

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



**ORTHODOX
CHURCH in
AMERICA**

*The Holy Synod of Bishops of the Orthodox Church in America
Approved by the Holy Synod of Bishops at the Fall 2013 Holy Synod Meeting*

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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 2.13. 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. The revisions found herein are based upon recommendations of the Sexual Misconduct Policy Advisory Committee [SMPAC] established by the Holy Synod of the Orthodox Church in America. 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) Continues the Office for Review of Sexual Misconduct Allegations [ORSMA] within the Chancery of the Orthodox Church in America, under the authority of the Office of the Metropolitan, to assist with matters concerning allegations of sexual misconduct.
- (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 *Policies, Standards, and Procedures of the Orthodox Church in America on Sexual Misconduct*, adopted by the Holy Synod of Bishops in April 2003; 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.

1.03. ***Minimum Mandatory Requirements:*** These *Policies, Standards, and Procedures* are minimum mandatory requirements. Nothing herein prevents any diocese, institution 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; Institution, and any stavropegial church, theological school or monastic community. The administrative and structural units of the Orthodox Church in America are also defined in its *Statutes*.

2.02. **Clergy or Clergyman:** Clergy or Clergyman means any bishop, priest, deacon or ordained monastic in the Church; any bishop, priest, deacon or ordained monastic 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, whether or not such allegation is made in writing. All allegations, whether written or unwritten, shall be investigated.

2.04. **Institution:** A Church-affiliated organization which is not specifically a diocese or parish, including, but not limited to, a monastery, hospital, seminary, school, church camp, retreat center, etc.

2.05. **Lay Person or Lay Worker:** Lay Person or Lay Worker means any of the following who is not a Clergyman:

(A) A full-time or part-time employee of the Church or any monastic of the Church who does not fall within the definition of "Clergy or Clergyman" found in section 2.02 above;

(B) Any person approved by a Clergyman or other authorized person within the OCA to serve in a voluntary capacity in a ministry or activity of the Church; and

(C) A seminarian or other person attending a theological school affiliated with the Church.

2.06. **ORSMA:** ORSMA means the Office for Review of Sexual Misconduct Allegations of the Orthodox Church in America.

2.07. **Pastoral Relationship:** Pastoral Relationship means a relationship between either Clergy, or a Lay Person or Lay Worker 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 from such Clergyman, Lay Person or Lay Worker or (b) where the other person, with a reasonable belief that Clergy or a Lay Person or Lay Worker is acting on behalf of the Church, has provided confidential or privileged information to such Clergy or Lay Person or Lay Worker.

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

2.09. **Ruling Bishop:** Ruling Bishop means a hierarch with canonical authority over the OCA institution where an allegation of sexual misconduct is alleged to have occurred and/or where the Respondent resides, is attached, or is employed. If more than one Bishop appears to have jurisdiction, they may agree upon their respective roles and advise ORSMA as to which Bishop shall be considered the Ruling Bishop. In the event a hierarch is the Respondent, or in the event the Ruling Bishop recuses himself from any involvement in the investigation or the handling of the complaint, then, for all purposes of proceeding under these Policies, Standards and Procedures, the Ruling Bishop shall be the Metropolitan, or in the event the Metropolitan is the Respondent or recuses himself from any involvement in the investigation or handling of the complaint, then the Ruling Bishop shall be the Holy Synod of Bishops or their designate.

2.10 **Sexual Harassment:** 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.

2.11. **Sexual Misconduct:** 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.

In a pastoral or counseling relationship, all sexual relations between a Clergyman and/or Lay Worker and the person with whom there is a pastoral/professional relationship are deemed to be without consent.

In addition to the definition of Sexual Misconduct cited above, clergy sexual misconduct comprises any behavior and/or action that is not in accordance with the teaching of the Church on the matter of sexuality. It encompasses a range of inappropriately eroticized relationships that can be of a romantic, sexualized, or sexual nature or behavior, breaching the boundaries of the pastoral relationship.

Where Sexual Misconduct has occurred, the reasons, or claimed reasons for such behavior is not relevant. Moreover, since Sexual Misconduct often occurs after a period of “grooming the victim”, it is still Sexual Misconduct although physical sexual relations did not occur if reasonable minds would conclude that sexual relations were the intended or probable consequence of the Clergy or Lay Worker’s actions.

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

(1) Sexual relations and/or conduct by a Clergyman that violate the teachings and/or canons of the Orthodox Church

- (2) 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.
- (3) Any unwelcome written, spoken, or physical sexual advance or conduct by a Clergyman or Lay Worker;
- (4) 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;
- (5) 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;
- (6) The attempted development of a sexual relationship within a Pastoral Relationship, whether or not there is consent or apparent consent by both parties;
- (7) 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
- (8) 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.

2.12. **SMPAC**: SMPAC means the Sexual Misconduct Policy Advisory Committee established by the Holy Synod of the Orthodox Church in America.

2.13. **Victim**: Victim means any person who is, or allegedly is, the victim of sexual misconduct.

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 Sexual Misconduct by its Clergy or any Layperson. The Church should educate Clergy, Lay Persons, 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 deal fairly with and to 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 Ruling Bishop, in exercising his duties, has both pastoral and disciplinary responsibilities.

The Church will not and does not tolerate Sexual Misconduct on the part of Clergy and/or Lay Workers or Lay Persons, whether paid or voluntary. The Church will take all appropriate action against those responsible for Sexual Misconduct. At the same time, the investigation of allegations under these Policies, Standards and Procedures shall be as complete and impartial as possible and shall attempt to protect the reputation of Clergy and/or Lay Workers or Lay Persons who may be subject to inaccurate or false allegations.

3.03. ***Justice and Pastoral Concern:*** The Church will strive to see that justice is done. The innocent, which includes those wrongfully accused of Sexual Misconduct, must be protected while those responsible for Sexual Misconduct must be held accountable. Where Sexual Misconduct has occurred, all reasonable steps shall be taken to prevent recurrence.

The Church recognizes that Sexual Misconduct is a special problem with a profound impact on the lives of those affected. In the case of Sexual Misconduct by Clergy, the integrity of the priesthood and the Church as the servant of the people of God is damaged as well. Clergy serve by ministering to the spiritual needs of the people. When servant becomes abuser, the relationship of trust necessary for ministry becomes diminished for all. The betrayal of this trust by transgression of sexual boundaries, denies our Christian identity.

Those who work for the Church, Clergy, Lay Persons and Lay Workers, stand in the community as representatives of Christ's Church and Her holy teachings. The Church maintains consistent teachings in opposition to sexual relations outside the sacrament of Holy Matrimony. **Those who represent the Church therefore must avoid even the appearance of impropriety relating to possible sexual activity outside Holy Matrimony.**

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. 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 Lay Persons, in living out their faith, must adhere to Christian moral principles in their sexual conduct.

