



The Northeast American Diocese of the Malankara Orthodox Syrian Church

2158 ROUTE 106 • MUTTONTOWN • NEW YORK 11791

Procedures for Reporting Sexual Misconduct Allegations

The Northeast American Diocese upholds the belief that all men and women are created in the image and likeness of God. The respect, dignity, and purity of women and men are divinely mandated rights. Any type of violence or abuse against another human being, whether an adult, a child or an otherwise vulnerable person, is strictly unacceptable. The Diocese has zero tolerance towards any and all forms of abuse, including, without limitation, Sexual Misconduct and Sexual Harassment, as defined in this policy. Furthermore, the Diocese shall continue to prohibit all forms of abuse, whether or not such forms are specifically addressed in this written policy.

The Northeast American Diocese processes all complaints received as per the Constitution of the Malankara Orthodox Syrian Church, Section 9, clause 115 & 116. This policy further expands on how the Diocese will handle all allegations of reported sexual misconduct.

Sexual Misconduct encompasses a range of behavior used to obtain sexual gratification against another or at the expense of another or in a situation where the perpetrator is in a position of authority – physical, psychological, emotional, or spiritual – over 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.

For the specific definition and range of behaviors that define sexual misconduct, please refer to the end of this document.

1. Initiation of report

A. Alleged victim

- a. If you are a victim of sexual misconduct, you must immediately report it to the appropriate authority:
 - i. Law enforcement if you feel you are a victim of a crime;
 - ii. Parish Vicar or Spiritual Father, in writing, if possible;
 - iii. If a priest or deacon is the subject of a complaint, the alleged victim should complete the *Reporting Sexual Misconduct form* as a formal complaint and submit it to the Northeast American Diocesan Office (Chancery@neamericandiocese.org).

B. Alleged witness

- a. If you are witness of an alleged sexual misconduct, you must immediately report it to the appropriate authority:
 - i. Law enforcement if you feel what you have witnessed was a criminal act;
 - ii. Parish Vicar or Spiritual Father, in writing, if possible;
 - iii. If a priest or deacon is the subject of a complaint, the alleged witness should complete the *Reporting Sexual Misconduct form* as a formal complaint and submit it to the Northeast American Diocesan Office (Chancery@neamericandiocese.org).



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C. Clergy

- a. If you are a clergyman and you receive a complaint (whether written, verbal or otherwise) from anyone that a clergyman, lay worker or lay person has committed or may have committed sexual misconduct, it is mandatory to complete the *Reporting Sexual Misconduct form* as a formal complaint and submit it to the Northeast American Diocesan Office (Chancery@neamericandiocese.org).

Reporting of a complaint is mandatory and should be completed through the *Reporting Sexual Misconduct form*. Failure to report or forward a complaint can have canonical, legal or civil consequences. No one in the Church hierarchy or administration, at any level, has the authority to impose any exceptions to this mandatory reporting requirement or to influence the reporter/report in any way.

*Should the Diocesan Metropolitan be the subject of the complaint; the report shall be made to His Holiness the Catholicos of the East.

2. Confirmation of receipt of report

All written complaints submitted to the Northeast American Diocese should receive a confirmation in writing acknowledging receipt within 2 business days. In the event a confirmation of receipt is not received from the Diocesan Chancery, the person submitting the complaint should follow up promptly.

3. Report to law enforcement

If you, your parish, organization or institution are required by law to report sexual misconduct to local law enforcement, social services, or other outside agencies, then you must do so immediately prior to all other notifications. Any suspected abuse involving minors (younger than 18 years of age) must be reported to local law enforcement immediately. If you have information regarding the commission of a crime and are unsure of your requirements under the law, you should report such information to law enforcement.

4. Notify parents of alleged victim who is a minor

If the alleged victim is a minor, the clergyman who received the initial complaint, along with reporting to law enforcement, must immediately notify the parents or guardians of the alleged victim of the complaint, unless the parent or guardian is the subject of the complaint.

5. Confidentiality

To the extent practicable under the circumstances, efforts will be made to maintain the confidentiality and privacy of the Victim, the Respondent, the Complainant and other involved parties during the investigation. The victim, as well as the accused, will have the right to know of the allegation and who is making the allegation. The Diocese reserves the right to share information with legal counsel as it deems appropriate.

6. Handling of Reports

The Diocesan Council of the aforementioned Diocese will handle all allegations of reported sexual misconduct as per the Constitution of the Malankara Orthodox Syrian Church, Section 9, clause 115 & 116. The Diocesan Council may consult with the *Office of Victims Support* for their recommendations if necessary, and discuss appropriate action toward the alleged perpetrator.



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The *Office of Victims Support* can facilitate in connecting the victim to available resources to further the process of their healing, if the individual so desires.

The following individuals constitute the *Office of Victims Support*:

Reverend Father Laby George

Mrs. Lijin Thomas, LMSW, MA

CONTACT INFORMATION:

Chancery of the Northeast American Diocese

2158 Route 106

Muttontown, NY 11791

(718) 470 9844

Chancery@neamericandiocese.org

7. Applicable Laws

To the extent that the policies outlined in this document at any time conflict with federal, state or local laws, rules or regulations (collectively, "Applicable Laws"), all Applicable Laws and reporting obligations thereunder shall prevail, and must be strictly obeyed.



