

**THE RUSSIAN ORTHODOX CHURCH OUTSIDE OF RUSSIA**

**GUIDELINES ON ISSUES  
OF SEXUAL MISCONDUCT**

**Synod of Bishops of the  
Russian Orthodox Church Outside of Russia**

Adopted & Effective December 9, 2014

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## **Preface**

The Synod of Bishops of the Russian Orthodox Church Outside of Russia recognizes that bishops, clergymen and lay leaders of the Synod and its “stavropegial” communities [communities and their clergymen and laity under the direct authority of the President of the Synod of Bishops of the Russian Orthodox Church Outside of Russia, including parishes, missions and monasteries/convents], as well as Ruling and Vicar Bishops of its subordinate dioceses in the United States, 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 to the Synod of Bishops of the Russian Orthodox Outside of Russia as the “parent organization” of its various stavropegial clergymen and communities, hereinafter referred to as “Synod,” 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 clergymen and lay leaders of the Church carry personal, pastoral and legal implications. The Synod or “stavropegial parish” will make every effort to cooperate with legal authorities, but the Church’s primary interest and focus is pastoral in nature. Those clergymen and lay leaders who are guilty of sexual misconduct; victims who have been taken advantage of; innocent clergymen 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 Synod makes clear that sexual misconduct will not be tolerated by clergy or lay leaders. The Synod will cooperate with legal authorities and strive to see that justice is executed and necessary disciplinary action taken against those found guilty.

## **Definitions**

Clergy: Clergy means any bishop, priest, or deacon officially recognized under the authority of the Synod of Bishops of the Russian Orthodox Church Outside of Russia.

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

**Synod:** The Synod refers to the hierarchal authority, meaning the episcopal members of the Synod of Bishops and appointed clergy or laypersons responsible for the proper administration of the Synod of Bishops and stavropegial communities and their activities.

**Lay Leader:** Lay leader means any layperson (including those in minor orders), monastic or seminarian approved by the Synod to serve in a paid or voluntary capacity in a Synodal or stavropegial 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; and/or
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 & Lay Leaders**

1. No member of the episcopate, clergy or any lay leader shall commit or attempt to 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 Synod 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 Synod.
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 Synodal and/or Stavropegial 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 pleaded 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 Synod for a minimum of six (6) months.

## Reports & 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 the President of the Synod of Bishops. The complaint, which must be signed, shall include:
  - a. the 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; and
  - e. a thorough statement of the facts and details of the alleged sexual misconduct.
2. The President of the Synod of Bishops shall appoint one stavropegial clergyman to act as the Investigation Coordinator, and, if necessary, appoint a Spiritual Court. A copy of the complaint must be delivered to the accused.
3. It is the duty of the President of the Synod of Bishops and/or his Investigation Coordinator 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 President of the Synod of Bishops may contact the complainant to make available pastoral care.
5. The President of the Synod of Bishops shall inform the respondent of the presentation of a signed allegation and make available pastoral care.
6. The President of the Synod of Bishops must suspend the respondent if there is sufficient evidence as per No. 3 above, with pay if the respondent receives an income from the Church, from further service in the Church according to conditions established by the President of the Synod of Bishops. Suspension, in and of itself, is not an indication of guilt.
7. The Investigation Coordinator shall, upon receiving the signed complaint from the President of the Synod of Bishops, meet with the respondent to discuss the allegations. If the findings of the Investigation Coordinator demonstrate the need for a Spiritual Court to review the matter, 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; and 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 Complaint Investigators shall make every effort to interview both the complainant and the respondent.
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. At any point in the investigation, the President of the Synod of Bishops may appoint, or the Spiritual Court may request, help from professional investigators. The President of the Synod of Bishops and/or Spiritual Court may request separate reports directly from any investigator.
12. The Spiritual Court shall provide a final report to the President of the Synod of Bishops 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; and
  - 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 President of the Synod of Bishops 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 he, the Spiritual Court or the Investigation Coordinator deem appropriate.
14. The President of the Synod of Bishops 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 other

bishops; any consultations with clinical and/or legal professionals or representatives; and 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 President of the Synod of Bishops 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 permitted to breach the seal of confession in accordance with the Holy Canons, shall be immediately referred to the appropriate law-enforcement authority.
17. If an individual wishes to make a complaint about a Bishop of the Synod, the report may be made to the President of the Synod of Bishops.
18. If an individual wishes to make a complaint about the President of the Synod of Bishops, the report may be made to the Vice President of the Synod of Bishops. In such a case, the Vice President is to report this to the President and also to the Council (Sobor) of Bishops of the Russian Orthodox Church Outside of Russia in written form, with copies of all evidence, and request that an Investigation Coordinator be appointed by majority vote of the Council. A report is then made to the Council of Bishops under the acting presidency of the Vice President and appropriate action taken.
19. Upon receiving any complaint directed toward any Bishop of the Synod, the party receiving the complaint shall immediately forward the complaint to the President of the Synod of Bishops.
20. Any Bishop accused of misconduct shall immediately withdraw from all administrative duties, the President of the Synod of Bishops shall appoint a temporary replacement, and accused Bishop shall refrain from exercising his pastoral and administrative powers until so directed by the Synod of Bishops.
21. Within seven (7) calendar days of receipt of the complaint, the President of the Synod of Bishops shall request an independent investigation into the allegations of the complaint.

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

# Attachment 1

## THE RUSSIAN ORTHODOX CHURCH OUTSIDE OF RUSSIA *SYNOD OF BISHOPS*

### ATTESTATION FOR WORK WITH YOUTH OF THE SYNOD

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

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*Signature*

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*Printed Name*

Address:

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