

Diocese of the Midwest, Orthodox Church in America

Sexual Misconduct Risk Manual



Your Parish Name

Your Address,

Your Parish City, State

Date

Version x.x



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Statement of Purpose

Because the dignity and value of each person, regardless of age, is fundamental to Christian life, Parish Name of City and State, is committed to providing a safe and secure environment for children and young people who are entrusted to our parish. We can best accomplish this by following the policies and procedures regarding sexual misconduct set forth by the Orthodox Church in America.

The purpose of this handbook is to set forth the policies, practices and procedures of the parish applicable to clergy and others in positions of trust in order to safeguard children and young people while also protecting their ministries. The intent is not to stifle church workers but to help them fulfill the scriptures and traditions of the Church. All church workers (as defined herein) will be required, and all other parishioners will be encouraged, to review this handbook and its future revisions on an annual basis, and all such persons will be instructed to comply with all Risk Management policies and procedures.

Rector, _____

Chair, Risk Management Committee _____

Risk Management Committee Member _____

Risk Management Committee Member _____

Risk Management Committee Member _____

Risk Management Committee Member _____



Policies

1. Overall Risk Management

- 1.1. **Definition of Sexual Abuse** - While there is no universally accepted definition of child sexual abuse, the following description has been adopted:

Sexual abuse involves contacts or interactions between a child (under age 18) and an adult, or two minors four or more years apart in age when the child is being used for sexual stimulation of the perpetrator or another person when the perpetrator is in a position of power, influence or control over the victim. The term sexual abuse is applied any time a child is engaged in a sexual situation with an adult.

- 1.2. **OCA Policy** – The governing document for the sexual misconduct risk management actions of the parish is the Sexual Misconduct Policy of the Orthodox Church in America
- 1.3. **Parish Risk Manual** – This manual enumerates the specific local conditions of this parish as related to implementing the OCA policy.
- 1.4. **Updating** – This manual will be reviewed for changes, updates and improvements annually.
- 1.5. **Records Management** – All records associated with the implementation of this policy will be kept in a locked file cabinet located _____.
- 1.6. **Risk Management Committee** – Implementation of the OCA policy within the parish is the responsibility of the Risk Management Committee

1.6.1. Make Up

1.6.1.1. The Risk management committee will consist of the parish rector, the church school director, the youth leader and three at large members. A committee chairperson will be chosen from the three at large members.

1.6.1.2. Membership on the committee will be approved by the parish council.

1.6.2. Competency/Jobs Roles – The following jobs are assigned to the Risk Management Committee:

1.6.2.1. Create a manual which localizes the OCA policy for the particular circumstance of this parish including specific ministries, facilities and local laws.

1.6.2.2. Keep the manual up to date.

1.6.2.3. Oversee the implementation of the policy including:

1.6.2.3.1. oversight of worker selection,

1.6.2.3.2. maintenance of records.



2. Worker Selection

2.1. Overall Procedures

The following screening procedures will be used with all persons serving in the parish that will have any contact with minors.

- 2.1.1. All applicants and church workers at the time of the adoption of this handbook (including, but not limited to, religious education teachers, youth group leaders, and choir members), will be required to fill out a parish application/screening form, a permission form for background checks, and a _____ County arrest record permission form.
- 2.1.2. All applicants and church workers will be fingerprinted for state and/or national background checks.
- 2.1.3. A national background check will be required for any applicant or church worker residing in State less than 5 years. These forms are located in this handbook on page ____.
- 2.1.4. References listed on the application/screening form will be contacted if the applicant has been a member of Parish Name for less than 5 years effective date with a written record accompanying each contact showing date, method of contact, person making the contact, and a summary of comments made.
- 2.1.5. All applications and background records will be reviewed and retained in a confidential file administered by the Risk Management Committee.
- 2.1.6. All applicants and church workers will be required to view a video on risk management. Records showing fulfillment of this step will be kept by the Records Committee. Additionally, applicants will be provided a copy of this handbook.
- 2.1.7. Applicants new to the parish or unknown to parish leadership will have identity confirmed by photographic identification such as a driver's license. Additionally, these applicants will be interviewed by the Risk Management Committee.
- 2.1.8. Applicants will only be permitted to work with youth or children after they have been members of the parish for a minimum of twelve months.
- 2.1.9. Persons who have been convicted of or plead guilty to any criminal charge involving either child sexual or physical abuse will not be allowed to work with minors in any capacity.

