

**POLICIES, STANDARDS, AND PROCEDURES OF
HOLY RESURRECTION ORTHODOX CHURCH ON SEXUAL MISCONDUCT**

Adopted by the Parish Council - January 19, 2005

1. **DEFINITIONS**

- 1.1 **Complainant:** Complainant means any person who makes an allegation of sexual misconduct, or parent or guardian of a minor who alleges sexual misconduct, and in either case signs a formal complaint pursuant to these Policies, Standards and Procedures.
- 1.2 **Layperson.** Layperson means any full-time or part-time employee of the Church and any person approved by clergy or other authorized person to serve in a voluntary capacity in a Church ministry or activity.
- 1.3 **Pastoral Relationship:** Pastoral relationship means a relationship between either clergy or a layperson acting on behalf of the Church and one or more other persons, where (a) the other person has received counseling, pastoral care, spiritual direction, or spiritual guidance, or (b) where the other person, with a reasonable belief that clergy or a layperson is acting on behalf of the Church, has provided confidential or privileged information to such clergy or layperson.
- 1.4 **Respondent.** Respondent means any person alleged by one or more complainants to have engaged in one or more acts of sexual misconduct.
- 1.5 **Sexual Misconduct:**
- (a) Sexual misconduct means sexual abuse or molestation, child sexual abuse, sexual harassment, sexual exploitation, or pastoral sexual abuse as defined in subparagraphs (1) through (5) of this paragraph.
- (1) Sexual abuse or molestation means any sexual involvement or sexual contact by any person with another person who is a minor or who is legally incompetent.
- (2) Child sexual abuse means sexual abuse or molestation that also is defined as child sexual abuse by that name or an equivalent name under applicable state law.
- (3) Sexual harassment means any unwelcome written, spoken, or physical sexual advance or conduct; any direct or indirect request for a sexual favor or suggestions that one might be granted where, in either case, there is an employment, mentor, or colleague relationship between the persons involved; and any use or exploitation, by a layperson, of a supervisory position or other position of authority in connection with such persons' sexual or emotional needs or desires.
- (4) Sexual exploitation means the attempted development of a sexual relationship between clergy or a layperson and another person with whom a pastoral relationship exists, whether or not there is apparent consent from such person.
- (5) Pastoral sexual abuse means the initiation, continuation, or pursuit of a sexual relationship by clergy involving a person with whom he has a pastoral relationship even if the relationship is consensual, or the use or exploitation of his position in connection with his sexual or emotional needs or desires.

2. **POLICY AND PRINCIPLES OF THE CHURCH**

- 2.1. **General Policy on Sexual Misconduct:** The Church laments the sin of sexual misconduct and will not tolerate it by its clergy or any layperson. It has implemented these Policies, Standards and Procedures to fairly deal with and resolve allegations of sexual misconduct.
- 2.2. **Guiding Principles on Allegations of Sexual Misconduct:** The Church will take all allegations of sexual misconduct seriously and will promptly respond to all allegations. Where an act of sexual misconduct is alleged to have occurred, the Church will cooperate in accordance with civil and canon law in any investigation by civil authorities. The Church will reach out to the victims of sexual misconduct and their families to provide for their spiritual well-being and healing. The diocesan hierarch, in exercising his duties, has both pastoral and disciplinary responsibilities.
- 2.3. **Justice and Pastoral Concern:** The Church will strive to see that justice is done. Those responsible for sexual misconduct must be held accountable. Just as the rights of victims must be respected and secured by the Church, the work and ministries of clergy and laypersons should not be impaired by unfounded accusations. Fundamental principles of fairness must not be compromised. The Church's pastoral concern in this respect shall be directed to both complainants and respondents.
- 2.4. **Theological Basis:** These Policies, Standards, and Procedures are based upon the Church's understanding and application of Holy Scripture in the Orthodox tradition, which is that the sexual character of human persons has a positive role to play in human spirituality. Like all things human, sexuality must be sanctioned by God and inspired with the Holy Spirit, used for the purposes God has intended. And like all things human, through its misuse and abuse, sexuality can be perverted and corrupted, becoming an instrument of sin rather than the means for glorifying God and fulfilling oneself as made in His image and according to His likeness. Members of the clergy and laypersons, in living out their faith, must adhere to Christian moral principles in their sexual conduct. The betrayal of this trust by transgression of sexual boundaries denies our Christian identity.

3. **PURPOSES, SCOPE, AND APPLICATION**

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

4. **STANDARD OF CONDUCT FOR CLERGY**

- 4.1 **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.
- 4.2 **Basic Prohibition:** No member of the clergy shall commit, attempt to commit, or engage in any act of sexual misconduct.
- 4.3 **Pastoral Authority:** Members of the clergy, by their position, have an inherent power over others. That power, whether or not acknowledged by clergy or believed to exist by the others, creates a difference between themselves and the laity that places a special moral burden on the clergy. No member of the clergy shall use or exploit his position in connection with his sexual or emotional needs or desires.

