

**THE RUSSIAN ORTHODOX CHURCH OUTSIDE RUSSIA
DIOCESE OF CHICAGO AND MID-AMERICA**

GUIDELINES ON ISSUES OF SEXUAL MISCONDUCT

Adopted and Effective March 21, 2012

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Preface

The Russian Orthodox Church Outside Russia, Diocese of Chicago and Detroit, recognizes that clergy and lay leaders of the diocese are in pastoral relationships that hold the potential for both actual and alleged sexual misconduct. This document is designed to aid prevention of such misconduct, reduce the possibility of false allegations, and outline the process for dealing with grievances in accordance with the canons of the Holy Orthodox Church.

This policy applies only to the Diocese of Chicago and Detroit of the Russian Orthodox Outside Russia, hereinafter referred to as Diocese, and to those issues that would commonly be considered sexual misconduct in nature as herein defined and to those individuals defined herein as existing in pastoral relationships.

Introduction

Charges of sexual misconduct against clergy and lay leaders of the Church carry personal, pastoral and legal implications. While it is necessary to cooperate with legal authorities, the Church's primary interest and focus is pastoral in nature. Those clergy and lay leaders who are guilty of sexual misconduct; victims who have been taken advantage of; innocent clergy and lay leaders accused without sufficient basis, or for vindictive reasons; and the Church at large; all suffer and stand in need of pastoral care and attention when these sensitive charges arise. While the primary focus is pastoral, the Diocese makes clear that sexual misconduct will not be tolerated by clergy or lay leaders. The Diocese will cooperate with legal authorities and strive to see that justice is executed and necessary disciplinary action taken against those found guilty. Likewise, the Diocese will not tolerate vindictive unfounded threats or accusations against clergy or lay leaders and will impose disciplinary measures upon those members of the Church found guilty of such actions.

Definitions

Clergy: Clergy means any bishop, priest or deacon officially recognized in the Diocese of Chicago and Detroit of the Russian Orthodox Church Outside Russia.

Complainant: Complainant refers to any person who makes an allegation of sexual misconduct, including parents or guardians of minors.

Diocese: Diocese refers to those local hierarchs and appointed or elected clergy or lay persons responsible for the proper administration of the diocese and its activities. This includes the local ruling bishop or bishops, members of the Diocesan Council, members of the Spiritual Court, and other duly elected or appointed clergy or laity assisting in the administration of the diocese.

Lay Leader: Lay leader means any layperson, monastic, or seminarian approved by the clergy of the Diocese to serve in a paid or voluntary capacity in a Church ministry, project or activity.

Pastoral Relationship: A pastoral relationship is said to exist when a member of the clergy or a lay leader acting on behalf of the Church is in a relationship with others where the other, whether child or adult, is receiving supervision, counseling, spiritual guidance, spiritual advice, or pastoral care.

Respondent: Respondent refers to any clergy or lay leader alleged by a complainant or complainants to have engaged in sexual misconduct.

Sexual Misconduct: Sexual misconduct is defined as inclusive of, but not necessarily limited to, the following and includes both children and adults:

1. inappropriate intentional touching of the breasts or genitalia
2. the deliberate exposure of genitalia and/or exposure of female breasts
3. sexual molestation, meaning sexual involvement or sexual contact by any person with another person who is a minor or legally incompetent
4. the attempted or actual development of a sexual relationship between a member of the clergy or lay leader and another person with whom a pastoral relationship exists, irrespective of apparent consent from such person
5. the attempted or actual development of a sexual relationship between a member of the clergy or a lay leader and another member of the clergy or lay leader, irrespective of apparent consent
6. the use of clergy or lay leader positions to exploit others for the clergy's or lay leader's inappropriate psychological, emotional or sexual needs

Standards of Conduct for Clergy and Lay Leaders

1. No member of the clergy or a lay leader shall attempt to commit or commit any act of sexual misconduct.
2. Members of the clergy and lay leaders are to be aware that there may well be sexually aggressive individuals who may attempt to initiate improper relationships. Members of the clergy and lay leaders should at all times take precautionary measures to avoid responding to inappropriate behavior that could lead to sexual misconduct or allegations of same.

3. Members of the clergy should be alert to situations that could hold potential for alleged or actual sexual misconduct, e.g. being alone with an adult or child in the Church or another building during confession or counseling; meeting in isolated areas and/or behind closed doors, especially if locked; etc.
4. Any member of the clergy or any lay leader who finds himself at risk for inappropriate romantic or sexual attraction should immediately seek both pastoral guidance from a bishop of the diocese and an individual clinically trained and experienced in dealing with such matters. With the approval of the bishop the costs for such care may be paid for or reimbursed by the diocese.
5. Any member of the clergy or any lay leader who are respondents in matters involving alleged or actual sexual misconduct shall cooperate fully with all investigations.

Lay Applicants for Diocesan and/or Parish Work with Youth

1. All lay applicants for diocesan and/or parish work with youth who are not already serving in a regular capacity at the time of adoption of these guidelines must sign a statement that they have not been convicted or plead guilty to any criminal charges involving physical or sexual abuse. (Attachment 1)
2. Adults who have been convicted or plead guilty to any criminal charges involving physical or sexual abuse are not permitted to work with children in any capacity.
3. Lay applicants will only be permitted to work with youth after they have been members of a parish of the diocese for a minimum of six months.

Reports and Complaints of Sexual Misconduct

1. All reports of sexual misconduct shall be reported in a written complaint, signed by the alleged victim or by a parent or guardian, to a bishop of the diocese. The complainant has the burden of proof in establishing that the respondent engaged in acts of sexual conduct. The complaint, which must be signed, shall include:
 - a. name, address and contact numbers of the complainant
 - b. the victim, if different, from (a)
 - c. the name of the person alleged to be responsible of sexual misconduct
 - d. the names of witnesses or others who can support the complaint
 - e. a thorough statement of the facts and details of the alleged sexual misconduct

2. The Bishop shall immediately inform the members of the Spiritual Court and shall appoint one member of the Spiritual Court to act as the Investigation Coordinator.
3. It is the duty of the Bishop and Spiritual Court to initially establish that there is sufficient evidence that one or more of the allegations are substantiated. This generally must be more than the complainant's uncorroborated testimony standing alone.
4. The Bishop may contact the complainant to make available pastoral care.
5. The Bishop shall inform the respondent of the presentation of a signed allegation and make available pastoral care.
6. The Bishop may suspend the respondent, with pay if the respondent receives an income from the Church, from further service in the Church according to conditions established by the Bishop. Suspension, in and of itself, is not an indication of guilt.
7. The members of the Spiritual Court shall, upon receiving the signed complaint from the Bishop, meet with the respondent to discuss the allegations. The respondent is required to prepare and submit a written signed response to the Spiritual Court which should include witnesses who would support his denial; names of individuals who would have knowledge of the matter; a statement of facts relating to the allegation; any other relevant information. The respondent may seek the assistance of others in the preparation of his response. If the respondent admits the allegations, a signed admission is to be prepared. The investigation is then considered ended and a report is made by the Spiritual Court to the Bishop.
8. The Spiritual Court, the Investigation Coordinator, or any members appointed by him may interview as is necessary the complainant and the respondent prior to ending the investigation.
9. The Spiritual Court may request that the complainant and/or respondent have a clinical evaluation by an individual deemed by the Spiritual Court to be a professionally qualified and experienced expert in sexual misconduct.
10. The Spiritual Court may interview, request and obtain written statements from any and all persons deemed by them to be relevant to the investigation.
11. The Bishop may appoint, or the Spiritual Court may request, at any point in the investigation help from professional investigators. The Bishop and/or Spiritual Court may request separate reports directly from any investigator.
12. The Spiritual Court shall provide a Final Report to the Bishop detailing and including
 - a. written statements of the allegations
 - b. the respondent's response
 - c. the results of any and all clinical and investigative reports
 - d. the written recordings of interviews
 - e. any other material deemed appropriate to the investigation

f. a recommendation, based upon all evidence and reasonable inferences that can be drawn, as to whether or not the allegations are substantiated

13. The Bishop shall consider the final report and any additional information that he may have related to the situation. He may conduct further independent reviews, investigations or analyses as deemed appropriate.

14. The Bishop shall, after considering the final report of the Spiritual Court, including all attached documents; the results of any reviews and investigations deemed necessary by him; any consultations with the Metropolitan and other bishops; any consultations with clinical and/or legal professionals or representatives; any other interviews and/or consultations deemed appropriate by him, render a final decision regarding the matter. The complainant and respondent will be informed of this decision.

15. The Bishop may determine that healing, clinical professional and pastoral care may be needed for the complainant, the respondent and any parish or others affected and take action to address these issues.

16. Any evidence of criminal sexual misconduct, except that no clergyman shall be obligated to breach the seal of confession, shall be immediately referred to the appropriate law enforcement authority.

17. If an individual wishes to make a complaint about a bishop of the diocese, the report may be made to any bishop assigned to the diocese. If only one bishop is assigned, the complaint may be made to any member of the diocesan council or the Synod of Bishops.

18. Upon receiving any complaint directed toward any bishop of the diocese, the party receiving the complaint shall immediately forward the complaint to the Synod of Bishops and the Diocesan Council.

19. Any bishop accused of misconduct shall immediately withdraw from all administrative duties, he shall ask the Synod of Bishops to appoint a temporary replacement, and he shall refrain from exercising his pastoral and administrative powers until so directed by the Synod of Bishops.

20. Within seven (7) calendar days of receipt of the complaint, the Diocesan Council shall make a written request to the Synod of Bishops for an independent investigation into the allegations of the complaint. If the Synod is unable to appoint an independent investigator, then the Diocesan Council shall retain an independent investigator to investigate the allegations, and the investigator shall report to the Synod of Bishops.

21. No clergyman under the authority of the accused bishop shall be obligated or permitted to participate in any investigation or review.

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ATTESTATION FOR WORK WITH YOUTH OF THE DIOCESE

I hereby make application to work with the youth of the Diocese of Chicago and Mid-America of the Russian Orthodox Church Outside Russia and declare that I have never been convicted of, or plead guilty to, any charges of physical or sexual abuse. I agree to any required criminal background checks.

Signature

Printed Name

Address:
