

# **The Policy and Procedures of the Synod of Bishops of the Russian Orthodox Church Outside of Russia Regarding Sexual Misconduct by Clergy**

## **INTRODUCTION**

Allegations of sexual misconduct by the clergy or other representatives of the Russian Orthodox Church Outside of Russia (the "Church") cause grave concern to the Church 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 Church 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 Church and its clergy. The Church 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 Church expects all its clergymen to abide by the *Guidelines for the Clergy of the Russian Orthodox Church Outside of Russia* (adopted by the Council of Bishops in 1956) in all their actions. The Church also 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 Church 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 Church in order to ensure that the Church responds appropriately to allegations of sexual misconduct.

This policy shall to apply to the clergy of the Church, including but not limited to: bishops, priests, monks and deacons who are serving in our parishes, schools and institutions. Priests, brothers and sisters who are members of religious orders and lay persons employed by institutions within the Church are properly subject to the direction and supervision of their religious superiors or employers, as the case may be, and we will work with those superiors or employers to address any situations which may develop. This does not mean that any allegations against these persons are to be taken any less seriously; however, direct jurisdiction for matters involving these persons lies with their religious superiors or employers.

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 Church 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 Church will respond to complaints of sexual abuse made against a priest or other 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 clergyman against whom the complaint is made, the parish or the broader Church community.

### **B. Procedures**

Any person who intends to make a complaint of sexual abuse against a bishop, priest or deacon of the Church, or against any other clergyman, including subdeacon or psalm-reader, or against a parish warden (starosta), may telephone or may write to their Diocesan Office of Clergy Personnel at 75 East 93<sup>rd</sup> Street, New York, NY 10128, telephone 212-534-1601 (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.

In some instances, a complaint is first brought to a local priest or an official of a school or other Church institution. In such cases, the person receiving the complaint must advise the person making the complaint that the allegation and the identity of the person making the complaint will, to the extent possible and desired, be maintained as confidential. The person receiving the complaint must also make every effort to encourage the person who has made the complaint to contact the Office of Clergy Personnel directly. The person making the complaint is encouraged to be open and forthcoming with all relevant information in order for the Church 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.

There are three judiciary levels in the Church, these being the Diocesan Court, the Court of the Synod of Bishops and the Court of the Council of Bishops.

In accordance with the *Regulations on the Ecclesiastical Court*, "Clergymen are subject to the due process established by law in the civil courts in cases of the violation of civil laws or directives of authorities, or finally, the commission of such political or criminal crimes which may at times entail condemnation and punishment by the Church."

Also, "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."

In all its procedures, the Church 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 Church treats all complaints as serious. Even if the complaint made against a priest or deacon does not initially appear to be credible, the Church 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 Office of Clergy Personnel and/or to another appropriate representative of the Church. 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 clergyman involved is informed of the complaint made against him.

However, prompt action by the Church in response to the complaint is not, and should in no way be perceived as, a determination of guilt of the clergyman. A meeting between the clergyman and the Church is arranged to review the complaint. During such a meeting, the clergyman 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 clergyman 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 ministry 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 priest or deacon will be referred for clinical evaluation. The clergyman may also be temporarily removed from his ministry and may have other restrictions placed on him.

If a clergyman is removed from his assignment, the appropriate person or persons from the affected parish or other ministry 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 clergyman 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 clergyman 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 clergyman 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 clergyman, will be placed in the personnel file of the clergyman. Personnel files of a clergyman are to be consulted in connection with any future assignments.

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

Decisions regarding any possible reassignment of a clergyman who has engaged in sexual abuse are made on a case-by-case basis. Reassignment to a parish ministry is rarely appropriate, although there may be ministries in which the clergyman 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 clergyman, the feelings of the person who suffered the sexual abuse, and the availability of an assignment where the priest or deacon will be able to exercise ministry 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 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 Office of Priest Personnel of the Church.

#### **IV. SEXUAL ABUSE OCCURRING IN PARISHES OF THE CHURCH**

Although the Church may have ecclesiastical authority over its parishes, which are subject to the canon law of the Church, the Church does not necessarily have the same legal authority over all of its parishes as civil courts may. Accordingly, the Church may not be able to strictly enforce this policy with respect to those parishes which resist the Church's involvement in complaints and/or allegations of sexual misconduct or sexual abuse by priests, deacons, brothers, sisters or employees of such parishes. However, the Church is committed to the importance of the implementation of this, or a similar policy in all of its parishes and will endeavor to ensure that all complaints and/or allegations of sexual misconduct or sexual abuse are handled by its parishes in a manner consistent with this policy.

SYNOD OF BISHOPS, December, 2005