca.org) at <http://yya.oca.org>.

((b) Reference also is made to a publication on OCA website: [When The Unspeakable Happens: Sexual Abuse in God's Family](http://www.oca.org), by Ellen Gvosdev, Ph.D. at [www.oca.org](http://www.oca.org).

1.03. **Minimum Mandatory Requirements:** These *Policies, Standards, and Procedures* are minimum mandatory requirements. Nothing herein prevents any diocese, or any parish with approval of the diocesan hierarch, from adopting additional policies, standards, or procedures that are not in conflict with, and do not impair application of, these *Policies, Standards, and Procedures*.

## 2. **Definitions**

2.01. **Church:** Church means, as the context requires, the Orthodox Church in America, and its departments, boards, and commissions; any diocese, episcopate, parish, or mission thereof; and any stavropegial church, theological school or monastic community.

2.02. **Clergy:** Clergy means any bishop, priest, or deacon in the Church; any bishop, priest, or deacon received from another Orthodox jurisdiction for service in the Church; and chaplains in the armed forces, veterans' hospitals, and other institutions outside the Church.

2.03. **Complainant:** Complainant means any person who makes an allegation of sexual misconduct, or parent or guardian of a minor who alleges sexual misconduct, and in either case signs a formal complaint pursuant to paragraph 8.05 of these *Policies, Standards, and Procedures*.

2.04. **Lay Person:** Lay Person means any full-time or part-time employee of the Church; any person approved by clergy or other authorized person to serve in a voluntary capacity in a Church ministry or activity; and any seminarian or other person attending a theological school affiliated with the Church.

2.05. **Pastoral Relationship:** Pastoral Relationship means a relationship between either clergy or a layperson acting on behalf of the Church, and one or more other persons, where (a) the other person has received counseling, pastoral care, spiritual direction, or spiritual guidance, or (b) where the other person, with a reasonable belief that clergy or a layperson is acting on behalf of the Church, has provided confidential or privileged information to such clergy or layperson.

2.06. **Respondent:** Respondent means any person alleged by one or more complainants to have engaged in one or more acts of sexual misconduct.

2.07. **Sexual Misconduct:** (a) Sexual misconduct means sexual abuse or molestation, child sexual abuse, sexual harassment, sexual exploitation, or pastoral sexual abuse as defined in subparagraphs (1) through (5) of this paragraph.

- (1) Sexual abuse or molestation means any sexual involvement or sexual contact by any person with another person who is a minor or who is legally incompetent.
- (2) Child sexual abuse means sexual abuse or molestation that also is defined as child sexual abuse by that name or an equivalent name under applicable state law.
- (3) Sexual harassment means any unwelcome written, spoken, or physical sexual advance or conduct; any direct or indirect request for a sexual favor or suggestion that one might be granted where, in either case, there is an employment, mentor, or colleague relationship between the persons involved; and any use or exploitation, by a layperson, of a supervisory position or other position of authority in connection with such person's sexual or emotional needs or desires.
- (4) Sexual exploitation means the attempted development of a sexual relationship between clergy or a layperson, and another person with whom a pastoral relationship exists, whether or not there is apparent consent from such person.
- (5) Pastoral sexual abuse means the initiation, continuation, or pursuit of a sexual relationship by clergy involving a person with whom he has a pastoral relationship even if the relationship is consensual, or the use or exploitation of his position in connection with his sexual or emotional needs or desires.

(b) An act of sexual misconduct may fall within more than one of the definitions set forth in subparagraphs (1) through (5) of this paragraph.

### **3. *Policy and Principles of the Church***

3.01. ***General Policy on Sexual Misconduct:*** The Church laments the sin of sexual misconduct, and will not tolerate it by its clergy or any layperson. The Church should educate clergy, laypersons, and the Church community about prevention of sexual misconduct. It will utilize advance screening and review procedures to reduce the risk of sexual misconduct, and to maintain a safe environment for minors. It will implement procedures to fairly deal with and resolve allegations of sexual misconduct.

3.02. ***Guiding Principles on Allegations of Sexual Misconduct:*** The Church will take all allegations of sexual misconduct seriously, and will promptly respond to all allegations. It will report allegations in accordance with the civil laws of any jurisdiction where an act of sexual misconduct is alleged to have occurred, and will cooperate in accordance with civil and canon law in any investigation by civil authorities. The Church will reach out to the victims of sexual misconduct and their families to provide for their spiritual well-being and healing. The diocesan hierarchy, in exercising his duties, has both pastoral and disciplinary responsibilities.

3.03. ***Justice and Pastoral Concern:*** The Church will strive to see that justice is done. The innocent must be protected while those responsible for sexual misconduct must be held accountable. Just as the rights of victims must be respected and secured by the Church, the work and ministries of clergy and laypersons must not be impaired by unfounded accusations.

Fundamental principles of fairness must not be compromised either way. The Church's pastoral concern in this respect shall be directed to both complainants and respondents.

3.04. ***Theological Basis:*** These *Policies, Standards, and Procedures* are based upon the Church's understanding and application of Holy Scripture in the Orthodox tradition, which is that the sexual character of human persons has a positive role to play in human spirituality. Like all things human, sexuality must be sanctioned by God and inspired with the Holy Spirit, used for the purposes God has intended. And like all things human, through its misuse and abuse, sexuality can be perverted and corrupted, becoming an instrument of sin rather than the means for glorifying God and fulfilling oneself as made in His image, and according to His likeness. Members of the clergy and laypersons, in living out their faith, must adhere to Christian moral principles in their sexual conduct. The betrayal of this trust by transgression of sexual boundaries denies our Christian identity.

#### 4. ***Purposes, Scope, and Application***

4.01. ***Purposes and Objectives:*** These *Policies, Standards, and Procedures* are intended to prevent, to the extent possible, sexual misconduct by clergy and laypersons; to provide an effective means to thoroughly and fairly review and evaluate allegations of sexual misconduct if they occur; to result in appropriate discipline where allegations are substantiated; to protect, to the extent necessary, children and adults from those persons known to have committed acts of sexual misconduct; to provide pastoral care and healing to victims of sexual misconduct and to parishes; and to ensure that the Church takes necessary steps to discharge its responsibilities.

4.02. ***Adoption by All Church Units:*** (a) Upon approval by the Holy Synod, these *Policies, Standards, and Procedures*, and any amendments thereto, shall be and be deemed to be adopted by each Bishop and diocesan hierarch, and shall be immediately effective within all diocesan organizations, and all stavropegial churches, theological schools, and monastic communities.

(b) Upon approval by the Holy Synod, each Bishop shall distribute these *Policies, Standards, and Procedures* to each parish and mission in his diocese, and shall require each parish council to adopt the same by a vote recorded in the parish council minutes. The resolution so doing shall state, at the minimum, that the parish council, and all members of the clergy and laypersons working on behalf of the parish, agree to be bound by and comply with the these *Policies, Standards, and Procedures*, and any amendments thereto, and that the Rector and parish council will ensure that such *Policies, Standards, and Procedures* are distributed to and understood by all laypersons working on behalf of the parish.

#### 5. ***Standards of Conduct for Clergy***

5.01. ***Canonical Obligations:*** Those set apart for ordained ministry bear a particular responsibility to pattern their lives after Jesus' example. Members of the clergy have obligations to the Church, their Bishop, and those in their pastoral care that derive from their ordination. Nothing herein diminishes or changes those responsibilities and obligations.

5.02. **Basic Prohibition:** No member of the clergy shall commit, attempt to commit, or engage in any act of sexual misconduct.

5.03. **Pastoral Authority:** Members of the clergy, by their position, have an inherent power over others. That power, whether or not acknowledged by clergy or believed to exist by the others, creates a difference between themselves and the laity that places a special moral burden on the clergy. No member of the clergy shall use or exploit his position in connection with his sexual or emotional needs or desires.

5.04. **Avoidance and Precautions:** Members of the clergy should be aware of and not disregard any signs of sexual boundary breakdown in relationships with others. They also should be aware that there could be sexually aggressive people who could initiate improper relationships. Members of the clergy shall at all times take precautionary measures to avoid inappropriate behavior that could lead to sexual misconduct.

5.05. **Counseling and Assistance:** Any member of the clergy who finds himself at risk of probable acts of sexual misconduct in response to an inappropriate sexual or romantic attraction or impulse, or for any other reason, shall immediately seek counsel and pastoral guidance from an individual trained and experienced in the field. With approval of the Bishop, the costs thereof shall be paid or reimbursed by the diocese.

5.06. **Cooperation and Discipline:** All members of the clergy who are respondents in matters involving alleged sexual misconduct shall cooperate fully with all reviews and investigations; shall provide full, complete, and truthful information; and shall accept and abide by all recommendations and discipline that may result from the matter.

## 6. **Standards of Conduct for Lay Persons**

6.01. **Basic Prohibition:** No layperson shall commit, attempt to commit, or engage in any act of sexual misconduct.

6.02. **Supervisory Authority:** Laypersons in the Church who work in church ministries have positions of trust and stature within the Church. These positions can create differences that could lead to opportunities to take advantage of such trust and authority, or to use it in abusive or improper ways. No layperson shall use or exploit his or her position in connection with sexual or emotional needs or desires.

6.03. **Avoidance and Precautions:** Laypersons should be aware of and not disregard any signs of sexual boundary breakdown in relationships with others. They should take precautionary measures to avoid inappropriate behavior than could lead to sexual misconduct.

6.04. **Counseling and Assistance:** Any layperson believing himself or herself at risk of probable acts of sexual misconduct in response to an inappropriate sexual or romantic attraction or impulse, or for any other reason, is strongly encouraged to discuss the matter with the Rector of the parish if the Rector is not involved, and also is strongly encouraged to seek counsel and pastoral



guidance from an individual trained and experienced in the field. With approval of the Rector, such person may apply to the Bishop for diocesan payment or reimbursement of such costs.

## **7. Church Structure Concerning Sexual Misconduct Allegations**

7.01. **Authority of Bishops:** (a) Diocesan Bishops have full hierarchical authority for all Church activities within the diocese, including all matters concerning allegations of sexual misconduct. Bishops may fully exercise that authority in accordance with these *Policies, Standards, and Procedures*, and may impose any clergy discipline not requiring action of a Church court.

(b) Bishops also may refer all or any part of a review or investigation of allegations of sexual misconduct to the Office for Review of Sexual Misconduct Allegations, which is created in paragraph 7.02 below, or may request assistance from such office in connection with the matter.

7.02. **Creation and Management of Central Office:** The Office for Review of Sexual Misconduct Allegations is hereby created within the Chancery of the Orthodox Church in America to assist with matters concerning allegations of sexual misconduct. The Office shall be under the authority of the Primate of the Church, shall be responsible to the Holy Synod of Bishops, and shall be supervised on a day-to-day basis by the Chancellor of the Church.

7.03. **Duties and Responsibilities for Reviews and Investigations:** (a) The Office for Review of Sexual Misconduct Allegations shall, at the request of the Bishop with jurisdiction, assist the Bishop in reviewing, investigating, or dealing with allegations of sexual misconduct. In accordance with the Bishop's request, the Office for Review of Sexual Misconduct Allegations may supervise and administer all or any part of the review and investigation. For purposes of this section, "Bishop with jurisdiction" shall mean the diocesan hierarch with canonical authority over the diocese where an allegation of sexual misconduct is alleged to have occurred, and where the alleged offender is resident. If more than one Bishop appears to have jurisdiction, they may agree upon their respective roles and advise the Office for Review of Sexual Misconduct Allegations accordingly.

(b) Notwithstanding subparagraph (a) of this paragraph, the Office for Review of Sexual Misconduct Allegations may, if warranted, designate legal counsel or one or more investigators to assist any Bishop at any stage of the Bishop's review, investigation, or assessment of allegations of sexual misconduct. Such counsel and investigator(s) shall have access to all parties and witnesses to the matter, and to all relevant documents and information. The investigator(s) shall provide a report to the Bishop and the Office for Review of Sexual Misconduct Allegations pursuant to paragraph 9.04(c) of these *Policies, Standards, and Procedures*.

(c) The provisions of 8.01 through 9.06 herein dealing with the reporting, review, and investigation of allegations of sexual misconduct shall apply to the Office for Review of Sexual Misconduct Allegations in those matters where the Office, at the request of a Bishop, performs such functions.

7.04. ***Additional Duties and Responsibilities:*** (a) The Office for Review of Sexual Misconduct Allegations shall, as soon as practicable, develop uniform prototype forms and instructions for use in parish ministry to implement these *Policies, Standards, and Procedures*. The forms and instructions, and any amendments thereto, shall be forwarded to diocesan hierarchs, who may make any reasonable modifications, and shall distribute them to parishes and missions within their dioceses and require their use.

(b) The Office for Review of Sexual Misconduct Allegations may, from time-to-time as circumstances warrant, develop and recommend amendments to these *Policies, Standards, and Procedures*. The Office also may develop and recommend other policies, procedures, systems, practices, training materials, forms, and related matters concerning sexual misconduct within the Church. Such action may be at its own initiative or at the request of a Bishop, the Holy Synod, or the Metropolitan. Recommendations applicable throughout the Church shall be made to the Holy Synod. Recommendations applicable to a diocese shall be made to the diocesan hierarch.

(c) The Office for Review of Sexual Misconduct Allegations shall, as soon as practicable, develop recommended practices and procedures for corporate and individual healing where sexual misconduct in a parish has produced traumatic or disruptive consequences, and a pastoral response to the congregation is warranted. These practices and procedures shall be distributed to diocesan hierarchs for their guidance.

(d) The Office for Review of Sexual Misconduct Allegations shall organize and present workshops on sexual misconduct, at least annually, at the theological schools of the Church. The workshops may be presented to other parts of the Church and to organizations outside the Church, as appropriate. The Office shall endeavor to utilize the knowledge and experience gained from these workshops to improve these *Policies, Standards, and Procedures*. The Office shall, as circumstances warrant, consult with Bishops, clergy, experts in the field, other professionals, and members of the public in preparing the workshops and determining their agendas.

## **8. *Reports and Complaints of Sexual Misconduct***

8.01. ***Reports:*** (a) Any person may report allegations of sexual misconduct orally or in writing. Laypersons shall report possible sexual misconduct in a parish to the Rector if the Rector is not alleged to have committed the acts. If a report cannot be made to the Rector it shall be made to another member of the clergy serving in the parish in the order of precedence. If there are no other clergy the report shall be made to the senior elected layperson of the parish council.

(b) Reports of sexual misconduct in any other unit of the Church shall be made to the ecclesiastical head of that unit unless he is the person believed to have committed the acts, in which case the report shall be made to the Office for Review of Sexual Misconduct Allegations.

(c) Any person receiving a report under subparagraph (a) of this paragraph shall forthwith inform the diocesan Bishop. Any member of the clergy believing that possible sexual misconduct has occurred, even if he has not received a report from any other person, shall forthwith inform the Bishop. Any Bishop receiving such information shall forthwith inform the Office for Review of Sexual Misconduct Allegations.

8.02 **Third Party Notices:** (a) If the alleged victim of sexual misconduct is a minor, the person receiving the report pursuant to paragraph 8.01(a) shall immediately notify the parents or guardian of the minor unless they made the report.

(b) If legal counsel is available to the parish directly, or through the diocese or the Office for Review of Sexual Misconduct Allegations, such counsel should be notified and consulted with respect to civil law issues and questions that could arise from the allegations and a subsequent investigation.

(c) In consultation with legal counsel, any required notices should be given to parish, diocesan, and Chancery liability insurance carriers.