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, Lay Workers and Lay Persons; to provide an effective means to review and evaluate, thoroughly, fairly and impartially, allegations of Sexual Misconduct; to result in appropriate discipline where allegations are substantiated; to protect, to the extent possible, 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, to protect the reputation of Clergy and/or Lay Workers or Lay Persons who were subjected to inaccurate or false allegations; and to ensure that the Church takes necessary steps to discharge its responsibilities.

4.02. ***Adoption by All Church Units:*** (A) Upon promulgation by the Holy Synod, these *Policies, Standards, and Procedures*, and any amendments thereto, shall be and be deemed to be adopted by each Ruling Bishop and diocesan hierarch, and shall be immediately effective

within all diocesan organizations, parishes, Institutions and all stavropegial churches, theological schools, and monastic communities.

(B) Upon promulgation by the Holy Synod, each Ruling Bishop shall publish these *Policies, Standards, and Procedures* to each parish, mission and Institution in his diocese, and shall require each parish council and the governing board of each Institution to adopt the same by a vote recorded in the parish council and/or governing board minutes. The resolution so doing shall state, at the minimum, that the parish council, and/or governing board of the Institution and all members of the Clergy and Lay Persons working on behalf of the parish and/or Institution, agree to be bound by and comply with these *Policies, Standards, and Procedures*, and any amendments thereto, and that the Rector and parish council and/or the head of the Institution and governing board shall use all reasonable efforts to ensure that such *Policies, Standards, and Procedures* are distributed to and understood by all Lay Persons and/or Clergy working on behalf of the parish and/or Institution.

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 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:*** Clergy shall be aware of and not disregard any signs of sexual boundary breakdown in relationships with others. They shall be aware that there may be sexually aggressive people who could initiate improper relationships. Clergy shall at all times take precautionary measures to avoid inappropriate behavior that could lead to Sexual Misconduct. They must also avoid even the appearance of impropriety relating to possible sexual activity outside Holy Matrimony.

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 Ruling Bishop, the costs thereof may be paid or reimbursed by the Ruling Bishop's diocese.

5.06. ***Cooperation and Discipline:*** All Clergy who are Respondents, Complainants, or witnesses or may have information, in matters involving alleged Sexual Misconduct shall cooperate fully with all reviews and investigations. All Clergy who are Respondents shall accept and abide by all recommendations and discipline that may result from the matter.

6 Standards of Conduct for Lay Persons or Lay Workers

6.01. **Basic Prohibition:** No Lay Person or Lay Worker shall commit, attempt to commit, or engage in any act of Sexual Misconduct.

6.02. **Supervisory Authority:** Lay Persons or Lay Workers 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 Lay Person or Lay Worker shall use or exploit his or her position in connection with sexual or emotional needs or desires.

6.03. **Avoidance and Precautions:** Lay Persons or Lay Workers 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 that could lead to Sexual Misconduct. They must also avoid even the appearance of impropriety relating to possible sexual activity outside Holy Matrimony.

6.04. **Counseling and Assistance:** Any Lay Person or Lay Worker 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, or the head of the governing board of the Institution 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, or head of the governing board, such person may apply to the Ruling Bishop for diocesan payment or reimbursement of such costs. If the Rector is involved, such discussions and applications shall be initiated with the Ruling Bishop or his designated diocesan representative.

7 Church Structure Concerning Sexual Misconduct Allegations

7.01. **Authority of Bishops:** (A) Ruling Bishops have full hierarchical authority for all Church activities within the diocese, including all matters concerning allegations of Sexual Misconduct. Ruling Bishops may fully exercise that authority and may impose on Clergy any canonical discipline in accordance with these *Policies, Standards, and Procedures*. Notwithstanding anything else herein, all competence to review and investigate allegations of Sexual Misconduct under the *Policies, Standards, and Procedures* is delegated to ORSMA, and these *Policies, Standards, and Procedures* shall be interpreted in a manner consistent with such delegation.

(B) Ruling Bishops shall report all allegations of sexual misconduct to ORSMA and also refer all investigations of allegations of sexual misconduct to ORSMA, which is created in paragraph 7.02 below, and 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 [hereinafter referred to as “ORSMA”] is hereby created and continued 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 Office of the Metropolitan, who shall report to the Holy Synod of Bishops. ORSMA shall be supervised on a day-to-day basis by the Chancellor of the Orthodox Church in America.

7.03. Duties and Responsibilities for Reviews and Investigations: (A) ORSMA shall, at the request of the Ruling Bishop, assist the Ruling Bishop in reviewing, investigating, or dealing with allegations of Sexual Misconduct. In accordance with the Ruling Bishop's request, ORSMA shall supervise and administer the review and investigation.

(B) The Ruling Bishop shall advise and inform ORSMA of the status and results of any preliminary investigation into allegations of Sexual Misconduct and shall provide a copy of all investigations, records, notes, reports and other documentation to ORSMA. The Ruling Bishop shall also advise ORSMA of any findings and/or conclusions and any action, disciplinary or otherwise taken as a result of the investigation.

(C) Notwithstanding subparagraph (A) of this paragraph, ORSMA may, if warranted, designate a Response Team, consisting of legal counsel or one or more investigators to assist any Ruling Bishop at any stage of the Ruling Bishop's review, investigation, or assessment of allegations of Sexual Misconduct. Such Response Team shall have access to all parties and witnesses to the matter, and to all relevant documents and information. The Response Team shall provide a report to the Ruling Bishop and ORSMA pursuant to paragraphs 9.06-9.07 of these *Policies, Standards, and Procedures*.

(D) The provisions of 8.01 through 9.09 herein dealing with the reporting, review, and investigation of allegations of Sexual Misconduct shall apply to ORSMA in those matters where ORSMA, at the request of a Ruling Bishop, performs such functions.

(E) Notwithstanding anything herein to the contrary, ORSMA, pursuant to section 9 below, may perform any additional investigation the Response Team feels necessary and shall coordinate its work with any preliminary investigation performed by or at the behest of the Ruling Bishop.

7.04. Additional Duties and Responsibilities: (A) The ORSMA shall, as soon as practicable, in consultation with SMPAC, 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) ORSMA may, from time-to-time as circumstances warrant, in consultation with SMPAC, develop and recommend amendments to these *Policies, Standards, and Procedures*. ORSMA, in consultation with SMPAC, 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) ORSMA, in consultation with SMPAC, 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) ORSMA, in consultation with SMPAC, 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. ORSMA, in consultation with SMPAC, shall endeavor to utilize the knowledge and experience gained from these workshops to improve these *Policies, Standards, and Procedures*. ORSMA shall, as circumstances warrant, consult with Bishops, clergy, experts in the field, other professionals, and members of the public and SMPAC in preparing the workshops and determining their agendas.

