

SEXUAL MISCONDUCT IN THE CHURCH

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We have all read or heard stories about cases of sexual misconduct in various Christian denominations, especially the Roman Catholic Church. Regrettably, such cases are not foreign to the Orthodox Church. This problem has been recognized for some time in the Orthodox Church in America (OCA). Writings on this issue have appeared in OCA publications, notably by the late Matushka Ellen Gvosdev (see her article “When the Unspeakable Happens: Sexual Abuse in God’s Family” which is found on the OCA website at <http://www.oca.org/RHArticle.asp?SID=15&ArticleID=45>).

In April 2003, the OCA’s Holy Synod of Bishops adopted *Policies, Standards and Procedures of the OCA on Sexual Misconduct*. The document is available on the OCA website at <http://www.oca.org/DOCindex-misconduct.asp?SID=12>. These *Policies, Standards and Procedures* are obligatory for all Dioceses, Parishes and Church institutions without exception. Compliance is not optional but rather is mandatory upon all in the Church – hierarchs, clergy, Parish Councils, and all who work in the Church (including unpaid volunteers). Failure to comply with the provisions in this document may expose our children, youth, and adults to the risk of sexual abuse and may expose our clergy, lay workers, Parishes and institutions to both civil and criminal liabilities and investigations, all of which are expensive, time-consuming, and harmful to the Church and its witness.

Prevention of Sexual Abuse. The first and foremost purpose of the Synod’s *Policies, Standards and Procedures* is to prevent, to the greatest extent possible, instances of sexual abuse.

- Towards this end, Parishes and institutions first need to be aware of, and remain aware of, these *Policies, Standards and Procedures*. Members of Parish Councils are to be provided with a copy of the document. Moreover, each Parish Council must officially adopt it in a council meeting. New members of Parish Councils and any laypersons working on behalf of the Parish must also be given a copy by the Rector and/or the Parish Council.
- Each Parish must implement a screening program for laypersons who will have more than incidental contact with minors, in connection with the Church’s ministries or programs. These include formal applications and authorization for criminal background checks. While voluntary Sunday School teachers are exempted from mandatory screening by the *Policies, Standards and Procedures*, any Bishop or Rector may adopt screening procedures for these church workers. The policies and procedures also include restrictions and prohibitions on Church service depending upon an individual’s background. Additional requirements include the establishment of a youth transportation policy and the following of a two-adult policy at any Church activity involving children.

- Each Diocese must develop and implement a child sexual abuse prevention program to be completed by all persons having more than incidental contact with minors. A similar condensed program is also to be developed for voluntary Sunday School teachers.

If a Parish and/or Diocese has not done all of the above, then they are not in compliance with the mandatory and minimum requirements and are urged to work with their Bishop, Rector and Parish Council to correct any non-compliance immediately. To do otherwise places their children, their Parish, and our Church at risk.

Investigation of Allegations. Regretfully, there will be allegations of sexual misconduct. Investigation of these allegations is the responsibility of the Diocesan Bishop within his Diocese. He is assisted by the Office for Review of Sexual Misconduct Allegations within the Chancery of the OCA. The Office is responsible to the Holy Synod, under the authority of the Metropolitan, and is supervised on a day-to-day basis by the Chancellor of the OCA. The Office is further assisted by the Sexual Misconduct Policy Advisory Committee, consisting of members appointed by the Metropolitan who have backgrounds in various disciplines, to address issues from spiritual, ethical, legal, clinical and pastoral perspectives. The Committee's charter is at <http://www.oca.org/news/2209>.

The procedures for investigation of allegations are provided in the *Policies, Standards and Procedures*. In addition to reporting allegations or complaints to the Rector or responsible Parish Council person, as well as the Bishop and the Office, there may be requirements for reporting to local law enforcement, social services, and other outside agencies, particularly where minors are involved. Rectors and presidents of Parish Councils should be knowledgeable about the applicable reporting requirements well in advance of any incidents. The Response Team, appointed to investigate and assess an allegation, will provide their report to the Diocesan Bishop who then will determine the resolution of the case, including any potential discipline for clergy and consequences for laypersons.

Pastoral Concern and Justice. The primary aim of these *Policies, Standards and Procedures* is to prevent incidents of sexual abuse. In this way, the Church expresses its pastoral concern for the "little ones" (no matter what their age) as well as for those who might be tempted to do the wrong thing. All clergy and laity must be aware of and comply with the boundaries set by the Holy Synod. These are for the benefit of all.

All investigations are to be conducted quickly, thoroughly, and objectively, with fairness and respect for the rights for everyone involved. If and when the unspeakable happens, the Church is to offer pastoral help to the abused, his or her family, and to the Parish.

If child abuse is involved, the abuser, if clergy, will be deposed and, if laity, will be permanently prohibited from exercising ministry in the Church related to youth. Reports required by any law enforcement agency or social service agency shall be made. In other cases, the abuser will be dealt with by the Diocesan Bishop based on the circumstances of the case. If the Diocesan Bishop removes a clergy abuser from any function of parish ministry, he shall not be allowed to return until all the specified conditions for his return have been met to the satisfaction of the Bishop. Such conditions may include but are not limited to: psychiatric assessment, treatment, counseling and rehabilitation.