

Malankara Orthodox Syrian Church

Policy to Address Sexual Misconduct

for the

Diocese of South-West America

September 2022

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INTRODUCTION

THEOLOGICAL FOUNDATION

The Church's understanding of human sexuality is rooted in the Holy Scriptures in the Tradition of the Holy Orthodox Church. The Church affirms that human sexuality expressed within Holy Marriage may play a positive role in the spiritual lives of Her faithful when modeled after the selfless love seen between the Persons of the Holy Trinity as well as God's love for His Holy Church. Unfortunately, sin can pervert and corrupt this path towards holiness, drawing humankind away from loving God and towards self-centeredness. All members of the Holy Church, including Clergy, Servant-leaders, and Lay Persons, are expected to strive for the highest standard of moral character and virtue as established by Christ in all matters, including sexual conduct.

Recognizing the profound and harmful impact that Sexual Misconduct has on the lives of those affected and on the entire church community, this document specifically addresses the sin of Sexual Misconduct by Clergy and leadership. Clergy and Servant-leaders are representatives of Christ and His Church. They are called to serve and minister to the people of God. If the integrity of these servants is compromised, the relationship of trust necessary for ministry is broken. The Church will not tolerate Sexual Misconduct by Her Clergy or Servant-leaders. This document aims to ensure that the parishes and institutions of the Holy Church are safe places where Her members can experience the love, healing, acceptance, and salvation of Christ.

PURPOSE

Due to the unique complexity associated with reports of sexual misconduct, professional expertise is essential for properly and impartially reviewing such allegations to the highest standard. In striving to meet this standard, the Metropolitan of the Diocese of South-West America (hereinafter referred to as “Diocesan Metropolitan”) establishes this Policy to Address Sexual Misconduct which outlines the following:

1. Protocols for Reporting and Responding to Allegations of Sexual Misconduct,
2. Expectations for Clergy Conduct, and;
3. Guidelines for the Prevention of Sexual Misconduct

This Policy is intended to complement and work within the parameters of the 1934 Malankara Orthodox Syrian Church Constitution and subsequent decisions of the Holy Episcopal Synod. Rather than supersede the procedures for receiving complaints as outlined in the Constitution, this Policy shall be utilized by the Diocesan Metropolitan to carry out the responsibilities outlined in the MOSC Constitution Chapter 9.115, 9.116, and 9.118.

This document shall comply with all state and/or federal laws, when applicable.

OBJECTIVES

This Policy is intended to:

1. Prevent, to the extent possible, Sexual Misconduct by and of Clergy, Servant-leaders, and Lay Persons;
2. Provide an effective means to thoroughly, fairly, and impartially review allegations of Sexual Misconduct;

3. Provide the relevant and necessary details and results of the review to the Diocesan Metropolitan in a timely manner;
4. Provide recommendations for appropriate further action(s) when such action or follow-up is warranted;
5. Protect, to the extent possible, children and adults from those persons known to have committed acts of Sexual Misconduct;
6. Protect the reputation of Clergy and/or Servant-leaders or Lay Persons who were subjected to inaccurate or false allegations;
7. Ensure that the Church takes the necessary steps to discharge its responsibilities.

SCOPE

Adoption of these policies, standards, and procedures and any subsequent amendments shall be immediately effective within all diocesan ministries, parishes, and all related institutions and communities.

Future revisions of this Policy may be required and all Clergy and Servant-leaders are expected to comply with the most recent revision. It is the responsibility of all Clergy and Servant-leaders to be informed of all subsequent revisions to this Policy.

APPLICATION

1. The following document is established for the Diocese of South-West America of the Malankara Orthodox Syrian Church and is primarily intended to create appropriate and thorough protocols for reporting, reviewing, and assessing allegations of Sexual Misconduct by Clergy or Servant-leaders.
2. The adopted Policy and any subsequent amendments shall be presented to each Diocesan Council, Parish General Body, and any related Institutions/Ministries. The aforementioned groups agree to be bound by and comply with this Policy and any subsequent amendments. The presentation of this Policy shall be recorded in the respective meeting minutes of each aforementioned group.
3. Respective leaders and heads of each group shall use all reasonable efforts to ensure that this Policy is distributed to and understood by all Lay Persons and Clergy working on behalf of the Diocese and/or parish.