2.2. Background Check Procedure

- 2.2.1. To minimize the impact on church workers, the Risk Management Committee will arrange for background checks of prospective volunteers and workers to be performed on site approximately semi-annually. To do this, a private contractor will be hired, who performs fingerprint checks for _____ County. To do this a private contractor will be hired, who performs fingerprint checks for _____ County.



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- 2.2.2. The contractor will come to the church, usually on a Sunday after services, to fingerprint potential workers.¹ This check provides major misdemeanor and felony information. At this session, federal and state print cards are used: federal (FBI) cards are only for those people who have lived in state for less than ____ years, as per ____ County recommendation. A completed sample card will be provided to ensure that those being fingerprinted fill out forms correctly.
- 2.2.3. Church application forms are also supplied and collected, including permission forms allowing parish name to perform county background checks for minor misdemeanors as well as background checks in general, at this same fingerprint session. Again, completed sample forms will be provided so paperwork is filled out correctly.
- 2.2.4. An Insurance company endorsed DVD ("Reducing the Risk", distributed by Christian Ministry Resources, 800-222-1840) is shown that introduces applicants to the concept and criticality of risk management in the church. Viewers sign an attendance sheet so we can document their viewing.
- 2.2.5. A copy of the parish's Risk Management Handbook is given to each applicant for their review and understanding of our policies and procedures.
- 2.2.6. Forms from the session are collected and dispersed as follows: national and state fingerprint cards go to _____ in city and state. Misdemeanor forms go to the _____ County Co. _____ office, and application forms and general permission forms go to the Risk Management Committee. These are reviewed and filed, returned for further information, or addressed as needed.
- 2.2.7. Fingerprint results are sent to the Rector (except the rector's fingerprint result, which is sent to the RMC Chair). These are filed in a confidential file along with the misdemeanor results, which a committee member retrieves from Franklin Co. one to two weeks after submission. Father _____ reviews and files the misdemeanor results as well.
- 2.2.8. If a person is not approved for volunteer work with minors (children and youths under age 18), s/he is notified by the Rector.

2.3. Procedure for Proper Response to Findings of Criminal Activity

- 2.3.1. A "finding" refers to the identification of past or current criminal charges as a result of the background checks required of all parish members who work with or transport children. Regardless of the seriousness of the charge or when it was filed, the finding will be discussed by the Risk Management Committee.
- 2.3.2. The RMC will ascertain the disposition of the charge prior to the discussion.
- 2.3.3. The discussion will include, but not be limited to, the following:
 - 2.3.3.1. the gravity of the charge

¹ Note: Many states are going to online electronic fingerprinting. As a result finding suppliers willing to come to your church is getting more difficult. You may need to define an approach for online submission –which is likely to be more convenient as well.



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- 2.3.3.2. the presence or absence of a pattern of illegal activity;
 - 2.3.3.3. its relevance to the person's proposed function within the church;
 - 2.3.3.4. its timeliness.
- 2.3.4. The RMC may choose to seek clarification of this matter through an interview with the applicant.
- 2.3.5. Under no circumstances will anyone charged with a crime involving illegal sexual behavior, whether toward a minor or an adult be accepted for work with minors, regardless of the disposition of the charges.
- 2.3.6. The RMC is required to come to a consensus regarding the appropriateness of the applicant's suitability for parish youth work.
- 2.3.7. The decision of the RMC is final.
- 2.3.8. Due to the sensitive nature of the material in question, all written materials and all oral discussions will be considered confidential. No Risk Management Committee member is permitted to discuss the matter or release any information about the matter without the specific permission of the Rector.
- 2.3.9. The applicant is to be notified of the decision by the Rector or his designee.