8. Complaints

8.01. Requirement to Report Complaint: A Lay Person, Lay Worker or Clergyman who perceives or believes that particular conduct or verbal/ non-verbal behavior of another Clergyman, Lay Person or Lay Worker may constitute sexual misconduct must immediately report such conduct or comments. Failure to report a complaint will have canonical consequences and may also have legal or civil consequences. All reports of misconduct must include the name of the alleged Victim(s), if known, and/or other identifying information, and the name and other identifying information of the Respondent(s). All complaints of possible Sexual Misconduct must be reported whether received anonymously or not.

A Lay Person or Lay Worker must immediately report such conduct or comments to, at minimum, the parish rector, or head of the Institution (or whoever is responsible for the parish, monastery or Institution) who, in turn, has the responsibility to forward the report, preferably in writing, to the Ruling Bishop and the Office for Review of Sexual Misconduct Allegations in accordance with Section 8.02 below. Should the parish rector be the direct or indirect subject of the complaint, the report of the Lay Person or Lay Worker shall be made to the Ruling Bishop and the Office for Review of Sexual Misconduct Allegations. The Lay Person or Lay Worker may also report to any or all of the following: OCA Chancellor and the OCA legal counsel; any such person who receives such a report shall forward the same to the others named in this sentence.

A Clergyman must immediately report such conduct or comments to the following:

- (A) The Ruling Bishop; and
- (B) The Office for Review of Sexual Misconduct Allegations

provided, however, that a complaint is not required to be made to someone who is the Respondent. Any person who receives a report from a Clergyman shall immediately forward a copy of the report to the others named in the list of persons to whom a report shall be made. A complaint may be made orally or in writing. Should the Ruling Bishop be the direct or indirect subject of a complaint, the report required by this Section shall be made to the Metropolitan rather than to the Ruling Bishop, as well as the Holy Synod, unless the Metropolitan is the direct or indirect subject of the allegations, in which case the report shall be made to the Holy Synod of Bishops or their designate rather than to the Ruling Bishop or Metropolitan.

8.02. **Requirement of Clergy to Forward Reports:** If a Clergyman receives a complaint from anyone, whether anonymously or not, that a Lay Person, Lay Worker or Clergyman has committed or may have committed Sexual Misconduct, the Clergyman receiving such complaint must immediately report such complaint to the following:

- (A) The Ruling Bishop; and
- (B) The Office for Review of Sexual Misconduct Allegations

provided, however, that a Clergyman is not required to contact someone who is the Respondent. Any person who receives a report from a Clergyman shall immediately forward a copy of the report to the others named in the list of persons to whom a report shall be made. Should the Ruling Bishop be the direct or indirect subject of a complaint, the report required by this Section shall be made to the Metropolitan rather than to the Ruling Bishop, unless the Metropolitan is the direct or indirect subject of the allegations, in which case the report shall be made to the Holy Synod of Bishops or their designate rather than to the Ruling Bishop or Metropolitan.

Clergy and Lay Workers learning about any allegations are required to report these allegations to the proper Church and/or civil authorities. Reporting allegations does not mean the reporter believes them to be true, nor should the reporter feel that they are now making an allegation. **Reporting an allegation** is substantively different from **making an allegation**. Clergy and Lay Workers have an obligation to report allegations which come to their attention. Reporting the allegation is giving the proper authorities the information they need to do a proper investigation to determine whether the allegations have substance to them. It is not the duty of the person reporting the allegation to determine the veracity of the complaint. Reporters of allegations do have an obligation to try as far as is possible to protect the confidentiality of the report. Making confidential reports public in any forum is immoral and could be illegal.

The Clergyman will confirm in writing to the one from whom he has received the complaint the fact that the Clergyman has received the complaint and that the complaint has been forwarded to the proper reporting authorities in accordance with this Section. Failure to forward a complaint can have canonical, legal or civil consequences.

8.03. **Required Reporting between the Office for Review of Sexual Misconduct Allegations, Chancellor, Ruling Bishop and OCA Legal Counsel:** The Office for Review of Sexual Misconduct Allegations shall report all complaints as soon as possible to the Chancellor. Whether or not it is clear to the Chancellor that the Ruling Bishop also received a complaint of Sexual Misconduct, the Chancellor must immediately either notify the Ruling Bishop of the complaint, or request in writing a written clarification or confirmation from the Ruling Bishop that the Ruling Bishop was notified unless the Ruling Bishop is the Respondent. Should the Ruling Bishop be the direct or indirect subject of a complaint, the report required by this Section shall be made to the Metropolitan rather than to the Ruling Bishop, unless the Metropolitan is the direct or indirect subject of the allegations, in which case the report shall be made to the Holy Synod of Bishops or their designate rather than to the Ruling Bishop or Metropolitan. Similarly, whether or not it is clear to the Ruling Bishop that the Chancellor also received a complaint of sexual misconduct, the Ruling Bishop must either immediately notify the Chancellor of the complaint, or request in writing a written clarification or confirmation from the Chancellor that the Chancellor was notified, unless the Chancellor is the Respondent. Should the Chancellor be

the direct or indirect subject of a complaint, the report required by this Section shall be made to the Metropolitan rather than to the Chancellor, unless the Metropolitan is the direct or indirect subject of the allegations, in which case the report shall be made to the Holy Synod of Bishops or their designate rather than to the Chancellor or Metropolitan.

Whether or not it is clear to the Chancellor that the OCA legal counsel also received a complaint of Sexual Misconduct, the Chancellor must immediately either notify the legal counsel of the complaint, or request in writing a written clarification or confirmation from the legal counsel that the legal counsel was notified unless the legal counsel is the Respondent. Should the legal counsel be the direct or indirect subject of a complaint, the report required by this Section shall be made to the Chair of the Metropolitan Council Legal Committee rather than to the legal counsel, unless the Chair of the Metropolitan Council Legal Committee is the direct or indirect subject of the allegations, in which case the report shall be made to the Holy Synod of Bishops or their designate rather than to the legal counsel or Chair of the Metropolitan Council Legal Committee. Similarly, whether or not it is clear to the legal counsel that the Chancellor also received a complaint of Sexual Misconduct, the legal counsel must either immediately notify the Chancellor of the complaint, or request in writing a written clarification or confirmation from the Chancellor that the Chancellor was notified, unless the Chancellor is the Respondent. Should the Chancellor be the direct or indirect subject of a complaint, the report required by this Section shall be made to the Metropolitan rather than to the Chancellor, unless the Metropolitan is the direct or indirect subject of the allegations, in which case the report shall be made to the Holy Synod of Bishops or their designate rather than to the Chancellor or Metropolitan.