CHAPTER ONE: PROTOCOLS FOR REPORTING AND RESPONDING TO ALLEGATIONS OF SEXUAL MISCONDUCT

SECTION 1: PURPOSE

This Chapter is intended to establish definitions to be used throughout this document as well as establish Safety and Accountability Protocols. It is of particular note that what constitutes Sexual Harassment and Sexual Misconduct are specifically outlined in Sections 2.13 and 2.14.

SECTION 2: DEFINITIONS

1. **Alleged Perpetrator (AP)** – Any person alleged by one or more persons to have engaged in one or more acts of Sexual Misconduct.
2. **Alleged Victim (AV)** – Any person who is, or allegedly is, directly victimized by act(s) of Sexual Misconduct.
3. **Church** – As the context requires, the Malankara Orthodox Syrian Church (MOSC) in the United States of America and Canada, and its departments, boards, and commissions; any diocese, parish, mission, or related institutions and ministries. The administrative and structural units of the MOSC are also defined in its Constitution.
4. **Clergy** – Any consecrated bishop, ordained priest or deacon, blessed sub-deacon or reader, or tonsured monastic of the Church; including those of the diocese or received into the diocese from any other jurisdiction or diocese.
5. **Civil Authorities** – Elected or appointed officials who have authority under state and/or federal law to govern over civilian affairs that include, but are not limited to, local law enforcement, court officials, as well as governmental bodies such as Child Protective Services and/or Adult Protective Services.
6. **Institution** – A Church-affiliated establishment that is not specifically a diocese or parish, including, but not limited to, a monastery, hospital, seminary, orphanage, school, church camp, retreat center, etc.
7. **Lay Person** – A non-ordained individual.

8. **Minor** – Person(s) who is under the age that legally demarcates childhood from adulthood according to state and/or federal law; this is commonly under 18 years of age.
9. **Diocesan Metropolitan** – The bishop appointed to manage matters of faith, order, and discipline across the diocese, including its parishes, monasteries, or institutions according to the 1934 Constitution of the Malankara Orthodox Syrian Church Chapter 3.C. If the appointed bishop is the subject of an allegation of Sexual Misconduct, the role of the Diocesan Metropolitan as outlined in the present Policy shall refer to the Catholicos of the Malankara Orthodox Syrian Church according to the 1934 Constitution of the Malankara Orthodox Syrian Church Chapter 9.118-9.119.
10. **Review Committee** – A committee of qualified professionals appointed to collaborate with the Safety and Accountability Officer as outlined in Chapter 1.3.2.
11. **Safety and Accountability Officer (SAO)** – A licensed mental health professional in good standing who is within the Diocese of South-West America Department of Counseling and is appointed to receive and review allegations of Sexual Misconduct, produce a report of findings, and maintain records on behalf of the Diocesan Metropolitan as outlined in Chapter 1.3.1.
12. **Servant-leader** – Any of the following individuals, who is a member of the Malankara Orthodox Syrian Church, but not a member of the Clergy:
 - a. A full-time or part-time employee of the Church or any monastic of the Church who does not fall within the definition of “Clergy”;
 - b. Any person approved by Clergy or another authorized person within the Church to serve in a voluntary ministerial or administrative capacity of the Church (whether elected, appointed, or authorized); and/or
 - c. Any person who is sent by the Church to undergo theological training at an approved seminary recognized by the Church.
13. **Sexual Harassment** – A type of Sexual Misconduct defined as unwelcome or unwanted advances, requests for sexual favors by any means or media, or any other physical, psychological, verbal, visual, or written conduct of a sexual nature. Such conduct has the purpose and/or effect of creating an intimidating, hostile, or offensive environment in any setting or institution where the person desires to become or remain an employee, volunteer, member, or participant. This can be a single incident or a persistent pattern of behavior. Examples of sexual harassment may include, but are not limited to:

- a. Physical, unwelcome touching;
- b. Verbal conduct such as epithets, derogatory jokes or comments, slurs;
- c. Persistent leering or staring suggestively;
- d. Looking at a person up and down suggestively;
- e. Making lewd gestures or obscene, suggestive body movements;
- f. Impeding or blocking movements, with or without touching, or standing too close;
- g. Following persons around;
- h. Unwanted sexual advances, invitations, or comments;
- i. The sending, soliciting, and/or usage of derogatory and/or sexually oriented materials (e.g. posters, flyers, photography, cartoons, drawings or gestures, texts) via all forms of media including print, digital, and social media;
- j. Threats and/or demands (e.g. blackmail or exploitation) to submit to sexual requests as a condition of continued employment, benefits, membership in the Church, and/or to avoid some other adverse consequence;
- k. Inappropriate conduct or comments consistently targeted at only one gender or sexual orientation, even if the content is not sexual;
- l. All forms of retaliation for having reported or threatened to report sexual harassment;
- m. The use or exhibiting of photographs, movies, videos, or other imagery of a sexual or sexually suggestive nature that would reasonably be anticipated to cause embarrassment, arousal, or discomfort to others; and/or
- n. Questions of a sexual nature that can reasonably be construed as being for the purposes of sexual arousal, gratification, or curiosity of any person.
*This is not the same as appropriately obtaining relevant information within the standard accepted practice of the Sacrament of Confession and/or pastoral counseling for the purposes of addressing the individual's self-reported sexual and/or relationship concerns.

14. **Sexual Misconduct** – Encompasses a broad range of behavior in which the perpetrator is in a position of physical, psychological, emotional, and/or spiritual authority over the victim and obtains sexual gratification from or at the expense of the victim. Sexual Misconduct includes sexual harassment, sexual assault, and any conduct of a sexual nature that is without consent, or has the effect of threatening, intimidating, or using the person against whom such conduct is directed.

Any behavior and/or conduct of Clergy that is not in accordance with the teachings and canons of the Church on the matter of sexuality are considered Sexual Misconduct. Any claimed reason(s) for such behavior does not justify the incident(s) of Sexual Misconduct.

ANY and **ALL** sexual relations (including the initiation, continuation, or pursuit of sexual relations) between Clergy and Servant-leader and/or between Clergy and Lay Persons, other than their spouse, are deemed to be without consent and are considered Sexual Misconduct. Those who represent the Church must avoid even the appearance of impropriety relating to possible sexual activity outside Holy Matrimony.

ANY and **ALL** sexual relations between an adult and a Minor (Chapter 1.2.8) or any person who is unable to give legally adequate consent (e.g. one who is incapacitated, or one who has an intellectual disability) are considered sexual misconduct.

Examples of Sexual Misconduct include but are not limited to:

- a. Sexual Assault – as defined by state and/or federal law;
- b. Sexual Exploitation – a pattern, practice, or scheme of conduct by Clergy or Servant-leader, including sexual contact, that can reasonably be construed as being for the purposes of sexual arousal, gratification, and/or sexual abuse of any person (e.g. Clergy, Servant-leader);
- c. Sexual Harassment as defined in Chapter 1.2.13;
- d. Grooming – Manipulative behaviors which a perpetrator uses to gain access to a potential victim, coerce them to agree to the abuse, and/or reduce the risk of being caught. Grooming can occur even if sexual relations do not occur; and/or
- e. Any direct or indirect request or suggestion for a sexual favor made by Clergy and/or Servant-leader where one can reasonably determine there exists an imbalance of power between the persons involved.

SECTION 3: SAFETY AND ACCOUNTABILITY PROTOCOLS

1. Safety and Accountability Officer (SAO)

- a. The Diocesan Metropolitan shall establish the position of the Safety and Accountability Officer (SAO) under the administration of the DS-WA Department of Counseling.

- b. The SAO shall be a licensed mental health professional in good standing appointed by the Diocesan Metropolitan to fulfill the following responsibilities:
 - i. execute all protocols of this Policy;
 - ii. formally receive and respond to all Reports of Sexual Misconduct (RSM) as outlined in Chapter 1.3.3 and Chapter 1.3.4;
 - iii. collaborate within the Department of Counseling and with the Diocesan Attorney to determine whether the RSM received is covered by this Policy, and if so, shall initiate the establishment of a Review Committee to review the specific RSM;
 - iv. interview potential Review Committee members to assess qualifications as outlined in Chapter 1.3.2 and identify potential conflicts of interest (e.g. family, business, same-parish relationships) to the particular RSM in question;
 - v. present the Diocesan Metropolitan with a list of recommended members to appoint to the Review Committee;
 - vi. coordinate with the Review Committee and facilitate the review of a RSM as outlined in Chapter 1.3.5;
 - vii. inform the Alleged Perpetrator (AP) and Alleged Victim (AV) (and AV's parent/legal guardian if a Minor) of the outcome of the review;
 - viii. manage a dedicated email account for all RSM correspondence; and
 - ix. maintain confidential and adequate communications and records (written and/or verbal) pertaining to all RSM, reviews, and findings with the exception of limits to confidentiality as defined by state and/or federal law.

2. Review Committee

- a. The Diocesan Metropolitan shall appoint a Review Committee to review the RSM in question. The Review Committee shall dissolve after the completion of the review and deliberation process as outlined in Chapter 1.3.6.
- b. The responsibilities of the Review Committee include:
 - i. thoroughly and independently review a RSM;
 - ii. collaborate with the SAO in the thorough and impartial review of the RSM in question; and
 - iii. provide a final report of the findings of the RSM to both the Diocesan Metropolitan and the SAO.

- c. The Review Committee shall be expected to:
 - i. conduct themselves with dignity, respect, and compassion for all those involved in the review of a Report of Sexual Misconduct (RSM);
 - ii. maintain confidentiality and refrain from discussing or disclosing any aspects of the RSM beyond the scope of fulfilling its responsibilities; and
 - iii. sign a legally binding agreement to comply with the protocols and procedures as outlined in Chapter 1.3.5 and Chapter 1.3.6.
- d. The Review Committee shall be comprised of:
 - i. 3 to 5 persons;
 - ii. at least 1 person of the ordained Clergy;
 - iii. at least 2 persons who are currently independently licensed and in good standing as one of the following: LCP (Licenced Clinical Psychologist), LMSW (Licensed Master Social Worker), LCSW (Licensed Clinical Social Worker), LMFT (Licensed Marriage and Family Therapist), or LPC (Licensed Professional Counselor or state equivalent); and
 - iv. at least 2 female lay persons.
- e. An external team may be contracted to review the RSM if the SAO, Department of Counseling, and diocesan attorney determine it necessary. The Diocesan Metropolitan shall be notified of this determination and its cause(s).
- f. The SAO shall be available to the Review Committee for consultation. If the Diocesan Metropolitan determines it necessary, the SAO may also be appointed to the Review Committee.
- g. The Diocesan attorney shall be made available for legal consultation.
- h. Any member(s) of the Review Committee who fails to uphold the responsibility(ies) or expectation(s) outlined in Chapter 1.3.2 and/or fails to comply with the protocol(s) or procedure(s) outlined in Chapter 1.3.5 and Chapter 1.3.6 may be removed by the Diocesan Metropolitan.

3. Protocols for Reporting Sexual Misconduct

- a. A Report of Sexual Misconduct (RSM) shall be submitted through a digital form, which shall be made available on the diocesan website. All verbal allegations should be submitted in this way to be considered by the SAO.

- b. The RSM may be submitted by the Alleged Victim (AV) or any third party with reasonable suspicion of the alleged incident. It is not necessary that a third party attest to the veracity of the alleged incident.
- c. Reporting incidences of sexual misconduct does not substitute reporting to appropriate Civil Authorities.
- d. Upon receipt of the RSM, the SAO shall provide the AV and/or the third party reporter with a resource list (e.g. referrals to psychotherapy/legal counsel and notification of civil rights).

4. Notification and Mandated Reporting Timeline and Protocol

- a. The SAO shall acknowledge receipt of the RSM via email to the contact email provided in the initial RSM within 48 hours of receipt.
- b. If the incident reported meets the criteria for the definition of abuse of Minors, elderly, or disabled persons according to the state in which the incident occurred, the SAO shall follow that state's guidelines for mandated reporting.
- c. If the AV is legally a Minor at the time when the report is received, the SAO shall make reasonable attempts to obtain the consent of a parent/legal guardian in order to schedule an interview with the AV.
- d. The SAO shall notify the Diocesan Metropolitan within 72 hours of receiving a RSM via email to initiate the Diocesan Metropolitan's appointment of the Review Committee.
- e. Within 72 hours of notification from the SAO, the Diocesan Metropolitan shall appoint the Review Committee.
- f. Within 72 hours of Review Committee appointment, the SAO shall make reasonable attempts to schedule separate interviews for the AV as well as the Alleged Perpetrator (AP) with the Review Committee.
- g. The expected timeline for concluding a review of a RSM shall not exceed 45 days from the appointment of the Review Committee. If there is a reasonable circumstance that requires an extension beyond 45 days, the Review Committee shall give written notice to the Diocesan Metropolitan.