8.03. **Reports to Outside Agencies:** (a) Certain allegations of sexual misconduct are required to be reported to local law enforcement, social service, or other outside agencies. The Diocesan Bishop shall require all clergy serving in a parish, and all presidents of parish councils, to inform themselves of their applicable reporting requirements.

(b) Any person required by law to make a report described in subparagraph (a) of this paragraph shall do so. If such person is not the person who received the initial report under paragraph 8.01(a), then the person required to make the outside report shall first inform the person who received the initial report that the outside report will be made. The person required to make the outside report shall coordinate with the person who received the initial report to ensure that the required information is provided to the proper agency within the required time.

(c) The person who received the initial report under paragraph 8.01(a) shall immediately and continually thereafter inform the Bishop whenever he receives information about reports to outside agencies. The Bishop shall forthwith inform the Office for Review of Sexual Misconduct Allegations of the information.

8.04. **Response Team:** (a) Unless the Bishop is able to easily determine that a report received under paragraph 8.01 is entirely without any foundation whatsoever, the Bishop shall designate a Response Team of one or more individuals to conduct an investigation and assessment of the report.

(b) The Response Team shall work with the person making the report, the alleged victim if different, any parents or guardians of the victim, the individual accused of sexual misconduct, other interested parties, and the parish to resolve the matter. The Response Team also shall coordinate with any outside agencies to which the allegations are reported, and shall comply with applicable civil and canon laws in any investigations by such agencies.

8.05. **Written Complaint:** (a) Any review, investigation, assessment, and disposition of allegations of sexual misconduct shall be based upon a written complaint signed by the alleged victim, or by a parent or guardian if the alleged victim is a minor. The Response Team shall be responsible for taking the steps necessary under the circumstances to cause the written complaint to

be prepared and signed. At this time the Bishop also may contact the complainant and his or her family, and make pastoral resources available to them as the Bishop determines best.

(b) The complaint shall include (1) the names, addresses, and phone numbers of the complainant; (2) the victim if different; (3) the respondent (person alleged to be responsible for sexual misconduct); (4) all possible witnesses, and any other individuals believed to have knowledge of the matter; (5) a statement of the facts and details of the alleged sexual misconduct, including best recollections of time(s), date(s) and place(s); and (6) any other relevant information. The complainant may select one or more persons to assist in preparing the complaint. The Response Team in its discretion shall utilize appropriate measures where the identity of a minor should not be disclosed, although such identity must be made known to the respondent.

(c) The complaint also shall contain the following language: "I (we) have read this complaint, understand its contents, and swear that the statements made and allegations contained herein are true to the best of my (our) knowledge and belief." The complaint shall be signed by the complainant(s) and the signature(s) notarized by an officer authorized to take acknowledgements.

(d) It is possible that an investigation of allegations of sexual misconduct will develop evidence of additional matters not mentioned in the initial complaint. In such cases the Response Team, in the interest of fairness and an orderly investigation, may require that an amended complaint be prepared that includes the new matter, and that is signed and notarized pursuant to subparagraph (c) of this paragraph.

(e) The Response Team shall provide a copy of the complaint and any amended complaint to the Bishop, and the Bishop shall forthwith provide copies to the Office for Review of Sexual Misconduct Allegations.

8.06. ***Coordination with the Central Office:*** Pursuant to paragraph 7.02 of these *Policies, Standards, and Procedures*, a Bishop may request the Office for Review of Sexual Misconduct Allegations to act jointly with him or in his place and stead with respect to the investigation of any allegations of sexual misconduct. In such cases the provisions of these *Policies, Standards, and Procedures* that apply to the Bishop also apply with equal force to the Office for Review of Sexual Misconduct Allegations.

## **9. *Investigation and Assessment of Complaints***

9.01. ***Interim Actions Pending Resolution:*** (a) If allegations of sexual misconduct involve a member of the clergy as a respondent, the Bishop will inform him of the complaint and may, pending resolution of the allegations, suspend him, with pay, from further service in the Church under such terms and conditions as the Bishop determines appropriate.

(b) If allegations of sexual misconduct involve a layperson as a respondent, the Rector of the parish shall notify him or her of the complaint and may, pending final resolution of the allegations, suspend the respondent, with pay if an employee, from further service in the Church under such terms and conditions as the Rector determines appropriate.

(c) If the allegations involve a layperson and a member of the clergy as complainant and respondent, and they are resident in the same parish, the Bishop may, in the interest of good order and harmony, take appropriate action to place both parties outside of parish life in such manner as the Bishop considers appropriate.

(d) Any action taken pursuant to this paragraph shall be done in the interest of protecting the parties and the Church. No such action shall create any inference of culpability or innocence, and shall not be construed as an indicator of the final disposition of the matter.

9.02. ***Preliminary Investigation and Written Response:*** (a) Upon receiving a signed written complaint, the Response Team shall meet with the respondent to discuss the allegations contained in the complaint and to obtain a written response from the respondent as set forth in subparagraph (b) of this paragraph. If the respondent admits the allegations, the Response Team may terminate its investigation and report to the Bishop. The Bishop may accept the report as a final report and proceed in accordance with paragraph 10.01, or he may lay aside the report for reasons set forth in subparagraph (c) of this paragraph and require the investigation to continue.

(b) If the respondent admits the allegations, the Response Team shall require the respondent to prepare a written response in which he describes his view of the matter and sets forth any explanatory circumstances. If the respondent denies the allegations, the Response Team shall require the respondent to prepare a written response setting forth (1) names, addresses, and phone numbers of witnesses who would corroborate his denial, and any other individuals believed to have knowledge of the matter; (2) a statement of any facts and details that respond to the allegations; and (3) any other relevant information. The respondent may select one or more persons to assist in preparing the response.

(c) If the respondent admits the allegations, the Response Team may continue the investigation prior to making a report to the Bishop if there is credible reason to believe that respondent's early admission is designed to conceal evidence of other instances of sexual misconduct, or to conceal the identities of additional victims of sexual misconduct.

(d) The response shall contain the following language: "I have read this response, understand its contents, and swear that the statements made and allegations contained herein are true to the best of my knowledge and belief." The response shall be signed by the respondent and the signature notarized by an officer authorized to take acknowledgements.

(e) Based upon the respondent's response, the Response Team may again interview the complainant concerning any matter in the complaint or response.

(f) The Response Team then shall provide a copy of the response to the Bishop, and the Bishop shall forthwith provide a copy to the Office for Review of Sexual Misconduct Allegations.

9.03. ***Clinical Evaluation; Medical Examination:*** (a) The Response Team may request that the complainant, respondent, or both, have a clinical evaluation by a professionally-qualified and experienced expert in evaluating sexual misconduct. The Response Team may suggest one or

more such individuals or may accept a request by the complainant or respondent to be evaluated by a specific individual. The Response Team will make the final decision.

(b) If warranted, and if the alleged victim is a minor, the Response Team may request the parent or guardian of the minor to permit a clinical evaluation or medical examination, or both, with respect to the minor.

(c) The person(s) evaluated, or their parent or guardian as applicable, must sign one or more releases sufficient to allow the results of any evaluation or examination to be provided to the Response Team, the Bishop, and the Office for Review of Sexual Misconduct Allegations. The final report(s) of the evaluation or examination shall be provided to the Response Team, which may use it in such fashion as is appropriate in connection with the investigation. The report(s) shall be included in any final report to the Bishop, who shall provide the same to the Office for Review of Sexual Misconduct Allegations.

(d) The refusal of any person to agree to an evaluation or examination, or to sign a release, shall be noted in the Response Team's report, and may be given such weight by the Bishop as the Bishop determines is appropriate under the circumstances. The diocese will pay the costs of any evaluation or examination. However, if the Bishop has previously requested the Office for Review of Sexual Misconduct Allegations to assist in the investigation, and the Office for Review of Sexual Misconduct Allegations has assumed direction of the Response Team pursuant to the Bishop's request, then the Office for Review of Sexual Misconduct Allegations shall pay the costs.

**9.04. *Other Review and Investigative Procedures:*** (a) The Response Team shall interview and obtain written statements, if possible, from all persons identified by the complainant and respondent in their complaint and response. The response team may interview or request documents or information from any other persons it believes might have documents or information helpful to the investigation.

(b) If circumstances warrant, the Bishop may, at any stage of an investigation, designate one or more trained professional investigators to assist the Response Team, with such power and authority with respect to the investigation as the Bishop determines. The Bishop may request a separate report directly from the investigator(s).

(c) If circumstances warrant, the Office for Review of Sexual Misconduct Allegations may, at any stage of an investigation, designate one or more trained professional investigators to assist the Response Team, with such power and authority with respect to the investigation as the Office determines. The Office may request a separate report directly from the investigator(s).

**9.05. *Evidence, Hearings, and Witnesses:*** (a) If an investigation is sufficiently complex, or for other good reasons, one or more hearings may be scheduled to facilitate the process. Such hearings will be scheduled at a location selected by the Response Team or the Bishop, and will be presided over by the person who received the report of alleged sexual misconduct under paragraph 8.01(a) unless the Response Team or Bishop selects a different person.

(b) At such hearings witnesses may be called to present testimony and documentary evidence, and may be questioned by the Response Team, by any investigators designated by the Bishop or the Office for Review of Sexual Misconduct Allegations, and by any counsel for the parish, the diocese, the Office for Review of Sexual Misconduct Allegations, or the complainant or respondent. The presiding officer may, for good cause and in the interests of justice, set conditions or limitations governing the questioning of witnesses.

(c) The presiding officer may permit the complainant and respondent to be present at the hearing and hear the testimony of witnesses, or may, for good cause and in the interests of justice, limit the attendance of the complainant and respondent.

**9.06 *Rights of the Complainant and Respondent:*** (a) If the Rector of the parish is neither the complainant nor respondent, he shall determine the best way to provide pastoral care and assistance to the parties during the investigation. If there are not sufficient resources within the parish to do so, the Rector shall request assistance from the Bishop. If the Rector is the respondent, the Bishop shall designate other appropriate clergy to provide pastoral care and assistance to both parties.

(b) As an alternative to, or in addition to, actions taken pursuant to subparagraph (a) of this paragraph, each party may identify a person to provide moral, spiritual, or other pastoral support during the investigation, and to accompany them to interviews or other events during the investigation. Neither party is prohibited from having an attorney present at such times, but the role of attorneys will be subject to the authority of the person in charge of the interview or other event. Such person in authority will be interested in hearing the parties speak rather than hearing others speak for them.

