

DIOCESE OF NORTH AMERICA AND EUROPE OF THE MAR THOMA CHURCH



“The Word became flesh and made his dwelling among us. We have seen his glory, the glory of the one and only Son, who came from the Father, full of grace and truth.” (John 1:14 NIV)

MODEL POLICIES FOR PREVENTION, REPORT, INVESTIGATION OF ALLEGATIONS OF MISCONDUCT

Approved by the Diocese of North America and Europe of the Mar Thoma Church for the internal use of the Diocese, its organizations, regional and center organizations, and parishes/congregations/organizations/institutions, VBS, camps, retreats and mission tours including any activities conducted by any of the above-mentioned entities, all under the jurisdiction of the Diocese

DEFINITIONS:

Mar Thoma Church: The parent denomination, namely Malankara Mar Thoma Syrian Church, with headquarters in Thiruvalla, Kerala, India, of which the Diocese, its organizations, regional and center organization, parishes, congregations and its institutions are subject to ecclesiastical and temporal jurisdiction as per Sabha Constitution.

Metropolitan: The supreme authority of the parent denomination.

Episcopal Synod: The supreme ecclesiastical authority of the parent denomination under its constitution, of which the Metropolitan is the head.

Diocese: The Diocese of North America and Europe of the Mar Thoma Church, including all organizations, mission boards, regional centers and institutions, mission fields and centers.

Diocesan Bishop: The Episcopa appointed by the Episcopal Synod to be in charge of the Diocese, parishes, congregations, organizations, and institutions under the Diocese in both temporal and ecclesiastical matters.

Diocesan Council and Diocesan Assembly: Diocesan Council is the board of directors of the Diocese elected by the Diocesan Assembly members. Diocesan Assembly is the general body of the Diocese consisting of representatives elected by the parishes and organizations, including those nominated members by the Diocesan Bishop.

Legal Affairs Committee: Committee appointed by the Episcopal Synod to provide legal advice to the Diocesan Bishop in such matters sought by the Diocesan Bishop.

Clergy: An ordained Bishop or Priest appointed by the Metropolitan, Episcopal Synod or by the Diocesan Bishop to serve in the Diocesan office, parishes, organizations, and/or institutions. The term clergy also includes youth chaplains, lay chaplains, ordained students or retired clergy; as well as any visiting Bishops, priests or youth chaplains, lay chaplains, ordained students or retired clergy participating in any programs of the Diocese, parishes, congregations, or institutions.

Deacon/Laity: All laypersons assisting the clergy in their ministerial functions. Laity means the members of the parishes of this Diocese, including those in authority both in the Diocese, parishes, congregations, or institutions.

Parish and Congregations: The group of members of the parent denomination worshipping in a local area and approved by the Episcopal Synod as a parish of the parent denomination or approved by the Diocesan Bishop as a congregation of the parent denomination.

Organizations, Regions/Centers, Institutions: All organizations of the Diocese and parishes, Regions, Centers, mission fields, and institutions and all activities taking place in its facilities and outside conducted by the Diocese or parishes or congregations or organizations institutions.

Sexual Misconduct: Any non-consensual or inappropriate act of a sexual nature, alone or with others,

contrary to the teachings and canon law of the Mar Thoma Church, by clergy, deacon, employees, lay persons, and volunteers in which any person is forced to perform or submit to a sexual act. Such misconduct encompasses a range of behavior used to obtain sexual gratification against another's will or at the expense of another. Sexual Misconduct includes sexual harassment, sexual assault, and any conduct of a sexual nature that is without consent, or has the effect of threatening or intimidating the person against whom such conduct is directed, including those acts defined and punishable by applicable laws.

Sexual Abuse/Harassment: Any unwelcome sexual advance, request for sexual favors and other visual, verbal or physical conduct of a sexual nature with minors or vulnerable adults with the intent of taking advantage of those who are not able to give consent or any such acts as defined and punishable under applicable laws, conducted by clergy, deacon, employees, laity, and volunteers.

Harassment: Targeting someone, with behavior meant to alarm, annoy, torment, or terrorize, and creating reasonable fear in the victim for their safety or the safety of their family or property. Harassment could take many forms, such as online harassment, sexual harassment, threats, or stalking. Sometimes it can include a threat of damage to the victim's property, home, or car. It may also include bullying of persons, especially children, youths, and vulnerable adults.

Abuse and Neglect: Physical abuse is the intentional use of physical force that can result in physical injury, including hitting, kicking, shaking, burning, or other shows of force against any person, including minor children, youth and vulnerable adults. Emotional abuse refers to behaviors that harm a person's self-worth or emotional well-being, which includes name-calling, shaming, rejection, withholding love, and threatening. Neglect is the failure to meet a person's basic physical and emotional needs, including failure to provide housing, food, clothing, education, and access to medical care or any such acts as defined and punishable under applicable laws, conducted by clergy, deacon, employees, laity, and volunteers.

Misconduct: Includes misconduct of any nature including sexual misconduct, sexual abuse/harassment, harassment, and/or abuse and neglect.

Covered Entities: The Diocese, Diocesan organizations, regional and center organizations, Parishes and Congregations, its organizations including VBS, camps and retreats and mission tours conducted by any of the above-mentioned entities.

Adaptability: The Suggested Guidelines and documents included in this publication are provided only as model guidelines and samples of documents to be used in hypothetical situations and may need to be modified to apply to the specific situation of any Non-Diocesan level organizations, institution, parish and/or congregation and its organizations, VBS, camps, retreats and mission tours including any activities conducted by above - mentioned entities to suit their specific needs and to comply with any applicable State and Federal laws in force.

Section 1: Background

Section 1.1 Theological and Ethical Foundations:

God expressed the fullness of humanity in Jesus of Nazareth, whom we worship as the Word made flesh. To be human is to live with God and the whole of creation in the fullness of freedom and the challenge of responsibility as faithful believers. Jesus' life, death, and resurrection challenge us to fulfill God's call to perfect freedom and be responsible to our fellow human beings.

Through Holy Baptism, we are united with Christ and Christ lives in us and we become God's community for fulfilling His purpose in this world through justice, peace, and love. Church as a community is called to embody and serve Christ and advance God's mission. Thus, ministry is the vocation of the whole community of laypersons, deacons, priests, and bishops. Together we represent Christ and His Church.

This obligation in seeking and serving Christ through all persons and to respect the dignity of God's creation is the responsibility of all who are baptized. Christian leadership is intended to provide occasions for guidance and grace, and its abuse is always wrong.

Ministry of any person requires gospel-based integrity and intimacy as modeled by the life of Christ. All people of God must minister within the theological and ethical foundations upon which Mar Thoma Church functions.

Section 1.2 Faith and Doctrine of the Mar Thoma Church:

The parent denomination, namely Malankara Mar Thoma Syrian Church, believed to be established by St. Thomas, Apostle of Jesus Christ, is part of the ONE HOLY, CATHOLIC, and APOSTOLIC CHURCH. The Mar Thoma Church, in conformity with the faith of Christian churches of all ages, believes in Jesus Christ, God incarnate, for the redemption of mankind, and in the TRIUNE God revealed by Him, who Himself is one in that TRINITY.

The Holy Bible, consisting of the sixty-six books comprised in the Old Testament and New Testament, and the Nicene Creed are accepted by the Mar Thoma Church as the basis of all matters of doctrine and faith.

The Mar Thoma Church accepts as its goal and function to be the repository of the divine doctrines revealed by Jesus Christ and proclaimed by His Apostles; to maintain these doctrines in their purity; to promote the spiritual life of its members through the administration of sacraments and by the ministry of the WORD; to make disciples of all nations by the proclamation of the gospel to the world and through the administration of Holy Baptism in the name of the Triune God.

The ministry of the Church is the gift of the Risen Christ. The responsibility to fulfill this ministry is entrusted with the Church. The Church affirms that the people of God are sent all over the world and that they partake in the salvation work of God, to unite everything in Jesus Christ, through the ministry of reconciliation, begun in Jesus Christ. The Church receives the power of the Holy Spirit, which enables it to fulfill the redemptive work of God, who directs and controls the events in history. The Holy Spirit guides the offices of the ministry, originated through divine plan and ordained the people

of God to build the Church, which is the body of Christ, in order that they may attain maturity, akin to the fullness of Christ, through faith and knowledge in the Son of God and the unity of Holy Spirit. The Mar Thoma Church believes and proclaims the above basic principles as the ministry and mission of the Church.

Section 1.3 Clergy, Deacon and Laity:

The clergy, as stewards in the Church, have the responsibility to shepherd the flock, to participate ardently in the work of the kingdom of God, render sacrificial services according to the will of God, manifest the dignity of Christian ministry, and remain fervent in the proclamation of the gospel in the parish and society. Diaconate stands as the image of the ministry of the people of God, who are called and commissioned to serve in the world.

Laity has the full participation in the priestly ministry, given to the Church, through Christ. The laity are called to profess and practice Christian truths and teachings in their daily life and vocations. They are called to conform their life in the world, to the will of God and to perform responsible witnessing in the community and to establish the Lordship of Christ, in the life of the people. They are responsible to participate fully in the ministry of the Church, speak the truth with love and maintain the unity of the spirit, and zealously build the kingdom of God by participating in the proclamation of the gospel.

Section 1.4 Preamble:

God created humans in His own image and likeness with a free will to choose between right and wrong. Human sexuality is a gift from God, but it is a gift susceptible to abuse, particularly in relationships of trust, such as between clergy and those they serve or between adults and children they serve. Those who serve the Church, whether as Bishop, clergy, deacon or laity, employees or volunteers, maintain a powerful relationship of authority and trust with the people they serve or minister. Betrayal of this trust through violation of sexual boundaries causes great physical, emotional and spiritual harm to the affected persons. Such misconduct is a denial of our identity as Christians. Hence, it is the responsibly of Covered Entities to take every step to prevent such sexual misconduct, sexual abuse/harassment, harassment, and/or abuse and neglect (“Misconduct”) and to respond justly when such Misconduct occurs.

Section Two of these policies is mandated for all activities sponsored by any Covered Entity. No policy can foresee every possible circumstance to which it may be applied. When Misconduct occurs or is believed to have occurred, please contact the Diocesan Bishop for questions or concerns regarding any civil, criminal and/or ecclesiastical disciplinary matters to be followed. All such contacts and communications will be kept strictly confidential, unless a circumstance arises to report such Misconduct to appropriate law enforcement authorities under applicable laws.

Section Three of this document is also mandated for Diocese-level organizations and is recommended to be adopted by all other entities. Section Three sets forth expectations for the clergy, deacons, laypersons, and volunteers in their relationships with children and youth and vulnerable adults, whom they serve in Covered Entities. The purpose of these model policies is to foster the highest standards of behavior in the ministry being provided to the members, irrespective of age and sex.

Section 1.4-1 Applicability:

These Procedures and model policy guidelines are applicable to clergy, visiting clergy, deacons, employees, laity, and volunteers of Covered Entities during any activity or events that a Covered Entity participates in or hosts; and/or on Covered Entity properties.

Section 1.4-2 Effective Date and Amendments:

These Procedures and model policy guidelines shall take effect as soon as the Diocesan Bishop issues the Kalpana so ordering. The Diocese has authority to make any changes or amendments to these policy guidelines as and when needed.

Section 1.4-3 Supremacy Clause:

The constitution of the Malankara Mar Thoma Syrian Church shall be supreme to these policy guidelines and if any conflicts arise in these policy guidelines with that of the constitution, the latter shall prevail.

Section 2: MANDATORY REPORTING PROCEDURES REGARDING MISCONDUCT

The Following Procedures are hereby adopted and MANDATED for the Diocese of North America and Europe, its Organizations, Regional and Center Organizations, Institutions, Parishes and Congregations, VBS, camps, retreats and mission tours including any activities conducted by above - mentioned entities.

Section 2.1 Prohibition:

Misconduct, as defined herein, is contrary to the spiritual values of the Mar Thoma Church and of the applicable laws of the jurisdictions within the Diocese. It is strictly forbidden in Covered Entities and is a violation of these policies.

Section 2.2 Relationships:

The relationship between those who serve the Church and the benefactors of such services is particularly fragile in nature. Therefore, clergy, laity, volunteers and others in the employment (paid or unpaid) and those in the service of Covered Entities who have a civil or criminal record of child sexual abuse or who have admitted committing Misconduct, or who are known to have a paraphiliac diagnosis including pedophilia, exhibitionism, or voyeurism as defined by the American Psychiatric Association, are not permitted to interact with children, youth, or vulnerable adults.

Section 2.3 No Discrimination:

Pursuant to the applicable laws of each jurisdiction within the Diocese of North America and Europe, it is illegal to discriminate against anyone in Covered Entities because of that person's race, color, religion, sex (including gender identity, sexual orientation, and pregnancy), national origin, age, disability or genetic information; or any other protected category under applicable law. Hence, it is the

policy of Covered Entities not to discriminate against anyone based on race, color, religion, sex (including gender identity, sexual orientation, and pregnancy), national origin, age, disability or genetic information or any other protected category under applicable law.

Section 2.4 Internal Reporting:

Any alleged victim of, or witness to, an alleged act of Misconduct should report the incident to the president of the applicable Covered Entity and/or Diocesan Bishop*. A Complaint form template is attached as Appendix “E”.

When a member of the clergy or President of a Covered Entity receives a report of Misconduct (whether written, verbal, or otherwise), it is mandatory for them to complete the Complaint form in Appendix “E” and submit the same to the Diocesan Bishop* via email or by mail to the Diocesan Office with the heading “Confidential, for the Diocesan Bishop only”. A copy of the report must be kept confidentially in the files of the Diocese office.

No person should withhold or fail to report any such information to the Diocesan Bishop, since such withholding or failure to report may be considered a violation of applicable criminal laws and subject the offender to civil penalties.

A written acknowledgement of receipt of the Complaint must be sent to the author of the Complaint within 7 days of receipt by the Diocesan Bishop.

The Diocesan Bishop, President of a Covered Entity, or other clergy to whom a report is made must immediately inform the parents or guardians of any alleged victims who are minor children, unless the parent or guardian is the subject of the Complaint.

*In the event that the Diocesan Bishop is the subject of the Complaint, the Complaint should be sent to the Metropolitan via email or by mail to the Metropolitan’s residence with the heading, “Confidential, for the Metropolitan only”.

Section 2.5 External Reporting:

Nothing in these guidelines prevents any individuals from contacting the appropriate law enforcement agency to report an alleged act of Misconduct. No member of the Diocese, Parishes and Congregations, Organizations, Regions/Centers, and/or Institutions shall discourage, dissuade, or otherwise attempt to prevent such reporting.

All persons who are aware of an alleged act of Misconduct must report the incident to their local law enforcement agencies pursuant to any applicable laws of their jurisdiction. If an individual is unsure of his or her mandatory reporting requirements, the individual should seek appropriate legal counsel.

Failure to report to law enforcement by the Covered Entities pursuant to the applicable laws is considered a violation of these policy guidelines and any applicable criminal laws and may subject those responsible for the failure to report to civil liability and disciplinary action, including suspension or removal of membership in the Church.

Section 2.6 False Accusations

False accusations made to the Diocese or to law enforcement, or knowingly providing false information in the course of an investigation, may subject the person to criminal prosecution, civil liability, and spiritual discipline, including suspension or removal of membership in the Church.

Complaints made in good faith, even if found to be unsubstantiated, shall not be considered a false accusation.

Section 2.7 Investigation and Report by Diocesan Bishop and the Legal Affairs Committee (“LAC”):

Within 120 days of sending the acknowledgment of receipt of a written Complaint form, the Diocesan Bishop* shall contact the alleged victim(s), alleged accused(s) and any witnesses to determine the merits of the allegations contained in the Complaint. At the end of 120 days, a written Summary of Findings of Misconduct and Decision of Disciplinary Action**, shall be created and maintained in the Diocesan Office by the Diocesan Bishop.

The time for completion of the investigation may be extended at the discretion of the Diocesan Bishop, for up to an addition 60 days in exceptional circumstances. The Diocesan Bishop shall advise the parties of the extension in writing.

The Diocesan Bishop may authorize the LAC, on his behalf, to investigate and produce a Summary of Findings of Misconduct alleged in the Complaint. Any LAC member who may have a conflict of interest with either the victim or accused must recuse himself or herself from any such inquiry or investigation done by the LAC. The LAC may enlist persons with the relevant expertise to assist with the investigation and creation of the Summary of Findings of Misconduct. All persons involved in conducting or assisting with the investigation are to maintain confidentiality as prescribed Section 2.11 of these guidelines.

If authorized, the LAC will conduct its investigation by examining the witnesses, collecting evidence, examining experts, interviewing the victim and the accused, and submitting a report to the Diocesan Bishop. The victim and the accused will be allowed to examine or produce his or her own witnesses and produce evidence or reports from experts. The victim and accused shall participate in this investigation **without** legal representation. The LAC may submit interim reports to the Diocesan Bishop as and when required or necessary.

The failure to reasonably cooperate with the investigative efforts of the Diocesan Bishop and/or the LAC may result in discipline, including suspension or removal of membership in the Church.

The LAC shall submit its final report to the Diocesan Bishop. Upon receipt of the final report, if the allegations are found to be true and proven, strict disciplinary actions shall be taken against the accused, including suspension or removal from membership in the Church.

*In the event the Diocesan Bishop is the subject of the Complaint, the Metropolitan shall be responsible for overseeing the investigation and report.

****The Decision of Disciplinary Action in this section pertains to instances in which the accused is a member of the Laity. For instances involving Clergy as the accused, the Summary of Findings report shall be sent to the Metropolitan. The Metropolitan and/or Episcopal Synod shall take appropriate disciplinary actions.**

Section 2.8 Letter of Final Determination

Within 14 days of completion of the Summary of Findings of Misconduct, the Diocesan Bishop shall prepare a letter of final determination informing the alleged victim and accused whether the allegations of the complaint were substantiated and of any disciplinary actions taken.

The letter of final determination shall only include the initials of any party to the incident or investigation. No identifying information such as parish name or organization shall be included.

Section 2.9 Appeals

If the alleged victim or the accused does not agree with the findings of the report and/or the disciplinary action, they may appeal to the Metropolitan in writing via email or by written submission to the Metropolitan's residence. The appealing party will have 14 days from the date of the issuance of the letter of final determination to submit an appeal.

The appeal must include a copy of the letter of final determination and a written statement setting forth the basis of appeal.

The decision of the Metropolitan or Episcopal Synod shall be binding on the victim and accused.

In the event the final determination is affirmed by the Metropolitan or is not contested by the victim and/or the accused within 14 days of issuance, the name of the confirmed accused shall be maintained on a list published by the Diocese on the Diocesan website for the purpose of informing the members of the Covered Entities.

Section 2.10 Legal Actions Against Covered Entities:

No legal actions shall be initiated against the parent denomination or any Covered Entity for any actions taken in good faith to prevent or respond to Misconduct or for its investigation and submission of report or disciplinary actions, if any, taken against any person including the victim or the accused.

Section 2.11 Confidentiality:

The names of victims and accused and witnesses and all evidence collected or submitted to the LAC and Diocese, shall be kept confidential unless the accused is found to have committed the alleged action through the investigation of the Bishop and/or LAC, in which case the name of the confirmed accused may be published pursuant to Section 2.9. The members of the LAC or any persons having knowledge of any information about the proceedings are strictly prohibited from disclosing any such information to any third parties unless authorized by the Diocesan Bishop or required under applicable laws. Strict disciplinary actions will be taken against any such person who violates these confidentiality guidelines. They may also be held liable under any applicable criminal and civil laws and

regulations.

Section 2.12 Responsibility Structure:

The LAC must coordinate the implementation of these policy guidelines and, on a periodic basis, report to the Diocesan Bishop about all Covered Entities' adherence to these guidelines. The Diocesan Office must maintain all documents relating to Misconduct, including all such periodic reports, investigations done, reports made and minutes of the meetings, in the Diocesan office both in hardcopy and in soft copy.

Section 2.13 Communications to Media:

All communications to the media by any Covered Entity about any Misconduct must be made by an authorized person appointed by the Diocesan Bishop. No other person is allowed to disseminate such information through social media or through other electronic means of communications or by way of hard copy sent by any means of delivery systems.

Section 2.14 Retaliation:

These policy guidelines explicitly prohibit any form of intimidation, threats, promises, coercion, retaliation or any other adverse actions—direct or indirect, explicit or implied—by any Covered Entity or by any person against the victim, the accused, or any witnesses.

Section 2.15 Dissemination Policy:

Clergy, parish members, employees and volunteers involved in activities of any Covered Entity should be informed about these policy guidelines and its contents. These policy guidelines must be made available to all clergy, deacons, laity, employees and volunteers and acknowledgement and receipt must be obtained from such persons prior to their employment or engagement in Covered Entity activities. See Appendix B. These policy guidelines must be published on the Diocesan website and the websites of all other Covered Entities, and through other appropriate communication methods.

Section 2.16 Liability Insurance for Diocese and Parishes:

It is mandatory that adequate liability insurance policies must be obtained by Covered Entities to protect their best interests and property and assets against any claims of Misconduct made by any victims or accused against them. See Appendix A The Covered Entities must send a copy of the insurance policy to the LAC, including the renewal policies as and when they are renewed.

Section 2.17 Retention of Policy of Documents:

The documents related to any misconduct allegations, evidence including any documents collected and inquiry report will be retained both digitally and in hard copy in the Parish files at the Diocese HQ in New York for a period of 7 years from the date of submission of final report on any misconduct allegation. If needed and if the particular circumstances of a case so merits, documents relating to such case may be retained for a period greater than 7 years, as determined by the Diocesan Bishop.

Section 3: Mandatorily Binding Nature:

These Suggested Guidelines are mandatorily binding on the Diocese, Diocesan Level Organization, Institutions, Regional and Center Organizations, Institutions, Parishes and Congregations and its Organizations, VBS, camps, retreats and mission torus including any activities conducted by any of the above mentioned entities, once approved by the Diocesan Assembly and approved by Episcopal Synod and Kalpana is issued by the Diocesan Bishop, since they are all under the temporal and ecclesiastical jurisdiction of the parent denomination and Diocese under the Sabha Constitution. Any amendments made to these guidelines in the future will be also mandatorily applicable to all of the above-mentioned entities.

Section 3.1 Virtual/Online Meetings:

No computer or other electronic device in the facilities of Covered Entities shall be used to access pornography by clergy, laity, employees or volunteers or by third parties using such facilities. Adults should use good judgment and exercise discretion when meeting online with minor children and youths, for example, when feasible, have at least two adults present during meetings with minors. Consent of a parent or guardian is required for participation by minor children. All attendees at a virtual event shall conduct themselves in a manner befitting the Covered Entity. They should be attentive to their virtual backgrounds and what is visible to others. All persons attending such online meetings are expected to dress appropriately. Persons behaving inappropriately will immediately be excluded from the meeting and if any violations of these policies occurred, they should be reported to the appropriate authorities.

Section 3.2 Adequate Training:

For any travel undertaken under the auspice of a Covered Entity, whether foreign or domestic, where participants or leaders will meet or work with anyone under the age of 18 years or where the trip includes any participants under the age of 18 years, all adult participants and leaders are required to have appropriate training prior to the trips, including, at a minimum, reading these policy guidelines.