- 4.4 **Avoidance and Precautions:** Members of the clergy should be aware of and not disregard any signs of sexual boundary breakdown in relationships with others. They also should be aware that there could be sexually aggressive people who could initiate improper relationships. Members of the clergy shall at all times take precautionary measures to avoid inappropriate behavior that could lead to sexual misconduct.
- 4.5 **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 reasons, shall immediately seek counsel and pastoral guidance from an individual trained and experienced in the field. With approval of the Bishop, the costs thereof shall be paid or reimbursed by the diocese.
- 4.6 **Cooperation and Discipline:** All members of the clergy who are respondents in matters involving alleged sexual misconduct shall cooperate fully with all reviews and investigations; shall provide full, complete, and truthful information; and shall accept and abide by all recommendations and discipline that may result from the matter.

5. **STANDARDS OF CONDUCT FOR LAYPERSONS**

- 5.1 **Basic Prohibition:** No layperson shall commit, attempt to commit, or engage in any act of sexual misconduct.
- 5.2 **Supervisory Authority:** Laypersons in the Church who work in church ministries have positions of trust and stature within the Church. These positions can create differences that could lead to opportunities to take advantage of such trust and authority, or to use it in abusive or improper ways. No layperson shall use or exploit his or her position in connection with sexual or emotional needs or desires.
- 5.3 **Avoidance and Precautions:** Laypersons should be aware of and not disregard any signs of sexual boundary breakdown in relationships with others. They should take precautionary measures to avoid inappropriate behavior that could lead to sexual misconduct.
- 5.4 **Counseling and Assistance:** Any layperson believing himself or herself at risk of probable acts of sexual misconduct in response to an inappropriate sexual or romantic attraction or impulse, or for any other reason, is strongly encouraged to discuss the matter with the Rector of the parish if the Rector is not involved, and also is strongly encouraged to seek counsel and pastoral guidance from an individual trained and experienced in the field. With approval of the Rector, such person may apply to the Bishop for diocesan payment or reimbursement of such costs.

6. **REPORTS AND COMPLAINTS OF SEXUAL MISCONDUCT**

- 6.1 **Reports:**
- (a) Any person may report allegations of sexual misconduct orally or in writing. Laypersons should report possible sexual misconduct to the Rector if the Rector is not alleged to have committed the acts. If a report cannot be made to the Rector, it should be made to another member of the clergy serving in the parish in the order of precedence. Alternatively, the report may be made to any member of the Parish Council.
- (b) Any person receiving a report of sexual misconduct shall inform the diocesan Bishop. Any member of the clergy believing that possible sexual misconduct has occurred, even if he has not received a report from any other person, shall inform the Bishop.
- 6.2 **Third Party Notices:**

- (a) If the alleged victim of sexual misconduct is a minor, the person receiving the report of misconduct should promptly notify the parents or guardian of the minor.
- (b) If legal counsel is available to the parish directly, or through the diocese, such counsel should be notified and consulted.
- (c) In consultation with legal counsel, any required notices should be given to parish, diocesan, and Chancery liability insurance carriers.

6.3 **Response Team:**

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

6.4 **Written Complaint:**

- (a) Any review, investigation, assessment, and disposition of allegations of sexual misconduct should, whenever appropriate, be based upon a written complaint signed by the alleged victim, or by a parent or guardian if the alleged victim is a minor. The Response Team shall be responsible for taking the steps necessary under the circumstances to cause the written complaint to be prepared and signed.
- (b) The complaint should include (1) the names, addresses, and phone numbers of the complainant; (2) the victim if different; (3) the respondent (person alleged to be responsible for sexual misconduct); (4) all possible witnesses, and any other individuals believed to have knowledge of the matter; (5) a statement of the facts and details of the alleged sexual misconduct, including best recollection of time(s), date(s) and place(s); and (6) any other relevant information. The Response Team in its discretion shall utilize appropriate measures where the identity of a minor should not be disclosed, although such identity must be made known to the respondent.
- (c) The complaint also should contain the following language: "I (we) have read this complaint, understand its contents, and swear that the statements made and allegations contained herein are true to the best of my (our) knowledge and belief." The complaint should be signed by the complainant(s).
- (d) The Response Team shall provide a copy of the complaint to the Bishop.

7 **INVESTIGATION AND ASSESSMENT OF COMPLAINTS**

7.1 **Interim Actions Pending Resolution:**

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

allegations, suspend the respondent, with pay or if an employee, from further service in the Church under such terms and conditions as the Rector determines appropriate.

- (c) If the allegations involve a layperson and a member of the clergy as complainant and respondent, and they are resident in the same parish, the Bishop may, in the interest of good order and harmony, take appropriate action to place both parties outside of parish life in such manner as the Bishop considers appropriate.
- (d) Any action taken pursuant to this paragraph shall be done in the interest of protecting the parties and the Church. No such action shall create any inference of culpability or innocence; and shall not be construed as an indicator of the final disposition of the matter.

7.2 **Allegations Involving Clergy as Respondent:**

- (a) If any allegations of sexual misconduct involve the Rector, or any other member of the clergy as respondent, the Parish Council shall make a determination as to whether it is most appropriate to defer to the Bishop and his investigation and, therefore, not to conduct any further investigation unless and until the Bishop has completed his investigation and made his findings. In each instance, the Parish Council shall ensure that the Bishop is promptly notified and shall take reasonable steps to ensure that the Bishop is exercising due diligence in his investigation in a thorough and timely manner.

7.3 **Preliminary Investigation and Written Response:**

- (a) Upon receiving a signed written complaint, the Response Team shall meet with the respondent to discuss the allegations contained in the complaint and to obtain written response from the respondent as set forth in subparagraph (b) of this paragraph. If the respondent admits the allegations, the Response Team may terminate its investigation and report to the Parish Council and Bishop. The Parish Council may accept the report as a final report or may lay aside the report for reasons set forth in subparagraph (c) of this paragraph and require the investigation to continue.
- (b) If the respondent admits the allegations, the Response Team should require the respondent to prepare a written response in which he describes his view of the matter and sets forth any explanatory circumstances. If the respondent denies the allegations, the Response Team should require the respondent to prepare a written response setting forth (1) names, addresses, and phone numbers of witnesses, and any other individuals believed to have knowledge of the matter; (2) a statement of any facts and details that respond to the allegations; and (3) any other relevant information.
- (c) If the respondent admits the allegations, the Response Team may continue the investigation prior to making a report to the Parish Council if there are credible reasons to believe that respondent's admission is designed to conceal evidence of other instances of sexual misconduct, or to conceal the identities of additional victims of sexual misconduct.
- (d) The response should contain the following language: "I have read this response, understand its contents, and swear that the statements made and allegations contained herein are true to the best of my knowledge and belief." The response should be signed by the respondent.

7.4 **Clinical Evaluation; Medical Examination:**

- (a) The Response Team may request that the complainant, respondent, or both, have a clinical evaluation by a professionally qualified and experienced expert in evaluating sexual misconduct. The Response Team may suggest one or more such individuals or

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

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

7.5 **Other Review and Investigative Procedures:**

- (a) The Response Team should interview and obtain written statements, where appropriate, from all persons identified by the complainant and respondent. The Response Team may interview or request documents or information from any other persons it believes might have documents or information helpful to the investigation.

7.6 **Rights of the Complainant and Respondent:**

- (a) If the Rector is neither the complainant nor respondent, he shall determine the best way to provide pastoral care and assistance to the parties during the investigation. If the Rector is the respondent, the Bishop shall designate other appropriate clergy to provide pastoral care and assistance to both parties.
- (b) The Response Team should explain the procedures to be followed in preparing the formal complaint, the formal response, and in investigating the matter.
- (c) All documents generated in connection with the investigation will be kept confidential and made available only to parties with a reason to see them in connection with the investigation. The privacy of all parties will be respected to the fullest extent that is consistent with the overriding interest of ascertaining the truth and resolving issues related to the allegations.

8. **REPORT AND DETERMINATION.**

8.1 **Final Report**

- (a) If the respondent denies the allegations of sexual misconduct, the Response Team shall provide a final report to the Parish Council and Bishop. The Final Report should include the following:
 - (1) The complainant's and respondent's formal complaint and response;
 - (2) A description of the Response Team's interviews with the complainant and respondent;
 - (3) Reports of interviews with any witnesses interviewed by the Response Team;
 - (4) Reports of any clinical evaluations or medical examinations undertaken by the complainant, and information as to any party who refused to have such evaluation or examination, or refused to sign a release;
 - (5) All other documents or information provided by the parties or witnesses; and an evaluation by the Response Team or investigators as to the probative value of the documents or other information, to the extent possible;
 - (6) An analysis of inferences that reasonably could be drawn from the evidence and the circumstances;

(7) A recommendation as to whether or not the allegations are substantiated; or that there is insufficient evidence upon which to make a determination as to the truth or falsity of the allegations.

(b) The Parish Council shall consider the final report and be responsible for making all findings and conclusions. A final determination shall be made by the Parish Council at the close of the investigation.

8.2 **If the Allegations are Substantiated:**

(a) If the Parish Council determines that the allegations are substantiated, it may take the following steps:

(1) Place copies of its decision on the allegations in the case file.

(2) Inform the complainant of the actions being taken with respect to respondent;

(3) Make an appropriate disclosure within the parish of the final disposition of the matter, preparing the way for pastoral attention to the parish; and

(4) Meet with the respondent's family to discuss assistance and healing.

8.3 **If the Allegations are not Substantiated:**

(a) If the Parish Council determines that the allegations are not substantiated, or that there is insufficient evidence upon which to determine the truth or falsity of the allegations, it may take the following steps:

(1) Advise the complainant and respondent of the decision. Determine, either through a joint meeting with the parties or separate meetings, the best way to make the decision known to the parish.

(2) Afford the respondent the opportunity to clear his name in the most effective way possible consistent with healing for the parties and the parish;

(3) Exonerate the respondent publicly or privately, orally or in writing or otherwise, as the circumstances warrant.

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

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