(c) The Response Team shall fully explain the procedures to be followed in preparing the formal complaint, the formal response, and in investigating the matter. The Response Team shall be available to answer any questions the parties have about any procedures in the investigation.

(d) All documents generated in connection with the investigation will be kept confidential and made available only to parties with a reason to see them in connection with the investigation. The privacy of all parties will be respected. It may be necessary for some statements to be made to the congregation in order to dispel rumors or to promote corporate or individual healing within the parish. Any information might be used in the courts.

## **10. *Report and Determination***

10.01. ***Final Report:*** (a) If the respondent denies the allegations of sexual misconduct, the Response Team, or professional investigators if they have been given authority to do so, shall provide a final report to the Bishop that consists of the following:

- (1) The complainant's and respondent's formal complaint and response, and any amendments thereto;

- (2) A detailed description of the Response Team's or investigators' interviews with the complainant and respondent, and an evaluation as to the credibility of their statements, to the extent possible;
- (3) Reports of interviews with any witnesses interviewed by the Response Team or investigators, and an evaluation as to their credibility, to the extent possible;
- (4) Reports of any clinical evaluations or medical examinations undertaken by the complainant, and information as to any party who refused to have such evaluation or examination, or refused to sign a release;
- (5) All other documents or information provided by the parties or witnesses; and an evaluation by the Response Team or investigators as to the probative value of the documents or other information, to the extent possible;
- (6) An analysis of inferences that reasonably could be drawn from the evidence and the circumstances;
- (7) Any reports of investigators in the Response Team's or investigators' possession;
- (8) An analysis of the extent to which, in the judgment of the Response Team or investigators, the parties met their burden of proof and burden of going forward as set forth in paragraph 10.02; and
- (9) A recommendation as to whether or not the allegations are substantiated or are not substantiated.

(b) The Bishop shall consider the final report, and any additional information in his possession as a result of investigators designated by him or the Office for Review of Sexual misconduct Allegations pursuant to paragraph 9.04, and shall make a final determination of the matter. If the allegations have been referred to the Office for Review of Sexual Misconduct Allegations, it shall make a recommendation to the Bishop as to a final determination of the matter.

10.02. **Burden of Proof:** (a) As the Response Team, or investigators if applicable, consider the evidence adduced during the investigation, and reasonable inferences that can be drawn therefrom, they shall be guided by the following procedures in evaluating the evidence and in making their recommendation:

- (1) The complainant has the burden of proof to establish that the Respondent engaged in acts of sexual misconduct;
- (2) As a first step, there must be enough evidence from the complainant to cause the Response Team or investigators to believe that one or more of the allegations are substantiated at that point. This generally must be more than the complainant's uncorroborated testimony standing alone. If the complainant meets this test, the so-called scales of justice temporarily would tip in favor of the complainant;



- (3) If the preceding step happens, then the responsibility shifts to the respondent to show sufficient evidence to cause the scales of justice to tip back in his favor. This process can continue as witnesses are interviewed and evidence is produced. The scales could tip back and forth several times;
- (4) When the investigation is concluded, the Response Team, or investigators, must look at all of the evidence and reasonable inferences that can be drawn, and decide whether the complainant has persuaded them of the allegations; and
- (5) The standards of subparagraph (a) are subjective, and depend upon the judgments of the Response Team or investigators about the credibility of witnesses, the extent to which important elements are explained or unexplained, and similar matters.

(b) The Bishop, when acting on the recommendation of the Response Team or investigators, as applicable, may undertake a similar analysis, and shall conduct his own independent review and analysis of the evidence to make his decision.

10.03. ***If the Allegations are Substantiated:*** (a) If the Bishop determines that the allegations are substantiated, he may take the following steps:

- (1) Place copies of his decisions on the allegations and on discipline in the case file. If the Respondent is a member of the clergy, a copy should be placed in the diocesan clergy file. If the respondent is a layperson, a copy should be placed in applicable personnel, diocesan, and other parish files to facilitate future reference;
- (2) Meet with the complainant, and if helpful the complainant's family. Express the Church's regret and review ways to assist the complainant;
- (3) Meet with the respondent if clergy. If a layperson a representative of the Bishop may meet with the respondent. Advise of the actions the Bishop intends to take, and discuss the respondent's pastoral, rehabilitative, and clinical needs;
- (4) If not already done, inform the complainant of the actions being taken with respect to respondent, without necessarily disclosing clinical matters in detail;
- (5) Make an appropriate disclosure within the parish of the final disposition of the matter, preparing the way for pastoral attention to the parish; and
- (6) Meet with the respondent's family to discuss assistance and healing. This could be done by the Bishop or a representative.

(b) Depending on the circumstances, there could be a need for corporate or individual healing and pastoral care within the parish. The Bishop in conjunction with the Office for Review of Sexual Misconduct Allegations shall determine the best way to address this matter.

10.04. ***If the Allegations are not Substantiated:*** (a) If the Bishop determines that the allegations are not substantiated, he may take the following steps:

- (1) Advise the complainant and respondent of the decision. Determine, either through a joint meeting with the parties or separate meetings, the best way to make the decision known to the parish;
- (2) Place a copy of his decision on the allegations in the case file. Other copies should be placed in the respondent's personnel file and such other files and places as the Bishop and Rector determine;
- (3) Afford the respondent the opportunity to clear his name in the most effective way possible consistent with healing for the parties and the parish;
- (4) Exonerate the respondent publicly or privately, orally or in writing or otherwise, as the circumstances warrant; and
- (5) Meet, through a representative, with the complainant to offer pastoral assistance and help in placing the matter in the past.

10.05. ***Mixed Results:*** If some of the allegations are established while there is not evidence sufficient to establish other allegations, the Bishop shall use his best judgment to deal with the parties, their families, and the parish, and may consider the factors in paragraphs 10.03 and 10.04 to the extent they are applicable.

10.06. ***Discipline of Clergy:*** (a) If clergy are found to have engaged in act of sexual misconduct, the Bishop shall impose appropriate disciplinary action in accordance with the canons of the Holy Orthodox Church.

(b) Any member of the clergy who admits or is found to have committed child sexual abuse shall be suspended by the applicable Bishop, shall be deposed by the Holy Synod of Bishops, and shall be permanently prohibited from exercising any functions or responsibilities of parish ministry. Any report to any law enforcement or social service agency required to be made by reason of the admission or finding shall be made. Such conduct shall be conclusive grounds for him to be deposed as set forth herein.

(c) Any member of the clergy who admits or is found to have committed acts of sexual misconduct other than child sexual abuse shall be subject to the discipline of the applicable Bishop. If not already removed from parish ministry, the Bishop shall prohibit him from exercising such functions or responsibilities of parish ministry as the Bishop determines is appropriate. Any clergy removed from all or any part of parish ministry shall not be permitted to return thereto unless, at the minimum, the following occur, all at the individual's own expense:

- (1) The individual shall have a psychiatric assessment by a provider satisfactory to the Bishop. Based on the assessment, a treatment course shall be developed;

- (2) The individual shall satisfactorily complete a long-term program of therapy as recommended in the psychiatric assessment;
- (3) At regular intervals the individual shall have professional rehabilitation assessments done by a credentialed professional approved by the Bishop. The assessment shall evaluate the individual's progress in therapy, and contain prognoses for a future return to service in the Church;
- (4) During this time the individual shall have a satisfactory work history outside the Church;
- (5) The individual shall make public acknowledgement of his misconduct; shall exonerate and if possible make amends to the complainant; and provide restitution, all satisfactory to the Bishop;
- (6) His return to service in the Church shall be endorsed by the Bishop of the diocese where the sexual misconduct occurred and the Bishop of the Diocese where the individual proposes to return to service in the Church, if different; and
- (7) His misconduct as well as his rehabilitation shall be made known to the supervisory authority where he proposes to return to Church service, and a record thereof shall be placed in his personnel file.

10.07. ***Consequences for Lay Persons:*** If a layperson is found to have engaged in acts of sexual misconduct, the Rector or other supervisory authority shall impose appropriate disciplinary action. The Bishop also may impose any discipline permitted under the canons of the Holy Orthodox Church. Any layperson who admits or is found to have committed child sexual abuse shall be removed from all parish ministry and activities, and shall be permanently prohibited from exercising any functions or responsibilities of parish ministry that relate to youth. Any report to any law enforcement or social service agency required to be made by reason of the admission or finding shall be made. Any layperson who admits or is found to have committed acts of sexual misconduct other than child sexual abuse shall be subject to the discipline of his or her Rector or other supervisory authority, and the Bishop.

## ***11. Recruiting and Selecting Parish Workers***

11.01. ***Parish Programs:*** Each Bishop shall require every parish in his diocese to adopt mandatory programs that shall, at the minimum, conform to the requirements of paragraphs 11.02 through 12.05 of these *Policies, Standards, and Procedures*. Additional programs, not inconsistent with those herein, may be adopted.

11.02. ***Screening of Applicants:*** Every parish shall implement a screening program for all laypersons serving in the Church (hereinafter "applicants") who will have more than incidental contact with minors in connection with the Church's ministries or programs.

11.03. ***Applications and Outside Training:*** All applicants and Church employees must complete an application form, and a criminal records check authorization form, substantially identical to the forms set forth in Appendix A of these *Policies, Standards, and Procedures*. Applicants for positions that involve primarily unsupervised activity with children or adolescents should be interviewed by clergy or by a responsible staff member who has been trained to screen such applicants. Each parish should designate at least one person, either clergy or a layperson, to receive any training on child sexual abuse matters that is available from local law enforcement or social service agencies.

11.04. ***Verification of Applications:*** (a) The appropriate person at each parish should contact each reference listed by the applicant on the screening form, and make a written record of each contact showing the date and method of contact, the person making the contact, the person contacted, and a summary of the information received. Each church in which the applicant has indicated prior experience in working with children or youth should be contacted.

(b) A written record of all information described in this paragraph, along with application forms and authorization forms for reference checks and criminal records checks, should be placed in the applicant's file. If the church or person contacted refuses to provide information, such person should be informed of the release language in the application signed by the applicant. If the person continues to refuse to provide information, such fact should be documented in the file. A request also should be made to such person requesting a letter confirming the refusal to provide information concerning the suitability of the applicant to work with minors.

11.05. ***Restrictions and Prohibitions on Church Service:*** (a) Unless approved by the Bishop in writing at the request of the Rector, laypersons who are volunteers should not be considered for work with youth or children until they have been members of the parish for a minimum of six months.

(b) No person who has been convicted or has plead guilty to any violation of law involving child sexual or physical abuse, and no person known to have a paraphilic diagnosis such as, but not limited to, pedophilia, exhibitionism, or voyeurism as defined by the American Psychiatric Association, shall be allowed to work with children or youth in any capacity.

(c) Adult survivors of child abuse must meet with the Rector before being approved to work with children or youth, and a criminal records check must be performed as to such individuals.

11.06. ***Exceptions:*** The requirements of paragraphs 11.02 through 11.04 of these *Policies, Standards, and Procedures* shall not apply to voluntary Sunday School teachers serving in such capacity, although any Bishop or Rector may adopt screening procedures for voluntary Sunday School teachers. Any Bishop may, for good cause, if the interests of children and youth are not prejudiced, modify the requirements of paragraphs 11.02 through 11.05 for one or more parishes in his diocese, or with respect to one or more individuals, by informing the applicable Rector(s) in writing and providing a copy thereof to the Office for Review of Sexual Misconduct Allegations.

## **12. Supervision of Church Workers and Children**

12.01. **General Supervision and Two-Adult Policy:** (a) Whenever possible, youth involved in Church ministries or programs should not be left in the care of or under the supervision of one adult. Two or more adults should be present, except for necessary brief absences, during any Church activity involving children. All overnight activities involving youth shall be supervised or chaperoned by at least two (2) adults, and if youth participants are both male and female, then supervisors or chaperones must be male and female.

(b) Except for emergencies, in any circumstances where a one-on-one interaction with youth is required in connection with a Church ministry or program, the adult to be involved shall first notify another adult of the circumstances, and shall identify the youth and the place and approximate time of the expected interaction.

(c) Adequate supervision of youth shall be maintained at all times in connection with parish ministries or programs that involve youth until such time as they are in the custody of a responsible adult. The requirement for custodial return shall not apply to any youth of sufficient age to have a driver's license, or to any youth with respect to which a parent or guardian has consented in writing to other arrangements.

12.02. **Permission and Release Forms:** Prior written permission from a parent or guardian must be obtained for any youth to participate in any youth event or activity sponsored by a parish away from parish premises.

12.03. **Open-Door Policy:** (a) No parish shall, without the written permission of the Rector, sponsor or participate in any closed activity or event involving youth. Clergy, parents, staff, and members of the parish shall have the right, at any time, to observe any youth activity or event, and are encouraged to do so.

(b) Doors on any rooms in an parish where parish-sponsored youth activities or events are held shall be left at least partially open unless the doors have reasonably sized glass windows, or unless there is adequate adult supervision in the room.

12.04. **Inappropriate Activity:** (a) Any inappropriate conduct or relationships between an adult and a child or member of a youth group shall be confronted immediately and investigated. Prompt warnings shall be issued by supervisory personnel when appropriate, and the situation closely monitored.

(b) Volunteers shall be prohibited from further work with youth for repeated violations of such warnings, unless a single violation is of sufficient gravity to warrant immediate action. Employees engaged in such conduct or relationships shall be subject to similar action as determined by the Rector.

12.05. **Transportation Policy:** Each Bishop shall require each parish in his diocese to adopt and implement a written policy on transportation of youth to parish-sponsored youth

activities or events away from parish premises. Such a policy shall, at the minimum, (1) require the use of drivers who are reasonably older than the youth they are transporting, and who do not have adverse driving records, (2) prohibit the driver from being alone in a vehicle with one youth unless the driver has the advance approval of the Rector or a youth ministry supervisor, and (3) require each parish and each driver to maintain liability insurance with limits to satisfactorily protect the parish and any other sponsoring organization from liability.

### **13. Training and Education**

13.01. **Mandatory Training:** (a) Each diocese shall develop and implement a child sexual abuse prevention training program that must be completed by every person subject to the requirements of paragraph 11.02 of these *Policies, Standards, and Procedures*. A program also shall be developed for voluntary Sunday School teachers, which may be more condensed.

(b) Such programs shall, at the minimum, contain information and instruction on (1) the requirements of these *Policies, Standards, and Procedures*; (2) warning signs and symptoms of child sexual abuse; (3) applicable reporting requirements concerning suspected or reported abuse to state law enforcement and social service agencies; and (4) prevention techniques.

(c) Any Bishop may request the Office for Review of Sexual Misconduct Allegations to assist in developing child sexual abuse prevention training programs. The Office for Review of Sexual Misconduct Allegations shall develop such programs for use in any diocese or parish that has not implemented such a program after a reasonable time, and shall forward the programs to the diocesan Bishop for further action.

13.02. **Familiarization with Requirements:** (a) Each Bishop shall require that every person subject to the requirements of paragraph 11.02 of these *Policies, Standards, and Procedures*, every voluntary Sunday School teacher, and each parish council member be given a copy of these *Policies, Standards, and Procedures*.

(b) Each person described in subparagraph (a) shall be required to read their copy of these *Policies, Standards, and Procedures*, and within a reasonable time thereafter shall be required to sign a written certification to be kept on file in the records of the parish that states as follows; "I hereby certify that I have been provided a copy of the *Policies, Standards, and Procedures of the Orthodox Church in America on Sexual Misconduct*, that I have read and understand the duties and obligations set forth thereunder, and that I will fully and at all times comply with and perform those duties and obligations."