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DEFINITIONS

Clergy or Clergyman means any bishop, priest, deacon or ordained monastic in the Church; any bishop, priest, deacon or ordained monastic received from another Orthodox jurisdiction for service in the Church.

Lay Person or Lay Worker means any of the following who is not a Clergyman:

- A full-time or part-time employee of the Diocese or any monastic of the Diocese who does not fall within the definition of “Clergy or Clergyman.”
- Any person approved by a Clergyman or other authorized person within the Malankara Orthodox Syrian Church to serve in a voluntary capacity in a ministry or activity of the Diocese; and
- A seminarian or other person attending a theological school affiliated with the Diocese.

Sexual Misconduct includes, but is not limited to, the following:

- Sexual relations and/or conduct by a Clergyman that violate the teachings and/or canons of the Orthodox Church
- Any sexual involvement or sexual contact by a Clergyman or Lay Worker with another person, who is not the Clergyman’s or Lay Worker’s spouse, and who is under the age of legal consent, or who is legally incapable of giving consent.
- Any unwelcome written, spoken, or physical sexual advance or conduct by a Clergyman or Lay Worker;
- Any direct or indirect request or suggestion for a sexual favor by a Clergyman, Lay Person or Lay Worker where there is a Pastoral Relationship and/or an employment, mentor, and/or colleague relationship between the persons involved;
- Any use or exploitation by a Clergyman, Lay Person or Lay Worker of a supervisory position or other position of authority in connection with such person’s sexual needs or desires;
- The attempted development of a sexual relationship within a Pastoral Relationship, whether or not there is consent or apparent consent by both parties;
- The initiation, continuation, or pursuit of a sexual relationship by a Clergyman, Lay Person or Lay Worker with someone with whom he/she has a Pastoral Relationship, even if the relationship is consensual; and/or
- The use or exploitation by a Clergyman, Lay Person or Lay Worker of his/her position in connection with his/her sexual needs or desires.



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DEFINITIONS (Continued)

Sexual Harassment is a type of sexual misconduct defined as unwelcome or unwanted advances, requests for sexual favors by any means or media or any other verbal, visual, or physical conduct of a sexual nature when:

- A. submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment or membership;
- B. submission to or rejection of such conduct by an individual is used as the basis for employment or membership decisions affecting such individual; or
- C. such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or ability to maintain membership or creating an intimidating, hostile, or offensive working environment, in any environment or institution where the person desires to become or remain an employee or member.

Examples of sexual harassment may include, but are not limited to:

- Physical, unwelcome touching;
- Verbal conduct such as epithets, derogatory jokes or comments, slurs or unwanted sexual advances, invitations or comments;
- Visual conduct such as derogatory and/or sexually oriented posters, photography, cartoons, drawings or gestures, texts via all forms of media;
- Threats and demands to submit to sexual requests as a condition of continued employment, or to avoid some other adverse consequence, and offers of employment benefits in return for sexual favors;
- Inappropriate conduct or comments consistently targeted at only one gender, even if the content is not sexual;
- In the case of a person in a position of authority – whether it is actual, moral, emotional, legal or any form of ascendancy of one person over another, any type of sexual activity or sexualized circumstances between him or her and one of his or her subordinates. While such activity may not explicitly be illegal, it is often against professional codes of ethics. Entering a sexual relationship with a subordinate, even when the contact is initiated by the latter, is unethical because of the subordinate's vulnerability.
- Retaliation for having reported or threatened to report sexual harassment.
- Some activities which are not strictly classified as erotic acts, e.g. mooning, streaking and skinny dipping, are sometimes also categorized as sexual misconduct and can be part of a case of sexual harassment.
- 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.



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Reporting Sexual Misconduct Anyone who perceives or believes that a lay worker or clergyman is engaging in sexual misconduct must immediately report it to the parish vicar. If the parish vicar is suspected of misconduct, the report can be made directly to the Diocesan Metropolitan. Any suspected abuse involving minors (younger than 18 years of age) must be reported to local law enforcement immediately, as well as to the parents of the child (if parents are not the suspected perpetrators). A report to the Metropolitan must follow. Remember, reporting sexual misconduct or suspected sexual misconduct is not the same as accusing someone of sexual misconduct. Reporting means you believe some activity should be investigated by the proper authority to determine if misconduct occurred. If you suspect sexual misconduct, report it. It is not your job to investigate. Your responsibility is only to report concerning behavior.



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Reporting Sexual Misconduct

1. Information of Individual reporting sexual misconduct:

- a. Name: _____
- b. Address: _____
- c. Phone Number: _____
- d. Parish Name: _____

2. Information of perpetrator of sexual misconduct:

- a. Name: _____
- b. Address: _____
- c. Phone Number: _____
- d. Parish Name: _____

3. Information of victim of sexual misconduct

- a. Name: _____
- b. Age: _____
- c. Address: _____
- d. Phone Number: _____
- e. Parish Name: _____

4. Date of Report: _____

5. Date of Incident: _____

6. Location of Incident: _____

7. Was it reported to the police? _____ If so, when? _____



8. Describe the incident that this complaint is based on.

I understand the serious nature of my complaint and attest that everything contained in this document is true and accurate to my knowledge.

Signature of reporting individual

Date**Office Use Only:**

Name & Signature of Receiver of Complaint:

Date: