

# **The Policy and Procedures of the Protection of the Mother of God Russian Orthodox Church Parish Regarding Sexual Misconduct by non-Clergy**

## **INTRODUCTION**

Allegations of sexual misconduct by non-clergy or other representatives of the Protection of the Mother of God Russian Orthodox Church cause grave concern to the Parish and its members and must be diligently investigated, given the potentially devastating effects they may have upon spiritual and emotional well-being of the victims, their families and friends and the community as a whole.

The Parish condemns any form of sexual misconduct, especially the sexual abuse of children, as these actions are devastating to not only the victims, but to their families and the community. Moreover, such actions are morally wrong and undermine the faith of many of people with regard to the Parish. The Parish recognizes and shares the pain and suffering of the victims of sexual misconduct, and is eager to address that suffering in order to promote healing of all those who are harmed.

The Parish seeks "to protect the ecclesio-social and personal life of the members of the Church from violations of the rules of Christian morality" ( *Regulations on the Ecclesiastical Court and Legal Procedures of the Russian Orthodox Church Outside Of Russia* ).

The Parish is committed to acting swiftly and fairly toward every person involved in an effort to determine the veracity of the allegations, determine what actions, if any, must be taken and offer spiritual and emotional support to those in need. The policies set forth herein have been adopted and published by the Parish in order to ensure that the Parish responds appropriately to allegations of sexual misconduct.

This policy shall to apply to the non-clergy of the Parish who are employees, elected functionaries, or volunteers serving in our Parish.

With the intention to help those who have been hurt by sexual abuse and other forms of sexual misconduct, and also to make every effort to prevent such incidents from occurring, the Parish also invites suggestions as to how this policy might be improved and best implemented in order to meet its goals.

## **I. SEXUAL ABUSE INVOLVING CHILDREN**

### **A. Policy**

The Parish will respond to complaints of sexual abuse made against non-clergy with justice, compassion and charity. In this regard, all persons involved are to be respected and treated with dignity and love, whether it be the person making a complaint of sexual abuse, the family of that person, the person against whom the complaint is made, or the broader Church community.

### **B. Procedures**

Any person who intends to make a complaint of sexual abuse against non-clergy who are employees, elected functionaries, or volunteers serving in our Parish may telephone or may write to the Parish Rector at 110 Wendover Road, Rochester, NY 14610, telephone 585-224-0554 or 585-705-1884 (if writing, please indicate a way that you may be contacted, either in writing, or by telephone). The person making the complaint is assured of an understanding and respectful reception.

The person making the complaint is encouraged to be open and forthcoming with all relevant information in order for the Parish to properly investigate the allegations, and, where appropriate, address the problem and ensure that victims receive any pastoral or other appropriate care that is needed.

**Note: "Persons occupying administrative positions within the parish, e.g. the rector, the church warden, members of parish councils and auditing committees, and others in responsible positions in parish organizations, in respect of improper or illegal acts that they have committed, may be judged by the Diocesan Court if these acts lead to the harm and detriment of the parish... and also bring about the... moral decline of the parish... or lead to the harm or detriment of individuals who have lodged a complaint against the incorrect or illegal acts of the parish administration before the Church authorities." See "The Policy and Procedures of the Synod of Bishops of the Russian Orthodox Church Outside of Russia Regarding Sexual Misconduct by Clergy"**

In all its procedures, the Parish is committed to the careful observance of the civil law as well as the canon law of the Church and the *Regulations on the Ecclesiastical Court*. The Church shall endeavor to fulfill all legal obligations concerning the reporting of such complaints to the proper civil authorities. The person who brings an allegation against a clergyman will be advised of other reporting options available, in addition to reporting the allegations of the Church.

The Parish treats all complaints as serious. Even if the complaint made against a person does not initially appear to be credible, the Parish shall nevertheless take every reasonable step to examine the complaint. However, anonymous or otherwise vague and unspecific complaints may be extremely difficult to investigate and deal with, and, therefore, all persons making a complaint are strongly urged to be as factually specific as possible.

The person making the complaint is given the opportunity to relate the details of the complaint personally to the Parish Rector. During this interview, the person making the complaint may be accompanied by another person, such as a family member, a friend, an attorney or another trusted adviser. The person involved is informed of the complaint made against him.

However, prompt action by the Parish in response to the complaint is not, and should in no way be perceived as, a determination of guilt of the person. A meeting between the person and the Parish Rector is arranged to review the complaint. During such a meeting, the person has the right to be accompanied by an adviser of his choosing, whether it be a friend or family member, an attorney, or another trusted person.

If the person against whom the complaint is made admits to its truth, he is immediately referred for clinical evaluation to determine the appropriate type of professional help that will be needed. He is also removed from his position and may have other restrictions placed on him. If the complaint initially appears to be credible, those who may have been abused are offered appropriate pastoral care and other assistance--including professional treatment--as may be needed, which is determined on an individual basis.

In the case of any complaint that initially appears to be credible, or if the findings of the preliminary inquiry are inconclusive, the person will be referred for clinical evaluation. The person may also be temporarily removed from his position and may have other restrictions placed on him.

If a person is removed from his assignment, the appropriate person or persons from the affected activity are informed of the reason for the removal, so that they in turn will be able to respond in a pastorally-sensitive way to the needs of the parish or other affected community. Decisions regarding any public statements must be made on a case-by-case basis; these decisions must balance the desire for confidentiality on behalf of the person bringing the complaint, the rights of the person against whom the complaint has been brought, and the need and desire to identify and minister to others who may have

been harmed by any wrongdoing. If a person receives a clinical evaluation, based upon the recommendations of professionals of such evaluation, he may be referred for treatment.

The person who has made the complaint is presented to so that a determination may be made on what steps are appropriate in light of the complaint. Both the person who has brought the complaint and the person accused have an opportunity to review the summary and to respond to it in writing. The factual summary, and any response by the person who has brought the complaint and/or by the person accused, will be placed in the Parish Records. The Parish Records are to be consulted in connection with any future assignments of the person accused..

In the final determination is that the complaint is unfounded, the person accused will be given ongoing support and assistance, as and when needed, in light of the tremendous suffering of a person who has been falsely accused. If he has not been removed from his position, any public statement will depend on the notoriety of the matter and will take into account the wishes of the person involved. If the person has been temporarily removed from their position, and upon determination that the complaint was unfounded, a return to their former position will take place after consultation with him to ascertain his wishes.

Decisions regarding any possible reassignment of a person who has engaged in sexual abuse are made on a case-by-case basis. Reassignment is rarely appropriate, although there may be positions in which the person can serve under supervision and subject to certain limitations. Because of the complex nature of each individual case, there can be no hard and fast rules about reassignment. However, when such decisions are contemplated, several factors are used in evaluating the possibilities of reassignment. Among these factors are the recommendations of the professionals involved in treating the person, the feelings of the person who suffered the sexual abuse, and the availability of an assignment where the person will be able to function within appropriate limits. Care and concern will be given to altering the appropriate person or persons in a situation when and if a reassignment is made in order to ensure proper follow up.

## **II. OTHER SEXUAL MISCONDUCT**

To the extent that the above procedures are appropriate in cases where a non-clergyman is accused of sexual misconduct not involving sexual abuse of children, these procedures are applied. Determinations are made on a case-by-case basis. However, the policy of the church with regard to sexual abuse of children applies to other forms of sexual misconduct, and such complaints are responded to with justice, compassion and charity for all persons involved.

Complaints of other sexual misconduct should also be made to the Parish Rector.

PROTECTION OF THE MOTHER OF GOD PARISH COUNCIL, May 25, 2016