8.04. *Required Reporting to Head of Institution:* When the Chancellor receives a complaint that an OCA Institution's employee, whether a Clergyman or Lay Person, has committed or may have committed Sexual Misconduct, the Chancellor must, as soon as practicable, notify the head of that OCA Institution's governing body about such complaint; provided, however, if the head of the governing body is the Respondent, the Chancellor should notify the next highest ranking official. By way of example (but not limitation), if the Chancellor receives a complaint that a Lay Person or Clergy working at an OCA Institution has committed sexual misconduct, the Chancellor should notify the head of the governing board of that Institution. The Chancellor must also notify the legal counsel and the Ruling Bishop in the same manner as provided in 8.03 above.

8.05. *Legally Required Reporting:* Anyone required by law to report Sexual Misconduct to local, county, state, federal or other law enforcement, social services, or other outside agencies, as applicable, shall do so. The date of any required reporting as well as the name, address and time of the reporting shall be included with the report of possible Sexual Misconduct where possible or as soon thereafter as is feasible. Each OCA parish and Institution is responsible for determining the legal reporting requirements to which it is subject. Legally required reporting does not obviate the required reporting of sections 8.01-8.04 above or 8.06-8.09 below.

8.06. *Required Notice to Parents/Guardians of Minor:* If the Victim is a minor, the parents or guardians of the Victim shall be immediately notified by ORSMA (or by a Clergyman who received the initial complaint) of the complaint of Sexual Misconduct. However, no such notification should be made to a parent or guardian who is the Respondent.

8.07. **Mandatory Notification of Legal Counsel Other Than the OCA Legal Counsel.** If legal counsel is available to an OCA parish or Institution directly, through the Diocese of the OCA, or the Institution, or through ORSMA, such counsel shall be notified and consulted with respect to civil law issues and questions that could arise regarding a particular Sexual Misconduct allegation and a subsequent investigation.

8.08. **Notification of Insurance Carriers.** In consultation with legal counsel (if available), any required notices shall be given to the appropriate liability insurance carrier when a Sexual Misconduct complaint is made.

8.09. **Notification of Crisis Management Committee.** When ORSMA receives a report of Sexual Misconduct involving a hierarch or a member of the OCA central administration, or a member of an OCA representational parish, ORSMA shall immediately notify the Chair of the OCA's Crisis Management Committee and the OCA's legal counsel. On receiving such a report, the OCA's legal counsel shall report the same to the Chair of the Metropolitan Council Legal Committee.

8.10. **Retaliation Prohibited:** Retaliation against a Victim or anyone who, in good faith, has made a complaint, or a report, or participated in an investigation under this Policy is prohibited. Complaints or reports of retaliation must be made in the same manner as a complaint or report of Sexual Misconduct.

8.11 **Confidentiality:** All of those involved in reporting or investigating allegations of sexual abuse have a moral and legal responsibility to protect confidentiality including but not limited to the identities of Victims, Complainants, Respondents, or of any other persons mentioned directly or indirectly in the reports whether verbal or written, and of those who might be falsely accused. Making confidential reports public, or making them available to others to make public, is in violation of the Policy, Standards and Procedures of the Orthodox Church in America.

9. Investigations

9.01. **Appointment of Response Team:** Upon receipt of a complaint of Sexual Misconduct (or of retaliation) – whether written or oral made by an identified Complainant or anonymously, – ORSMA will initially decide as to whether the complaint is covered by these Policies and Procedures, and if so shall appoint a Response Team to investigate. The legal counsel should always be appointed as legal consultant to a Response Team, unless a personal relationship exists between the legal counsel and a Victim or a Respondent. The Response Team shall consult with ORSMA's professional consultants whenever necessary. Should ORSMA initially determine that the complaint is not covered by these Policies and Procedures, ORSMA may nevertheless appoint a Response Team to investigate the complaint in which case the investigation shall proceed as though the complaint were covered by these Policies and Procedures. In the event, ORSMA determines the complaint is not covered by these Policies and Procedures and does not elect to appoint a Response Team, ORSMA shall consult with the legal counsel for the legal counsel's opinion as to whether the complaint is covered by the Policies and Procedures, or if not whether a Response Team should nevertheless be appointed. If both ORSMA as well as the legal counsel determine that the complaint is not covered and that a Response Team should not be appointed, the complaint shall be closed and the informant shall be

notified of the action and the reasons. Should the legal counsel be of the opinion that the complaint is covered by the Policies and Procedures or that even though not covered by the Policies and Procedures a Response Team should be appointed then a Response Team shall be appointed and the complaint shall be investigated as though the complaint were covered by the Policies and Procedures. These Policies and Procedures shall be read broadly to include complaints and possible complaints of Sexual Misconduct.

9.02. *Interim Actions Pending Resolution.*

(A) If a Clergyman is the Respondent, the Ruling Bishop will inform him of the complaint and may, pending resolution of the allegations, suspend him, or impose a leave of absence, with or without pay, from further service in the OCA under such terms and under whatever conditions as the Ruling Bishop determines appropriate. The period of leave of absence or suspension with, or without, pay, under whatever conditions the Ruling Bishop deems appropriate, shall ordinarily continue until the Response Team renders its decision. However, the period of leave of absence or suspension with, or without, pay may in the discretion of the Ruling Bishop be modified to a shorter or longer period as the Ruling Bishop deems appropriate. Should a Bishop be the Respondent, the Metropolitan shall inform him of the complaint, suspension, or leave of absence, in such a case, the Metropolitan shall be considered the Ruling Bishop for all purposes under these procedures. If the Metropolitan is the direct or indirect subject of the complaint, the Holy Synod of Bishops or their designate shall inform the Metropolitan of the complaint, suspension, or leave of absence, in such a case, the Holy Synod of Bishops or their designate shall be considered the Ruling Bishop for all purposes under these procedures.

(B) If a Lay Worker or Lay Person is the Respondent, the Rector of the OCA parish or the head of the governing body of the OCA Institution where the Lay Worker or Lay Person is employed or volunteers shall notify him or her of the complaint. The OCA parish or Institution shall, pending final resolution of the allegations, suspend the Respondent, with pay if an employee, from further service in the OCA parish or Institution during the investigation and under such terms and conditions as the governing body of the OCA parish or Institution (or its delegate) determines appropriate. It is recommended that the OCA parish or Institution consult with a qualified employment law attorney before taking any employment-related actions.

