

ORTHODOX CHURCH IN AMERICA  
Procedures for Reporting Sexual Misconduct Allegations

According to the OCA Policy, Standards, and Procedures on Sexual Misconduct (2013):

**Sexual Misconduct** encompasses a range of behavior used to obtain sexual gratification against another or at the expense of another or in a situation where the perpetrator is in a position of authority – physical, psychological, emotional, or spiritual – over the victim. Sexual Misconduct includes sexual harassment, sexual assault, and any conduct of a sexual nature that is without consent, or has the effect of threatening, intimidating or using the person against whom such conduct is directed.

For the specific definition and range of behaviors that define sexual misconduct, please refer to the end of this document.

### **1. Initiation of report**

#### A. Layperson

If you are a **layperson** and observe or experience sexual misconduct, you must immediately report it, either verbally or in writing, to the appropriate authority:

1. Parish rector
2. If the parish rector is the subject of a complaint, the lay person should inform the Ruling Bishop as well as the Office for Review of Sexual Misconduct Allegations (see contact information below).

#### B. Clergy

If you are a **clergyman** and you receive a complaint from anyone that a lay worker or clergyman has committed or may have committed sexual misconduct, it is *mandatory* to report or forward reports of complaints directly to BOTH of the following, either verbally or in writing:

1. Ruling Bishop\*
2. Office for Review of Sexual Misconduct Allegations

Reporting of a complaint is mandatory and can be made verbally or in writing. Failure to report or forward a complaint can have canonical, legal or civil consequences. No one in the Church hierarchy or administration, at any level, has the authority to impose any exceptions to this mandatory reporting requirement or to influence the reporter/report in any way.

\*Should the Ruling Bishop be the subject of the complaint, the report shall be made to the Metropolitan instead of the Bishop. If the Metropolitan is the subject of the complaint, then the report shall be made to the Secretary of the Holy Synod.

### **2. Confirmation of receipt of report**

Clergy receiving reports will confirm to the reporter in writing the fact that they have forwarded the received complaints to the appropriate Church authorities.

### **3. Report to law enforcement**

If you, or your parish, organization, or institution, are required by law to report sexual misconduct (especially in cases involving minors) to local law enforcement, social services, or other outside agencies, then you must do so **immediately** prior to all other notifications.

### **4. Notify parents of alleged victim who is a minor**

If the alleged victim is a minor, the clergyman who received the initial complaint or the Office for Review of Sexual Misconduct Allegations must immediately notify the parents or guardians of the alleged victim of the complaint, unless the parent or guardian is the subject of the complaint.

### **5. Retaliation**

If you perceive or experience any retaliation against alleged victims or anyone who, in good faith, has made a complaint or participated in an investigation under the OCA Policy, that retaliation must be reported in the same manner as for sexual misconduct.

*Note: The identity of all reporting sources is always kept confidential. This does not, however, prevent the alleged perpetrator or third parties from speculating who the reporting source is. Should others inquire about the reporting source, the OCA will neither confirm nor deny the reporter's identity.*

#### CONTACT INFORMATION:

##### **Office for Review of Sexual Misconduct Allegations (ORSMA)**

Cindy Heise, LMSW  
Coordinator of ORSMA  
516-922-0931 (direct line)  
855-398-2600 toll free hotline  
cheise@oca.org

Archpriest Alexander Rentel  
OCA Chancellor / Director of ORSMA  
516-922-0550 x. 130  
chancellor@oca.org

Archpriest Eric Tosi  
OCA Secretary  
516-922-0550 x. 129  
etosi@oca.org

Metropolitan TIKHON  
Archbishop of Washington, Metropolitan of All America and Canada  
516-922-0550  
metropolitan@oca.org

**Sexual Misconduct** includes, but is not limited to, the following:

- Sexual relations and/or conduct by a Clergyman that violate the teachings and/or canons of the Orthodox Church
- Any sexual involvement or sexual contact by a Clergyman or Lay Worker with another person, who is not the Clergyman's or Lay Worker's spouse, and who is under the age of legal consent, or who is legally incapable of giving consent.
- Any unwelcome written, spoken, or physical sexual advance or conduct by a Clergyman or Lay Worker;
- Any direct or indirect request or suggestion for a sexual favor by a Clergyman, Lay Person or Lay Worker where there is a Pastoral Relationship and/or an employment, mentor, and/or colleague relationship between the persons involved;
- Any use or exploitation by a Clergyman, Lay Person or Lay Worker of a supervisory position or other position of authority in connection with such person's sexual needs or desires;
- The attempted development of a sexual relationship within a Pastoral Relationship, whether or not there is consent or apparent consent by both parties;
- The initiation, continuation, or pursuit of a sexual relationship by a Clergyman, Lay Person or Lay Worker with someone with whom he/she has a Pastoral Relationship, even if the relationship is consensual; and/or
- The use or exploitation by a Clergyman, Lay Person or Lay Worker of his/her position in connection with his/her sexual needs or desires.

**Sexual Harassment** is a type of sexual misconduct defined as unwelcome or unwanted advances, requests for sexual favors- by any means or media - or any other verbal, visual, or physical conduct of a sexual nature when:

- (A) submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment or membership;
- (B) submission to or rejection of such conduct by an individual is used as the basis for employment or membership decisions affecting such individual; or
- (C) such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or ability to maintain membership or creating an intimidating, hostile, or offensive working environment, in any environment or institution where the person desires to become or remain an employee or member.

Examples of sexual harassment may include, but are not limited to:

- (A) Physical, unwelcome touching;
- (B) Verbal conduct such as epithets, derogatory jokes or comments, slurs or unwanted sexual advances, invitations or comments;
- (C) Visual conduct such as derogatory and/or sexually oriented posters, photography, cartoons, drawings or gestures, texts via all forms of media;
- (D) Threats and demands to submit to sexual requests as a condition of continued employment, or to avoid some other adverse consequence, and offers of employment benefits in return for sexual favors;
- (E) Inappropriate conduct or comments consistently targeted at only one gender, even if the content is not sexual;
- (F) In the case of a person in a position of authority –whether it is actual, moral, emotional, legal or any form of ascendancy of one person over another, any type of sexual activity or sexualized circumstances between him or her and one of his or her subordinates. While such activity may not explicitly be illegal, it is often against professional codes of ethics. Entering a sexual relationship with a subordinate, even when the contact is initiated by the latter, is unethical because of the subordinate's vulnerability.
- (G) Retaliation for having reported or threatened to report sexual harassment.
- (H) Some activities which are not strictly classified as erotic acts, e.g. mooning, streaking and skinny dipping, are sometimes also categorized as sexual misconduct and can be part of a case of sexual harassment.
- (I) The use or exhibiting of photographs, movies, videos or other imagery of a sexual or sexually suggestive nature that would reasonably be anticipated to cause embarrassment, arousal or discomfort to others.

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