5. Review Procedures

- a. No less than 2 members of the Review Committee (including one of the same gender as the AV) shall conduct interviews with the AV via phone, video web services, or in person.
- b. If the AV is a Minor, the parent/legal guardian shall be present or provide consent for the Minor to be interviewed independently.
- c. The same members of the Review Committee who conducted the interview with the AV shall also conduct the interview with the AP, unless a reasonable conflict of interest exists.
- d. In consultation with the Review Committee, if after the initial interview of the AV and AP, the AP presents an immediate safety risk to the AV or others within the Diocese, the Review Committee may recommend that the Diocesan Metropolitan take immediate action to ensure the safety of the Clergy and faithful, even prior to the completion of the review procedures.
 - i. If the AP does not cooperate with the Review Committee, immediate action out of concern for safety may be made at the discretion of the Diocesan Metropolitan.
 - ii. Any immediate action made by the Diocesan Metropolitan should be communicated to the involved parish, AV, the parent/legal guardian of the AV if the AV is a Minor, AP, and the priests of the diocese.
- e. If any pertinent witnesses or collateral contacts need to be interviewed over the course of review procedures, the Review Committee may do so with all interviews conducted by no less than 2 members of the Review Committee.
- f. The Review Committee will have the discretion to seek any additional professional consultation or opinion if determined to be necessary with the consent of the Diocesan Metropolitan.
- g. Documentation of the interviews shall be kept including:
 - i. Names of all participants;
 - ii. Date, start and end time of interviews;
 - iii. Method of communication (phone, video, etc.);
 - iv. Summary of pertinent content; and
 - v. Any relevant written or electronic communications such as documents, emails, pictures, screenshots, text messages, etc. to be maintained as evidence.

6. Deliberation Process

- a. Once all pertinent interviews and review procedures have been completed, the Review Committee shall deliberate all content of reports, interviews, and evidence received through the review procedures. The Review Committee may also access records of any prior report(s) received by the SAO related to the subjects of the current RSM.
- b. The expected timeline for the deliberation process shall not exceed 15 days from the conclusion of the review process. If there is a reasonable circumstance that requires an extension beyond 15 days, the Review Committee shall give written notice to the Diocesan Metropolitan.
- c. At the conclusion of the Review Committee deliberation, one of the following determinations shall be made:
 - i. Substantiated with clear and convincing evidence;
 - ii. Inconclusive; or
 - iii. Unsubstantiated.
- d. The Review Committee shall write a Summary of Findings, which contains:
 - i. Summary of deliberation;
 - ii. Explanation of determination;
 - iii. If applicable, prior history of reports received by the SAO against the AP; and
 - iv. Additional professional opinions and/or comments pertinent to the RSM.
- e. The Review Committee shall then provide the Summary of Findings to the Diocesan Metropolitan within 5 days of the conclusion of the deliberation.

7. Records

- a. In compliance with the Health Insurance Portability Accountability Act of 1996 ("HIPAA," PL 104-191; 45 CFR Parts 160 and 164), all records created by the SAO or Review Committee shall be maintained for no less than 6 years from the date of the Summary of Findings or 10 years from the age of majority if the subject is a Minor, whichever is longer.
- b. The SAO shall be responsible for maintaining files that contain all the documentation of every RSM, review procedures, and Summary of Findings.
- c. The Diocesan Metropolitan and/or the Diocesan Office shall maintain both physical and electronic copies of all Summary of Findings.

CHAPTER TWO: EXPECTATIONS FOR CLERGY CONDUCT

SECTION 1: PURPOSE

This Chapter is intended to establish the specific expectations regarding Clergy conduct pertaining to matters of Sexual Misconduct. It should be understood by all, that all Clergy are expected to uphold the highest moral and ethical standards exemplifying the Person of Christ. In all matters of Clergy conduct, the expectations of Clergy are outlined in the Amologia, Canon Law, and the orders of the Diocesan Metropolitan.

SECTION 2: SPECIFIC EXPECTATIONS

Specific expectations with regard to Sexual Misconduct include, but are not limited to, the following:

1. Clergy working with Minors shall maintain an open and trustworthy relationship between Minors, their parents or guardians, and the adults responsible for their supervision, education, or formation.
2. Clergy shall carefully consider the possible consequences before providing pastoral care to someone with whom they had a pre-existing relationship (i.e., employee, professional colleague, friend, or other pre-existing relationship).
3. Clergy shall not videotape or photograph others without their consent.
4. Clergy shall never engage in a sexual relationship with recipients of pastoral care. This includes the listed examples of Sexual Harassment and Sexual Misconduct as defined in Chapter 1.2.13 and Chapter 1.2.14, respectively.
5. All Clergy are expected to be above reproach and shall refrain from and avoid behavior that could constitute Sexual Harassment and Sexual Misconduct as defined in Chapter 1.2.13 and Chapter 1.2.14, respectively.
6. Clergy shall assume the full burden of responsibility for establishing and maintaining clear, appropriate physical, emotional, and relational boundaries with recipients of pastoral care.
7. Clergy are expected to keep matters shared in the Sacrament of Confession private and confidential; any disclosure, even indirect disclosure, of matters confessed to Clergy is forbidden. However, when there is reasonable suspicion of

the abuse of a Minor, Elderly, or Disabled Person, Clergy are expected to encourage the person confessing to bring the matter up outside the Sacrament of Confession and thereafter follow pertinent state and/or federal laws regarding mandated reporting.

8. Clergy are expected to take reported allegations of Sexual Misconduct including Sexual Harassment seriously and, when required, report to Civil Authorities.
9. All Clergy are expected to undergo mandatory training regarding Sexual Misconduct prevention facilitated by the DS-WA Department of Counseling.
10. If providing pastoral care to a person who is a survivor of Sexual Misconduct, all Clergy are expected to recognize the limitations of their scope of competence and training, they are expected to seek appropriate consultation(s) and/or make a referral(s) to licensed mental health professionals and/or services.

CHAPTER THREE: GUIDELINES FOR THE PREVENTION OF SEXUAL MISCONDUCT

SECTION 1: PURPOSE

This Chapter is intended to establish best practices for all Clergy and Servant-leaders. It also clarifies expectations for interactions between Clergy and/or Servant-leaders with Lay Persons, as well as guidelines when working with Minors. Failure(s) to adhere to these guidelines does not necessarily constitute an incident of Sexual Misconduct. Any persons concerned that reasonable attempts to comply with these guidelines are not being made are encouraged to notify appropriate leadership (e.g. Clergy or Servant-leaders) and/or the Safety and Accountability Officer.

SECTION 2: PREVENTION GUIDELINES FOR GENERAL PASTORAL CARE

1. Sexual Misconduct Prevention Trainings:

- a. The DS-WA Department of Counseling shall facilitate trainings regarding the prevention of Sexual Misconduct. Refresher training shall be required at least once in three years after the initial training. Upon a change in a ministerial or administrative position or appointment, refresher training is recommended. Trainings shall contain information and instruction on:
 - i. The Diocese of South-West America's *Policy to Address Sexual Misconduct*;
 - ii. Warning signs and symptoms of child sexual abuse;
 - iii. State-mandated reporting of the abuse of children, elderly, and/or disabled persons to Civil Authorities;
 - iv. The impacts of sexual trauma on the individuals, families, and the Church; and
 - v. Prevention guidelines.
- b. The aforementioned trainings shall be mandatory for the following:
 - i. All individuals prior to beginning seminary education;
 - ii. All Clergy of the DS-WA;
 - iii. All Clergy prior to being received into the DS-WA from another Diocese or Institution;
 - iv. All Servant-leaders working directly with Minors (e.g. Sunday School, Bala Balika Samajam, MGOCSM, etc.); and

- v. All Servant-leaders appointed to Diocesan-level ministries and administration (e.g. Diocesan Council, Diocesan Assembly, etc.).
- c. The aforementioned trainings are recommended, but not required for:
 - i. Servant-leaders appointed and/or elected to parish administrative positions (e.g. Secretary, Trustee, Managing Committee members, etc.);
 - ii. Servant-leaders appointed and/or elected to ministries that do not work directly with Minors (e.g. MMVS, OCYM, FOCUS, etc.); and
 - iii. All Clergy prior to beginning a new parish appointment.

2. Regarding the Sacrament of Holy Confession

- a. It is best practice that when a priest is hearing the confession of a Minor or providing pastoral care to a Minor, at least one other adult should be present on the premises.
- b. Confessions should be heard and pastoral care should be provided in a room or place that is clearly visible by others (i.e. glass windows, open doors, within view of a surveillance camera, and/or in the sanctuary).