3. Worker Supervision

- 3.1. **General Rule** - The general rule for all church activities is that two adults must be present where minors are involved. A list of screened and approved adults is included in this handbook. One exception to this rule has to do with overnight lodging at youth events: If the chaperone is a parent of one child in the room, one adult's presence will suffice.
- 3.2. **Written Permission** - Written permission from parents must be requested for all events outside church.
- 3.3. **Parental Notification** - Parents must be notified for each such outing as it occurs.
- 3.4. **Two Teachers** - We will have two teachers per religious education class. All classroom doors must have windows. Doors must be left open when only one teacher is present. We will ensure that all venues are as openly visible as possible. Hall monitors will periodically check classroom areas while classes are in session. Once released from classes, minors are the responsibility of their parents. Typically, children aged 12 and under must be escorted to their parents after class.² Above age 12, students are to check in with parents after class. For early release of a child, a parent must personally escort the child from the classroom.
- 3.5. **Prompt Action, Dismissal** - Any inappropriate conduct or relationships between an adult and a minor, or two minors four or more years apart in age, will be confronted immediately and investigated. Prompt warnings must be issued when appropriate, and the situation monitored very closely. Any adult worker's services will be terminated immediately for continued violations of such warnings, or for a single violation of sufficient gravity.

² This obviously needs to vary based on local conditions and facilities.



4. Reporting Obligations

- 4.1. **Legal Obligation to Report** - There is a moral and legal obligation to report incidents. All Church workers will be made aware of that responsibility.³
- 4.2. **Allegations Seriously Addressed** -- All allegations or suspected incidents of child sexual abuse will be taken seriously and reported immediately to the Rector. The reporter is to complete the attached Reporting Form. The Rector is responsible for contacting _____ County Children's Services (CCS) at phone number. The rector will provide his name to _____ CCS as the person phoning in the report. The time and date of the call must be documented as well as the name of the Children Services worker who took the call. The Rector will also report allegations to the Dean of the _____ Deanery, the Chancellor of the Diocese and the Diocesan Bishop. Additionally, a report is to be made to the parish' insurance carrier and the parish attorney by the Rector.
- 4.3. **Allegation Against Rector** - If an allegation of sexual abuse is made against the Rector, the person making the allegation should instead notify the _____ or, in his/her absence, the ____ ⁴. Once again, the reporter is to complete the attached Reporting Form and give it to the (parish authorities). Parish authorities are then responsible for notifying County Children's Services and following the procedures outlined in the above section.
- 4.4. **Unclear Circumstances** - Should a situation arise in which the circumstances are not clear regarding whether or not an incident must be reported to local authorities under state law, the Rector (or other defined parish authorities if the Rector is under suspicion) must consult the parish attorney, and/or discuss the situation anonymously with a representative of County Children's Services in order to make a determination.
- 4.5. **Prompt Referral** - All referrals to County Children's Services will be made within forty-eight hours of the alleged incident or of learning of the alleged incident. All actions taken must be documented in writing.
- 4.6. **Parental Notification** - Parents must be notified of the alleged incident.
- 4.7. **Removal from Position** - In the event that the alleged incident of child sexual abuse implicates a church worker (paid or volunteer), that person shall be removed immediately from any further church-related contact with children for the duration of the investigation. Should the investigation conclude that the accused person did commit an act of sexual abuse toward a child, that person will be permanently barred from any further church-related work with minors.
- 4.8. **Confidentiality** - All records pertaining to the reporting of alleged incidents of child sexual abuse are to be maintained by the Rector or parish authorities (should the Rector be under suspicion) indefinitely. All records are to be treated as confidential.

³ Laws vary by state however every state requires persons working with children to report known or suspected cases of abuse.

⁴ Appropriate parish authorities



5. Response to Allegations

- 5.1. **Taken Seriously** - All allegations or charges of misconduct will be taken seriously.
- 5.2. **Notification of Hierarchy** - The recipient of an allegation or charge of misconduct will, in accordance with OCA guidelines, notify the Diocesan Hierarchy, who will immediately inform the Office of the Metropolitan.
- 5.3. **Trained Investigator** - If deemed necessary, the Metropolitan will appoint a trained investigator to the case. The investigator will conduct an investigation, resulting in a written report addressed to the Metropolitan and the Diocesan Hierarchy. The investigator will obtain a written, signed, and dated report from the person(s) raising the allegations or charges. This may include permission to approach the accused, if the accused is not yet aware of the allegations or charges being made. The investigator will also serve as advisor to the Metropolitan and the Diocesan Hierarchy in regard to issues surrounding the matter.
- 5.4. **Spokesperson** - A spokesperson able to speak to the media and the congregation in a thoughtful, caring, discrete, informed, and diplomatic way will be selected by the Metropolitan's investigator, the Diocesan Hierarchy, or the Rector. This may be either a member of the parish, or an individual designated by the Diocesan Hierarchy, who should be able to speak to the media and the congregation in a discrete, informed, and diplomatic way.
- 5.5. **Presence of an Attorney** - Any member of the parish must always have a parish attorney present while answering any investigative questions from the police or social service agencies. The privacy and confidentiality of all involved will be carefully safeguarded.
- 5.6. **Follow up/ Pastoral Services** - After reviewing the written allegations with legal counsel, the Office of the Metropolitan and the Diocesan Hierarchy will determine the follow up with the accused and the alleged victim and his or her family, making available to them pastoral services. The Office of the Metropolitan and the Diocesan Hierarchy will also determine whether the relevant insurance carrier should be notified, and will prepare a statement to be presented to the parish. The parish will be led through a process of healing once the outcome of the investigation is known.



Appendices



Appendix A : Risk Management Committee Letter

Risk Management Committee

_____ Church

_____ Date

Dear _____:

As we review our volunteer list, we have noticed a discrepancy in your records. The following information is missing:

- Three (3) References with addresses and phone numbers on volunteer application.
- Fingerprints for background check.
- Viewing of "Reducing the Risk" video/DVD.
- Other: _____

To provide references, please forward the contact information to _____ at _____. For fingerprints, please attend our next session on _____. To view the video, please attend our next viewing which will be announced in the church bulletin. If you have questions, please contact me at your convenience.

Thank you,

Committee Chair

_____ Phone number



Appendix B: List of Those Approved through Background Checks

Date	Name



Appendix C: Application to Work with Children and Youth at _____ Orthodox Church

See separate document



Appendix D: Request for Criminal Records Check and Authorization



Appendix E: ____ County/City Records Check Permission Form



Appendix F: Reporting Form for Allegations of Sexual Abuse of a Minor

_____ **ORTHODOX CHURCH** _____, _____ (City /State)

This form may be used to present allegations that a Priest, Deacon or Church employee, agent or volunteer has committed an act of sexual abuse of a minor. The completed form is CONFIDENTIAL and is to be submitted to the Rector of _____ Church. Should the Rector be the accused, then the form is to be given to the (designated parish authorities of the parish.

INFORMATION AS TO MINOR

Full Name: _____

Address: _____

Date of Birth: ____/____/____

Name and Address of Parent/s or Guardian:

Name _____

Address _____

Telephone Number _____

INFORMATION AS TO THE ACCUSED

Name: _____

Position: Clergy Employee Volunteer Other

INFORMATION AS TO ALLEGATIONS

Brief description of alleged abuse (*time, place and acts*):

Have the allegations been reported to any civil authorities? Yes No

If yes, when, how and to whom: _____

Date of Report: _____

INFORMATION AS TO PERSON MAKING THE REPORT

Signature of Person Reporting: _____

Print Name: _____

Address: _____

Telephone _____



Appendix G: Document Change Log

This form is to be used to record changes to the policy.

DATE	PAGE	CHANGE	SIGNATURE



Appendix H: Risk Management Annual Review Record

This form indicates that the annual review of the policy has taken place.

DATE	NAME	SIGNATURE
	Risk Management Committee	