(C) If the allegations involve a Complainant and/or Victim and a Respondent who are resident in the same parish, the Ruling Bishop may, in the interest of good order and harmony, take appropriate action to place any of the parties outside of parish life in such manner as the Ruling Bishop considers appropriate. Before placing a Lay Worker or Lay Person, who is an employee of the Church outside of parish life, the Ruling Bishop should consult with a qualified employment law attorney.

9.03. *Investigation:* All Sexual Misconduct complaints (and retaliation complaints) – whether written or oral made by an identified Complainant or anonymously – shall be promptly, thoroughly, and impartially investigated by the Response Team, which shall be appointed by ORSMA, in accordance with these *Policies, Standards and Procedures* and any rules and regulations governing Response Teams established by ORSMA in consultation with SMPAC.

(A) **Confidentiality.** To the extent practicable under the circumstances, efforts will be made to maintain the confidences and privacy of the Victim, the Respondent, the Complainant and other involved parties during the investigation; legal counsel should be involved here.

(B) **Interviews.** The investigation will include interviews with the Complainant, the Victim, the Respondent, and any and all other persons who could reasonably be expected to have relevant information either confirming or denying the allegations; legal counsel should be involved here as a consultant to the Response Team. It is the obligation of all Clergy and laity who have or may have information regarding the complaint to cooperate fully and completely with the investigation. Interviews shall be conducted with as many members of the Response Team present as possible and shall be recorded either by audio and/or video, or other means that would be practical and acceptable to those present and provide an objective and accurate means of recording the interview unless objected to by the interviewee.

(C) **Opportunity to Answer Allegations.** Any Clergyman, Lay Worker or Lay Person accused of Sexual Misconduct shall be advised of the allegations within 21 days of the receipt of the complaint being filed and shall be provided an opportunity to answer the allegations. The Respondent shall be advised of any additional allegations within 21 days of their receipt by the Response Team or the Office for Review. The Respondent shall provide his or her answers to the initial allegations and any supplemental issues within 21 days of being advised of them and shall be requested to provide the names of individuals or other documents believed, or known at that time, to have information that may be in support of the Respondent's response.

(D) **Requests for Extension of Time.** The Respondent may request additional time to respond to the allegations in the complaint. Such reasonable requests shall be freely given in the interest of justice so long as the extension does not unduly delay the investigation of the complaint. The extension of time to respond shall not exceed an additional 30 days. The Respondent may supplement his or her response and list of individuals or other documents as a matter of course within 30 days of the filing of the first response. The Response Team may allow additional supplemental responses. The Response Team shall interview, where possible all individuals whose names are provided by the Respondent and review any documentation provided. Before the Response Team's investigation is completed, the Respondent shall be provided an additional opportunity to respond to the allegations as well as to any questions that arose by the investigations and shall be afforded the opportunity to provide additional names of individuals and/or other evidence that may support the Respondent's position. The Response Team shall interview where possible all additional individuals named by the Respondent and review all additional evidence provided prior to concluding the investigation;

(E) **Failure to Respond to the Allegations.** In the event the Respondent fails to respond to the allegations in the complaint within the time allotted, including any reasonable extensions of time granted to the Respondent, the allegations shall for all purposes be deemed admitted and an investigation into the allegations shall not be required. In such a case, ORSMA shall notify the Ruling Bishop that the allegations have been admitted and the Ruling Bishop shall impose the ecclesiastical discipline required.

(F) The Respondent may be accompanied by a representative, relative or friend at any and all of the Respondent's meetings with the Response Team. However, the Respondent and his or her representative, relative or friend may not examine or cross-examine witnesses nor be

present during questioning of said witnesses by the Response Team. The Respondent or his or her representative, relative or friend may request that certain areas of inquiry of witnesses be made and/or physical evidence reviewed by the Response Team which if deemed by the Response Team to be probative and not an area of undue embarrassment or harassment shall be made. If the accompanying person is an attorney, the Response Team shall immediately notify the legal counsel of the OCA and request advice on how to proceed.

Nothing in these Policies shall be interpreted as providing a Respondent the right to review any actual written complaint made by a Victim, or made about an alleged violation of these Policies, unless the Respondent complies in his or her entirety with all requirements made of him or her under these Policies or by the Response Team, subject in all cases to the Response Team's good faith discretion on the advice of professional advisors in relevant fields of competence keeping in mind and weighing the relevant gravity of all interests. However, neither the Respondent nor anyone on the Respondent's behalf shall have any contact by any means with the Complainant and/or the Victim or their families.

(H) The Response Team shall give the Ruling Bishop regular updates on the status of the investigation. The head of the Response Team shall send the Ruling Bishop a weekly update with a copy to ORSMA, on the status of the investigation. The frequency of reports can be adjusted depending of the particulars of each case. In the eventuality that the Ruling Bishop recuses himself, the Response Team will send the report to the Metropolitan or the bishop designated to act as the Ruling Bishop with respect to the complaint with a copy to ORSMA

9.04. ***No Release of Claims Permitted:*** Victims may not be asked or required to sign a release of claims by ORSMA, any OCA parish or Institution, or any other person in order to commence a Sexual Misconduct investigation. The priority of the OCA is to help Victims, not to protect the OCA from legal liability.

9.05 ***Reports by Response Team to ORSMA.*** As soon as practicable after the conclusion of an investigation, the Response Team must submit a written Final Report regarding the investigation to ORSMA. The Response Team may also make such interim reports during an investigation as it deems appropriate.

(A) The Final Report is described in 9.06 below must make a recommendation as to whether a finding of probable sexual misconduct is warranted.

(B) If the Response Team's recommendation is not unanimous, more than one Final Report and recommendation may be submitted to ORSMA.

9.06. ***Final Report by Response Team:*** (A) If the respondent denies the allegations of Sexual Misconduct, the Response Team, shall provide a Final Report to ORSMA 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 interviews with the Complainant, Victim 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 and an evaluation as to their credibility, to the extent possible; where names of potential witnesses or documents were provided that were not interviewed or reviewed, the identity of such witnesses and/or documents and the reasons as to why the witnesses were not interviewed or the documents reviewed as well as all good faith efforts to interview said witnesses or reviewed said documents.

(4) All other documents or information provided by the Complainant, Victim or Respondent or witnesses; and an evaluation by the Response Team as to the probative value of the documents or other information, to the extent possible;

(5) An analysis of inferences that reasonably could be drawn from the evidence and the circumstances;

(6) Any reports in the Response Team's possession;

(7) An analysis of the extent to which, in the judgment of the Response Team the evidence, or reasonable inferences drawn therefrom satisfy the burden of proof that it is more likely than not that the allegations are true and that the allegations constitute Sexual Misconduct and/or Sexual Harassment.