3. Regarding Pastoral Care and Private Meetings

- a. Meetings should not be held at places or times that would tend to cause confusion about the nature of the relationship between the member of the Clergy and the recipient of pastoral care.
- b. Pastoral relationships may involve strong emotional experiences, which can lead to feelings of intimacy between the Lay Person and Clergy/Servant-leader. The potential for these feelings to become inappropriate should be acknowledged as a reality and a risk to maintaining pastoral boundaries (Chapter 2.2.6). This potential risk should be addressed with discretion in consultation with the Clergy/Servant-leader's spiritual father, the SAO, and/or another qualified clergy or licensed mental health professional as needed.

4. Regarding Visiting Clergy – The following applies to circumstances where a member(s) of the Clergy is an invited guest of the parish and requires overnight accommodations:

- a. The parish vicar is responsible for approving the accommodations of a visiting Clergy member.

- b. The parish vicar should first attempt to arrange the accommodations of a visiting Clergy member in a neutral site, such as a parsonage or hotel.
- c. If a neutral site cannot be arranged, the parish vicar shall complete and submit an online form provided by the DS-WA which shall include the following details:
 - i. information of the Visiting Clergy including name, diocese, home address, contact information;
 - ii. an explanation of why the visiting Clergy is being accommodated in a non-neutral site;
 - iii. the dates of the arrival and departure of the visiting Clergy;
 - iv. the address(es) of all overnight accommodation arranged; and
 - v. the names, ages, and genders of all those living in the household which is accommodating the visiting Clergy.

5. Regarding Physical Contact

- a. Clergy/Servant-leaders should acknowledge that the potential exists for physical contact to be misconstrued by the recipient and/or become inappropriate and is a risk to maintaining pastoral boundaries (Chapter 2.2.6).
- b. Physical contact should not be initiated by the Clergy/Servant-leader for their own gratification or needs (e.g. embracing, hugging, kissing). If such a concern exists, the Clergy/Servant-leader shall consult with the Clergy/Servant-leader's spiritual father, the SAO, and/or another qualified clergy or licensed mental health professional to address and resolve the concern.
- c. Physical contact in a pastoral relationship may be appropriate in specific circumstances for facilitating healing, comfort, or care (e.g. in cases of grief/bereavement).
- d. Outside of reasonable circumstances outlined in the previous item, close physical contact (e.g. hugging, holding hands) should not be initiated by Clergy or Servant-leaders.
- e. When reciprocating hugs, Clergy and Servant-leaders are encouraged to do so with one arm and with one's hand placed either over the shoulder or flat on the upper back of the recipient.

6. Regarding Home Visits

- a. Home visits shall only be conducted with at least three (3) persons present in the home including Clergy (e.g. Clergy and two other individuals).
- b. Individual meetings for the purposes of pastoral care should take place only in rooms that are clearly observable by a third party (e.g. rooms with glass doors, living area, dining area). Clergy shall not meet with an individual in a private and/or secluded room of any home.

7. Social Media Usage – If Clergy and/or Servant-leaders intend to utilize Social Media (e.g. Facebook, Instagram, Snapchat, Twitter, et.al), they are encouraged to maintain appropriate boundaries, speech, professionalism, and conduct on these platforms. Appropriate boundaries may be maintained by:

- a. changing privacy and sharing settings;
- b. choosing not to accept or engage with invitations or requests from Lay Persons or Minors;
- c. choosing not to send invitations or requests to Lay Persons or Minors; and/or
- d. creating separate personal and professional accounts.

8. Regarding Communications Between Clergy/Servant Leaders and Lay Persons

- a. All communications (including verbal, written, via telecommunications, or via Social Media platforms) that fall within the definition of Sexual Harassment and Sexual Misconduct as outlined in Chapter 1.2.13 and Chapter 1.2.14 are deemed inappropriate and are reportable to the SAO (Chapter 1.3.3).
- b. It is recommended that all interpersonal communications be time-bound, are pastorally or ministerially relevant, and take place between 7:00 AM to 10:00 PM with the exception of emergencies.

SECTION 3: PREVENTION GUIDELINES FOR WORKING WITH MINORS

- 1. Establishment of Conduct Expectations for Activities or Events Involving Minors** – All parishes are expected to adhere to the following policies and communicate them to all participants in parish-hosted activities or events involving Minors (e.g. announcements, written policy agreement).

2. Supervision and Two-Adult Policy with One Minor

- a. Minors involved in Church ministries, programs, or activities should consistently be under the supervision of two or more unrelated adults.
- b. Except for emergencies, in any circumstances where a one-on-one interaction with a Minor is required in connection with a Church ministry or program, the adult to be involved shall first notify another adult of the circumstances, and shall identify the Minor and the place and approximate time of the expected interaction.
- c. Adequate supervision of Minors shall be maintained at all times in connection with parish ministries or programs that involve Minors until such time as they are in the custody of a responsible adult. The requirement for custodial return shall not apply to any Minor of sufficient age to have a driver's license, or to any Minor with respect to which a parent or guardian has consented in writing to other arrangements.

3. Open Door Policy

- a. All meetings, classes, trainings, and/or events shall be held in a location that is clearly visible to others.
- b. Clergy and/or parents of participating Minors shall have the right at any time to observe any church-related event.
- c. At least one (1) door of any room where ministry-related meetings are held shall be left at least partially open unless either of the following:
 - i. the room has reasonably sized and unobstructed internal windows that allow for the observation of the meeting; or
 - ii. there are at least two adults (unrelated to each other) present in the room.

4. Regarding Overnight Church Events (e.g. retreats, camps, and/or conferences)

- a. Permission and Release Forms: Prior written permission from a parent or guardian must be obtained for any Minor to participate in any event or activity involving Minors that is sponsored by a parish away from parish premises.
- b. As outlined in Chapter 3.3.1, all overnight and off-site church events shall follow the Supervision and 2-Adult Policy with One Minor.

- c. There should be at least one (1) adult male chaperone for every 10 Minor male participants, and one (1) adult female chaperone for every 10 Minor female participants.
5. **Regarding General Overnight Accommodations for Minors** - Clergy and Servant-leaders are discouraged from allowing an individual Minor to stay overnight in their private accommodations or residence. In such cases that accommodations are provided, Clergy and Servant-leaders shall arrange a private bedroom and bathroom for the Minor. Clergy and Servant-leaders are responsible for making reasonable efforts to protect all parties in the residence from the risk of harm.
6. **Regarding the Transportation of Minors** - The following applies to the transportation of Minors to and/or from a parish or diocese-sponsored activity involving Minors where the transportation is arranged by the parish or diocese.
 - a. Drivers should be legally and safely qualified to drive.
 - b. Drivers should be clearly identified and the contact information of the driver should be provided to the parent(s) or guardian(s) prior to transportation.
 - c. The consent of the parent(s) or guardian(s) should be obtained prior to transportation.
 - d. Whenever possible, a Minor should not be alone in a vehicle with a driver; if this is not possible, then the driver should have the prior approval of the Minor's parent or guardian.
 - e. The driver will entrust the Minor to a responsible adult at the destination before leaving.
 - f. It is recommended that each parish or diocese-sponsored activity maintain a transportation log of drivers' information, Minors' information as well as the dates, and times of pick-ups and drop-offs. The record of the transportation log (whether kept electronically or via physical hard copy) is at the discretion of the local parish.
7. **Restroom Policy with regards to Minors who Require Assistance**
 - a. Minors who require assistance to use the restroom should be taken by their own parents or designated family member prior to the start of the activity or class.

- b. If such a child requests to use the restroom during an activity or class and their own parent or designated family member is not available:
 - i. Another adult should be placed in charge of the classroom, however, if there is only one adult available, the class should be stopped and the children should be escorted together to the restroom to allow for the child to go to the restroom.
 - ii. An adult of the same gender should be available to escort and assist the Minor.
 - iii. The assisting adult should give privacy to the toileting child appropriate for their age and encourage the child to help themselves as much as possible.
 - iv. If the child requires more direct assistance, the **hand-over-hand technique** should be employed. *This technique enables you to place your hands over the child's hands to help them with tasks such as fastening clothes, wiping skin, and the like so that the assisting adult is not directly making contact with the Minor's private area.*
 - v. In general, spend as little time in the bathroom as possible.
 - vi. Both the assisting adult and the child should wash their hands before returning to the activity or class.

8. Misconduct Between Minors

- a. Reasonable efforts should be made by Clergy and Servant-leaders to prevent sexual misconduct between Minors during all Church-related events.
- b. Any misconduct of Minors shall be addressed immediately. Prompt warnings shall be issued by supervisory personnel when appropriate, and the situation closely monitored. Further action (e.g. dismissal from the event or involvement of the Minor's parents/guardians) may be taken at the discretion of the supervisory personnel as necessary.
- c. If such a situation arises, Clergy and/or Servant-leaders may consult their spiritual father and/or SAO regarding the nature of these circumstances and any related decisions.