(B) The Ruling Bishop shall consider the Final Report, and any additional information in his possession as a result of investigators designated by ORSMA pursuant to paragraph 7.03, including ORSMA's recommendation as to a final determination of the matter and shall make his final determination of the matter.

9.07 ***Burden of Proof:*** As the Response Team is an independent and impartial investigative team, it shall consider all of the evidence obtained as well as any reasonable inferences drawn therefrom in determining whether the allegations of misconduct have been proved. In determining whether the allegations have been proved, the Response Team shall determine whether the evidence adduced during the investigation, and reasonable inferences that can be drawn therefrom in support of the allegations, outweighs the evidence against the allegations. If the evidence in support of the allegations outweighs the evidence against the allegations, then the evidence has satisfied the burden of proof. The Response Team must consider all of the evidence regardless of where the evidence originated. However, the credibility and weight to be afforded the testimony or physical evidence is for the Response Team to determine in the light of all of the evidence.

9.08. ***Review and Recommendation by ORSMA:*** As soon as practicable after, but in no case more than 10 days after, receiving the Response Team's Final Report(s), ORSMA must review the Final Report(s).

(A) If a Clergyman is the Respondent, ORSMA shall, as soon as practicable, but in no case more than 10 days after its review, forward the Response Team Final Report(s) to the

Ruling Bishop, along with ORSMA's independent recommendation as to whether Sexual Misconduct has occurred. Should the Ruling Bishop be the direct or indirect subject of a complaint, the report(s) must be forwarded to the Holy Synod of Bishops or their designate. In the event ORSMA is unable to forward the Response Team's Final Report within 10 days, then ORSMA shall notify the Ruling Bishop of the reasons why the Final Report cannot be forwarded and shall request additional time not to exceed 21 days in which to forward the Final Report. Such requests shall be freely given in the interests of justice.

(B) In addition, if a Clergyman is an employee of an OCA Institution, ORSMA must also forward the Response Team Final Report(s), along with ORSMA's independent recommendation, to the head of the governing body of that OCA Institution as well as the Ruling Bishop of that Institution. Should the head of the governing body be the direct or indirect subject of a complaint, the Final Report(s) must be forwarded to another officer of the governing body who is not the subject of the complaint.

(C) If a Lay Person is the Respondent, ORSMA shall, as soon as practicable, but in no case more than 10 days after its review, forward the Response Team Final Report(s) to the Rector of the parish or the head of the governing body of the OCA Institution where the Lay Person is employed or volunteers as well as the Ruling Bishop of that parish or Institution, along with ORSMA's independent recommendation, as to whether Sexual Misconduct has occurred. Should the head of the governing body be the direct or indirect subject of a complaint, the Final Report(s) shall be forwarded to another officer of the governing body who is not the subject of the complaint. In the event ORSMA is unable to forward the Response Team's Final Report within 10 days, then ORSMA shall notify the head of the governing body of the OCA Institution of the reasons why the Final Report cannot be forwarded and shall request additional time not to exceed 21 days in which to forward the Final Report. Such requests shall be freely given in the interests of justice.

9.09 Maintenance of Files. ORSMA shall maintain as part of its permanent files, a file for each complaint of alleged Sexual Misconduct which shall include the complaint, the investigation performed, the documented work of the Response Team, the Response Team's Final Report, ORSMA's independent recommendation and the Ecclesiastical Decision including any disciplinary action. In the event that no disciplinary action is taken the file should reflect the reasons therefore.

10. Final Decisions.

10.01. Ecclesiastical Decisions. (A) When a Ruling Bishop receives a Response Team's Final Report(s) and ORSMA's recommendation regarding Sexual Misconduct by a Clergyman, the Ruling Bishop must decide whether it is more likely than not that the Clergyman has committed Sexual Misconduct. If the Ruling Bishop decides that Sexual Misconduct has probably occurred, the offending Clergyman will be subject to ecclesiastical discipline and any continued suspension or leave of absence shall be without pay.

(B) **Burden of Proof:** In his determination as to whether Sexual Misconduct has occurred, the Ruling Bishop shall be governed by the same burden of proof requirements as the Response Team. The Ruling Bishop shall consider all of the evidence obtained as well as any reasonable inferences drawn therefrom in determining whether the allegations of misconduct have been

proved. In determining whether the allegations have been proved, the Ruling Bishop shall determine whether the evidence adduced during the investigation, and reasonable inferences that can be drawn there from in support of the allegations, outweighs the evidence against the allegations. If the evidence in support of the allegations outweighs the evidence against the allegations, then the evidence has satisfied the burden of proof. The Ruling Bishop must consider all of the evidence regardless of where the evidence originated.

(C) The Ruling Bishop shall notify ORSMA in writing of his determination as to whether Sexual Misconduct has occurred. Where the Ruling Bishop has determined that Sexual Misconduct has probably occurred, he shall take such disciplinary action as is warranted.

(1) Where the case warrants residential treatment or removal of Clergy or Lay Worker or Lay Person from his or her position, the Ruling Bishop will meet with the Respondent and discuss with the Respondent the discipline and, if appropriate the treatment, he intends to impose. The Ruling Bishop may request the chair of the Response Team to be present at this meeting and the Respondent may bring a friend or advisor to this meeting. The Ruling Bishop shall notify ORSMA of the ecclesiastical discipline that he imposes.

(2) In determining the appropriate ecclesiastical discipline there should be consideration as to whether the Clergyman's actions have become an impediment to his ministry or if his ministry constitutes a potential danger to himself, and/or those in the Church and/or the general public. If it is determined that the Clergyman's actions have become an impediment to his ministry or if his ministry constitutes a potential danger to himself and/or those in the Church and/or the general public, then the Clergyman shall be removed from his ministry.

(D) If the Clergy does not accept the disciplinary action chosen by the Ruling Bishop, and/or it is determined that the Clergyman's actions have become an impediment to his ministry or if his ministry constitutes a potential danger to himself and/or those in the Church and/or the general public, then the Ruling Bishop may consider initiating the canonical process for removal from office (deposition), for withdrawing faculties (suspension), for declaring the presence of an impediment to the exercise of priestly ministry (ordination declared null and void), or the imposition or declaration of a canonical penalty (penance). If a canonical process is initiated, it shall follow the order established in the Orthodox Church in America.

(E) The time periods for any actions under the provisions of the OCA Statute, Article XI 'Church Courts and Canonical Procedures' section 4e, including the right of trial in a spiritual court, do not begin to run until the Response Team has issued its final report and the Ruling Bishop has formally advised the Respondent of his ecclesiastical discipline.

(F) Should the Ruling Bishop be the direct or indirect subject of a complaint, the decision shall be made by the Metropolitan, unless he is the direct or indirect subject of a complaint, in which case the decision shall be made by the Holy Synod of Bishops or their designate.

(G) Should the Ruling Bishop's determination be contrary to the recommendations of the Response Team and ORSMA, he shall set forth in writing his findings and the reasons why his determination is different from that of the Response Team and ORSMA. In such a case, two

other Bishops shall review the findings of the Response Team and ORSMA as well as the written findings of the Ruling Bishop and shall confer with the Ruling Bishop to achieve a consensus.

(H) Sanctions should be severe enough to reinforce the Church's zero-tolerance policy. Discipline short of termination should include a warning of termination for any subsequent misconduct.

10.02. ***If the Allegations are Substantiated:*** (A) If it is determined that the allegations are substantiated, the Ruling Bishop may take the following steps:

(1) Place copies of the decisions on the allegations and on discipline in the case file and provide a copy of the decision to ORSMA. If the Respondent is a member of the Clergy, a copy shall be placed in the diocesan clergy file. If the Respondent is a Lay Person, a copy shall be placed in applicable personnel, diocesan, and other parish files to facilitate future reference;

(2) Meet with the Victim, and if helpful the Victim's family. Express the Church's regret and review ways to assist the Victim;

(3) Meet with the Respondent if the Respondent is Clergy. If the Respondent is a Lay Person a representative of the Bishop may meet with the Respondent. Advise the Respondent 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 Victim of the actions being taken with respect to Respondent, without necessarily disclosing clinical matters in detail;

(5) Make an appropriate disclosure within the parish and/or Diocese 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 his representative.

(B) Depending on the circumstances, there could be a need for corporate or individual healing and pastoral care within the parish. The Ruling Bishop in conjunction with the ORSMA and in consultation with qualified professionals, shall determine the best way to address this matter.

10.03. ***If the Allegations are not Substantiated:*** (A) If it is determined that the allegations are not substantiated, the Ruling Bishop may take the following steps:

(1) Advise the alleged Victim 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 the decision on the allegations in the case file and provide a copy of the decision to ORSMA. 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 alleged Victim to offer pastoral assistance and help in placing the matter in the past.

(B) In the course of the above steps ORSMA, in consultation with the OCA's professional consultants, shall advise the Ruling Bishop on the distinction among "substantiated", "unsubstantiated" and "disproven".

10.04. **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 or Institution, and may consider the factors in paragraphs 10.02 and 10.03 to the extent they are applicable.

10.05. **Discipline of Clergy:** (A) If Clergy are found to have engaged in an act of Sexual Misconduct, the Ruling Bishop shall impose appropriate disciplinary action in accordance with the canons of the Holy Orthodox Church and with 10.01 (C), (D) and (E) above.

(B) Any Clergy who admits or is found to have committed child sexual abuse shall be suspended by the applicable Ruling 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 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 Ruling Bishop. If not already removed from parish ministry, or work in the OCA Institution, the Ruling Bishop shall prohibit him from exercising such functions or responsibilities of parish ministry or Institution work, as the Ruling Bishop determines is appropriate. Any Clergy removed from all or any part of parish ministry or Institution work shall not be permitted to return thereto unless, at the minimum, the following occur, all at the individual's own expense:

(1) The Clergy shall have a psychiatric assessment by a provider satisfactory to the Ruling Bishop and ORSMA's professional consultants. Based on the assessment, a treatment course shall be developed;

(2) The Clergy shall satisfactorily complete a long-term program of therapy as recommended in the psychiatric assessment and acceptable to ORSMA's professional consultants;

(3) At regular intervals the Clergy shall have professional rehabilitation assessments done by a credentialed professional approved by the Ruling Bishop and ORSMA's professional consultants. The assessment shall evaluate the Clergy's progress in therapy, and state the prognoses for the Clergy's future return to service in the Church;

(4) During this time the Clergy shall have a satisfactory work history outside the Church;

(5) The Clergy shall make public acknowledgement of his misconduct in the way approved by the Ruling Bishop; shall exonerate and, if possible make amends and provide restitution to, the Victim in the way approved by the Ruling Bishop;

(6) The Clergy's return to service in the Church shall be endorsed by the Ruling Bishop of the diocese where the Sexual Misconduct occurred and the Ruling Bishop of the Diocese or OCA Institution where the individual proposes to return to service in the Church, if different, as well as ORSMA's professional consultants; and

(7) The Clergy's misconduct as well as his rehabilitation shall be made known to the supervisory authority as well as any lay governing authority of the parish or Institution where he proposes to return to Church service, and a record thereof shall be placed in his personnel file.

(8) If it is determined that the Clergyman's actions have become an impediment to his ministry or if his ministry constitutes a potential danger to himself and/or those in the Church and/or the general public, then the Clergyman shall not be returned to his ministry.

10.06. ***Consequences for Lay Persons:*** If a Lay Person 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 Lay Worker or Lay Person who admits or is found to have committed child sexual abuse shall be removed from all parish and/or Institution ministry and activities, and shall be permanently prohibited from exercising any functions or responsibilities of parish or Institution 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 Lay Worker or Lay Person who admits to, 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 Ruling Bishop. If it is determined that the Lay Worker or Lay Person's actions have become an impediment to his/her ministry or if his/her ministry constitutes a potential danger to himself/herself and/or those in the Church and/or the general public, then the Lay Worker or Lay Person shall be removed from his/her ministry.

10.07 ***Effect of Decision Under These Policies, Standards and Procedures.*** Since the purpose of these Policies, Standards and Procedures is to prevent sexual misconduct, to deal effectively with it if it occurs, to provide appropriate pastoral care, and to ensure that justice and

fairness are achieved, and the proceedings are in line with administrative and civil procedures as opposed to criminal procedures, the decisions under these Policies and Procedures are separate and independent of any decisions of a spiritual or canonical court. In the same manner the decisions of a spiritual and/or canonical court are not binding upon any decision herein.

10.08 ***Employment Decisions.*** When the governing body of an OCA Institution receives a Response Team's Final Report(s) and ORSMA's recommendation regarding Sexual Misconduct by a Lay Person or by a Clergyman who is also an employee of the OCA Institution, the governing body (or its designee(s)) of the Institution as well as the Ruling Bishop having jurisdiction over that Institution must decide whether Sexual Misconduct has occurred and, if so, what discipline (if any) will be imposed. The principles of sections 10.01 through 10.07 shall apply to Clergy employees as well as other Lay Workers.

Sanctions should be severe enough to reinforce the Church's zero-tolerance policy. Discipline short of termination should include a warning of termination for any subsequent misconduct.

10.09 ***Sexual Misconduct Involving a Minor.*** Where there is an admission of or determination of sexual misconduct involving a minor by either a Clergy or a Lay Worker or Lay Person, then there is no possibility of continuing in or returning to ministry on the part of the cleric or Lay Worker or Lay Person. In the case of a Clergy, the Ruling Bishop shall immediately initiate appropriate canonical procedures. Should the Ruling Bishop be the direct or indirect subject of the complaint, the Metropolitan shall immediately initiate appropriate canonical procedures, unless he is the direct or indirect subject of the complaint, in which case the Holy Synod of Bishops or their designate shall immediately initiate appropriate canonical procedures.

10.10 ***Assistance to Victim:*** If the Clergy admits to the allegation(s) and/or the allegation(s) are substantiated by other credible evidence, then appropriate help shall be offered the Victim which may include assistance for therapy/counseling and/or spiritual help. The particular psychological and spiritual needs of each person will vary and will be respected accordingly. The Diocese shall assist in covering the costs of such help and will seek reimbursement from the Clergy or Lay Worker or Lay Person. The Clergy or Lay Worker or Lay Person shall be informed that therapy/counseling or other assistance may be due the Victim and if so, that it is the Clergyman or Lay Worker or Lay Person's responsibility to pay for it.

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 11.06 and 13.01 through 13.05 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 Lay Persons or Lay Workers 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. 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 Lay Person, 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 Ruling Bishop in writing at the request of the Rector, Lay Persons 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 any type of abuse, and no person who has been diagnosed with Paraphilia specified or not otherwise specified 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 undergo a criminal records check.

(D) No person who has been removed from his or her position as a Clergy or Lay Worker as a result of a Final Decision under section 10 of these Policies, Standards and Procedures shall be approved for work as a Lay Worker.

11.06. ***Exceptions:*** 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 ORSMA. However, the provisions of paragraphs 11.05 (B) and (D) may not be modified under any circumstances.

12. Approving Applicants for Seminary, Ordination, Receiving Clergy into the OCA and

for Periodic Screening of Clergy.

12.01. ***Diocesan Programs:*** Each Bishop shall adopt mandatory programs that shall, at the minimum, conform to the requirements of paragraphs 12.02 through 12.05 of these *Policies, Standards, and Procedures*. Additional programs, not inconsistent with those herein, may be adopted.

12.02. ***Screening of Applicants:*** The Holy Synod shall direct ORSMA to adopt a background screening process for all persons who seek admission to an Orthodox Seminary, and for all men who seek to be ordained to the Holy Priesthood or Holy Diaconate, and all Clergy who seek to be received into the Orthodox Church in America and for periodic screening of all Orthodox Church in America Clergy.

12.03. ***Applications and Outside Training:*** All applicants must complete an application form, and complete a criminal records check authorization form, and shall provide if deemed necessary by ORSMA a set of fingerprints and any other information necessary for ORSMA to perform its background check. Each applicant shall have a letter of recommendation from each of his/her parish priest for the five years prior to his/her application for the seminary or ordination. Each Clergy shall have a letter of recommendation from his hierarch that includes a recommendation of acceptance and a certification that the Clergy has not been the subject of any sexual misconduct complaint and/or investigation and has no known criminal, substance abuse or gambling abuse history. The complete personnel file for each Clergy who seeks to be received into the OCA shall be reviewed, copied and made a part of the applicant's file. All applicants shall be interviewed personally by the Ruling Bishop. All applicants shall submit to a clinical examination by professional chosen by ORSMA, in consultation with ORSMA's consulting experts.

12.04. ***Verification of Applications:*** (A) The appropriate person at each diocese, and in the case of Clergy by ORSMA, shall 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. A criminal records check shall be made and received from each State and local jurisdiction and foreign jurisdiction where the applicant has resided during the 10 years prior to his/her application. If deemed necessary by ORSMA, the applicant shall provide fingerprints and/or any other identifying information or authorizations necessary for ORSMA to obtain any records or information deemed necessary for its background check. ORSMA may require the applicant to pay any costs associated with the background check.

(B) A written record of all information described in this paragraph, along with application forms and authorization forms for reference checks and criminal records check, shall 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 and the applicant advised that the application cannot be processed until the requested information is received.

12.05. ***Restrictions and Prohibitions on Church Service:*** (A) Unless special

dispensation is granted by the Ruling Bishop no person shall be approved for admission to an Orthodox Seminary unless that person has been an Orthodox Christian for 3 years.

(B) No person who has been convicted or has plead guilty to any violation of law involving any type of abuse, and no person who has been diagnosed with Paraphilia specified or not otherwise specified as defined by the American Psychiatric Association, shall be approved for admission to seminary, ordination or received as Clergy into the OCA in any capacity.

(C) Adult survivors of child abuse must meet with the Ruling Bishop and submit to a clinical examination pursuant to 12.03 above before being approved for seminary and/or ordination and a criminal records check must be performed as to such individuals.

(D) No person who has been removed from his or her position as a Lay Worker as a result of a Final Decision under section 10 of these Policies, Standards and Procedures shall be approved for admission to an Orthodox Seminary or ordination. No person who has been removed from his position as a Clergy as a result of a decision under these or any similar Policies, Standards or Procedures of this or any other Orthodox jurisdiction or Christian denomination may be received as Clergy into the OCA.

12.06. **Exceptions:** The provisions of paragraph 12.05 (B) and (D) may not be modified under any circumstances.

13. *Supervision of Church Workers and Children*

13.01. **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 unrelated 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) unrelated 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.

13.02. **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.

13.03. **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 a 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.

13.04. **Inappropriate Activity:** (A) Any inappropriate conduct or relationships between an adult and a child or member of a youth group, or between children, or between members 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. However, a single violation may be 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.

13.05. **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 for events away from the 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 and (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.

14 Training and Education

14.01. **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 Church 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 ORSMA to assist in developing child sexual abuse prevention training programs. ORSMA, in consultation with SMPAC and professional in the field, 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.

14.02. **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 Church 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 therein, and that I will fully and at all times comply with and perform those duties and obligations.”

15 **Epilogue.**

15.01 ***Work in Progress:*** The primary goal of these policies is to help the Church learn whether allegations of sexual misconduct are true. The second, and no less important, goal of these Policies is to help Victims heal and be heard, and to protect potential Victims from victimization. With these goals in mind, it is the OCA’s intent that in implementing these policies, the process should not be used by any party to an investigative procedure as a tactical device to obscure or obfuscate these two primary goals

These Policies shall be deemed always a work in progress, though at all times effective as of the date last approved by the Synod of Bishops. To that end, ORSMA, SMPAC, together with the Synod of Bishops and relevant professional consultants, will continue to review and to propose revisions to these Policies based on current trends in relevant best practices, and the realities of the application within the Church of these Policies in their past and current incarnations.