Section 3.3 Release of Liability:

All participants to any programs conducted by the Covered Entities, whether domestic or foreign, should fill out the necessary release form (signed by such participants or, if minors, by their parents or guardians) prior to attending such programs, releasing the Covered Entities from liability. See Appendix C. These forms must be provided to the Covered Entity prior to commencement of the programs.

Section 3.4 Background Check:

Each person appointed as a clergy, must undergo a background check, including a search for any criminal and sexual offenses, as part of their application or appointment process. They should also provide a signed disclosure form prior to their appointment or service in the Diocese or parishes or congregations or organizations and institutions. It is highly encouraged that any adult who anticipates, in a volunteer capacity, interacting with children or other individuals in vulnerable positions undergo a background check. After undergoing a background check, all individuals, including clergy, must

immediately inform the Diocese and/or their respective parish if any changes to their criminal background occur.

Section 3.5 Counseling:

Any clergy or laity in a covered entity at risk of acting on a romantic or sexual attraction to a parishioner or coworker including children and youths should seek appropriate counseling and pastoral guidance from someone trained in the field of sexual misconduct or abuse, mental or physical abuse or harassment.

The Diocese or the parishes or congregations, or organizations or institutions should make every effort to help obtain adequate counseling and therapy sessions for the victims of sexual misconduct, abuse and neglect from licensed professionals. In the event misconduct occurs by a clergy member, the expenses for such counseling or therapy sessions may be covered by the Diocese, at the discretion of the Diocesan Bishop. In the event misconduct occurs by a non-clergy member, the expenses for such counseling or therapy sessions may be covered by the victim's parish or congregation, at the discretion of the individual parish or congregation. The Diocese or the parishes or congregations or institutions should make pastoral counseling available through clergy to such victims and accused, if either desires and requests pastoral counseling, without any charges to be incurred to the victim or accused.

Section 3.6 Visitation and Contact:

Clergy or deacons or lay person should exercise discretion and good judgment so as not to create occasions when misconduct might occur or might appear to be occurring. Clergy, deacons or lay person should take steps to avoid accusations of impropriety when meeting with a person alone. For example, meetings may be scheduled during the day time when others are present. Clergy or deacon or lay person, employees and volunteers must be cautious when traveling to conferences, retreats and other out of town meetings with only one other person when that association might have the appearance of impropriety.

Section 3.7 Appropriate Physical Contact:

It may be appropriate for clergy or lay persons, when comforting a grieving person, to embrace such person, but an embrace might be inappropriate in certain situations. Care must be taken when making any physical contact and context is important. Unwanted and unwelcome physical contact with an intention to arouse sexual gratification to either person is always unacceptable.

Section 3.8 Wellness and Self-Care:

In order to prevent Misconduct, careful attention must be paid to one's own wellbeing, physical and emotional, by controlling one's basic emotional needs and by caring for one's own children and partners. Failure to do so and to maintain a life Work balance outside of the Diocese or parish, congregations, institutions, may result in unhealthy relationships resulting in abuse, sexual misconduct or harassment within the confines of activities related to the Diocese or parish congregations or institutions.

Being overly wrapped up in work by clergy, deacons, employees, volunteers, laity is a danger sign,

particularly when isolated from people and activities not connected with the Church or its members. Friendships and family relationships of individuals need to be nurtured to meet the emotional needs in appropriate ways. Married people must be careful to not having their own emotional or sexual needs met by someone other than their partners. Utmost care must be taken when dealing with children and vulnerable adults when interacting with them so that there should not be any appearance of sexual misconduct, sexual abuse, mental or physical abuse or harassment involved.

Section 3.9 Teaching and Chaperoning:

Effort should be made to have sufficient persons as teachers and chaperones for classes in the facilities and outside activities including retreats and seminars or conferences and mission trips conducted by Diocese, parishes, congregations, organizations and institutions. Parents of children and youths should reasonably be allowed to contact their children and/or youths during any such event or be kept informed of any changes of scheduled events.

Section 3.10 Third Parties or Community Organizations:

Third parties or community organizations using Diocese or parish or congregations or institution facilities should also follow these policy guidelines when engaging activities at such premises. They should be given a copy of these policies and such third persons or groups must sign and return the certification to the Diocese or parish or institutions acknowledging that they have received a copy and read and understood the same, prior to using the facilities. Third parties using the facilities of Diocese, parishes, organizations or institutions should add the events to their liability insurance and provide the evidence of coverage to the appropriate authority of the facility where such programs are to be conducted.

Section 3. 11: Adequate Training and Awareness Programs:

The Diocese, its organizations, regional and center organizations, parishes and congregations and its organizations MUST provide adequate training and conduct awareness programs on a regular basis or at least prior to any such activities undertaken by above mentioned to the participants and volunteers and a copy of these guide lines SHOULD be made available to anyone participating in such activities undertaken by the above-mentioned entities.

These policy guidelines are approved by the Diocese of North America and Europe of the Mar Thoma Church on this _____ day of _____, 20__

Rt. Rev. Dr. Isaac Mar Philoxenos
Diocesan Bishop

(seal of the Diocese)

***Disclaimer:** These Suggested Guidelines and form documents referenced and included herein are not intended to provide legal advice, nor does the inclusion of the form documents mean to imply any legal responsibility or obligation on behalf of the Diocese, its employees or its attorneys resulting from the use of such Suggested Guidelines or forms. The Suggested Guidelines and documents included in this publication are provided only as model guidelines and samples of documents used in hypothetical situations and will need to be modified to apply to the specific situation of any Non-Diocesan level organizations, institution, parish and/or congregation and its organizations.*

Appendix: A

CERTIFICATE OF COMPLIANCE OF LIABILITY INSURANCE

I hereby certify that the parish/congregation/institution _____ has obtained and will maintain sexual misconduct insurance coverage.

I hereby certify that, in connection with such insurance coverage, the parish/congregation:

_____ has adopted the Diocese of North America and Europe’s Policies Regarding Prevention of Sexual Misconduct and Child Abuse, or

_____ has adopted equivalent policies and procedures that comply with the conditions of the parish/congregation’s sexual misconduct insurance coverage (said policies are attached).

I hereby certify that all clergy, volunteers, employees who regularly supervise youth activities and affiliated with any activities and programs of the parish/congregation who are required to complete diocesan approved training have done so.

Vicar,

Date

Return this form to:

Diocese of North America and Europe
ATTN: Legal Affairs Committee (LAC)
2320 Merrick Avenue
Merrick NY 11566

Appendix B

ACKNOWLEDGMENT OF RECEIPT OF POLICIES

Clergy, Deacons, Employees, and Volunteers

I hereby acknowledge that I have received a copy of the Diocese of North America and Europe of Mar Thoma Church’s Policies Regarding Sexual Misconduct, Sexual Abuse and Neglect - Prevention and Response adopted by the Diocese and that I understand and agree its content.

Please circle one of the following: Clergy Lay

Signature

Date

Print Name

Position

Parish/Congregation

City

Please check one of the following:

I certify that I have completed the required diocesan approved training required in this manual.

I haven’t completed the required diocesan approved training but will complete the training within six months of my employment or prior to my assignment.

Note: This receipt must be signed by all clergy ordained or serving in this diocese, by all employees of the diocese, Parishes and Congregations, all volunteers, who supervise youth activities, and lay members of diocesan or parish programs.

Return this form to:

Diocese of North America and Europe
ATTN: Legal Affairs Committee (LAC)
2320 Merrick Avenue
Merrick NY 11566

Appendix C

RELEASE OF LIABILITY

I, _____, a member of the _____ parish of the Mar Thoma Church under the Diocese of N. America & Europe, hereby acknowledge that I freely and voluntarily wish to participate in the _____ of the Diocese/parish/organization/institution, hosted by the _____ of the Diocese/parish/organization/institution to be held from _____ to _____ at _____.

I hereby acknowledge that my participation is completely voluntary and that I chose to participate in the program fully knowing that I would be required to sign this Release of Liability. I further acknowledge that I understand that I must secure my own health and/or accident insurance at my own expense to be effective during the participation in the program. In consideration of the privilege to participate in the program and recreational activities during the program, I have fully read this Release of Liability and hereby execute this Release of Liability with the intent to bind myself, my heirs, assigns, and legal representatives. I further state that I am at least 18 years of age and competent to sign this affirmation and release, or that my parent/guardian has signed below if I am younger than 18 years of age.

I understand and agree that the Diocese/parish/organization/institution may provide transportation to participate in the program or during the program for some of its activities. If I accept transportation provided by the Diocese/parish/organization/institution, I understand and agree that I do so at my own risk and hence assume the risk by myself. Moreover, I acknowledge and understand that I am not required to accept such transportation, if such an option is provided, that I may provide my own transportation to participate in the program. I also understand that I may have the option not to participate in any activities or use the transportation including in the water during the program that may cause any risk to my life, health or safety both physical or mental.

Further, I understand and agree that the participation in certain aspects of the program including accepting transportation by road or by water may be physically and emotionally demanding that I understand that I face the risks of accidental and/or other physical or emotional injuries including death. These risks include, but not limited to. 1) loss or damage to personal property, 2) injury or fatality to and/or related to the following: (a) travel to, from, and/or during the program; (b) activities during the program, including but not limited to damage or impairment to my general health and/or emotional wellbeing. I have fully understood and aware that the nature of the program or its contents may cause injuries or impairments for me both physically and mentally including death. Nonetheless, I voluntarily choose to participate in the program and its activities and assume the risk involved due to my participation in the program. Further, I acknowledge that I am in good physical and mental condition, and I do not possess, nor I am aware of any physical or mental impairments or disabilities that might limit my participation in the program or cause harm to others.

I EXPRESSLY AGREE AND INTEND TO PARTICIPATE IN THE PROGRAM AT MY OWN RISK ASSUMING THE RISKS MYSELF AND THAT NEITHER THE DIOCESE, OR THE HOSTING PARISH OR ORGANIZATION OR INSTITUTIONS, ITS TRUSTEES, OFFICERS, COMMITTEE MEMBERS, EMPLOYEES, AGENTS OR ASSIGNEES SHALL BE LIABLE FOR

ANY INJURIES, DAMAGES, CLAIMS, DEMANDS, ACTIONS OR CAUSES OF ACTION WHATSOEVER WHICH MAY ARISE OUT OF OR IN CONNECTION WITH MY PARTICIPATION IN THE PROGRAM, WHETHER FROM ACTS OF ACTIVE OR PASSIVE NEGLIGENCE ON MY PART OR OTHERS PARTICIPATING IN THE PROGRAM AND/OR ON THE PART OF THE DIOCESE, HOSTING PARISH OR ORGANIZATION, INSTITUTION, ITS TRUSTEES, OFFICERS, COMMITTEE MEMBERS, EMPLOYEES, AGENTS OR ASSIGNEES, AND I DO HEREBY FOREVER RELEASE, DISCHARGE, INDEMNIFY, HOLD HARMLESS AND WILL DEFEND THE DIOCESE, HOSTING PARISH OR ORGANIZATION OR INSTITUTION, ITS TRUSTEES, OFFICERS, COMMITTEE MEMBERS, EMPLOYEES, AGENTS, OR ASSIGNEES FOR ANY SUCH INJURIES, DAMAGES, CLAIMS, DEMANDS, ACTIONS OR CAUSES OF ACTION WHETHER PRESENT OR FUTURE, KNOWN OR UNKNOWN.

The terms of this Release of Liability shall be governed by and construed under the laws of the jurisdiction where this release has been signed by me. In the event any term or provision of the Release of Liability is found to be unenforceable or declared void in whole or in part by any competent court of law, the concerned clauses shall be construed as valid and enforceable to the maximum extent permitted by law, and the remaining clauses of this Release of Liability shall remain in full and effect as if such unenforceable or voided clause was not there in the first place. Further, I agree that the exclusive venue for any dispute arising between Diocese, hosting parish or organization or institution and me involving any terms and conditions of this Release of Liability shall be the county where in I reside permanently and/or signed this release by me.

Accepted and agreed by:

Signature: _____ Date: _____

Participant's Printed Name: _____

Cell Phone No: _____ E-Mail: _____

Address:

(A parent or legal guardian must sign above if any participant is not above 18 years of age)

Appendix D

VOLUNTEER/PARTICIPANT DISCLOSURE FORM

Name: First Middle Last

Address (Street/City/State/Zip Code)

Telephone E-Mail:

References: (One reference should be related to you and the other references should not be related to you)

Name: First Middle Last

Address (Street/City/State/Zip Code)

Telephone E-Mail:

Name: First Middle Last

Address (Street/City/State/Zip Code)

Telephone E-Mail:

Please circle/fill in appropriate answer to each question (attach supplemental explanations if needed):

Q: I have been a member of the Mar Thoma Church since _____.
(If not a member, explain, how you are involved or known to this Diocese/parish)

Q: I have never been convicted of nor pled guilty or no contested to a crime.

True Not True

(If not true, please briefly describe the nature of the crime(s), the date and place of conviction and the legal disposition of the case.)

Q: No civil lawsuit alleging actual or attempted sexual discrimination, harassment, exploitation, or misconduct; physical abuse; child abuse; or financial misconduct has ever resulted in a judgment being entered against me, been settled out of court, or been dismissed because the statute of limitations has expired.

True Not True

(If not true, give a short explanation of the lawsuit. (Please indicate the date, nature, and place of the incident leading to the lawsuit; where the lawsuit was filed; and the precise disposition of the lawsuit.)

Q: I have never terminated my employment, professional credentials, or service in a volunteer position or had my employment, professional credentials, or authorization to hold a volunteer position terminated for reasons relating to allegations of actual or attempted sexual discrimination, harassment, exploitation, or misconduct; physical abuse; child abuse; or financial misconduct.

True Not True

(If not true, give a short explanation. (Please indicate the date of termination; name, address, and telephone number of employer or volunteer supervisor; and nature of the incident(s) leading to your termination.)

Q: With respect to my driving record, I have not had my license suspended or revoked within the last five years due to reckless driving or driving while intoxicated and/or under the influence of a controlled substance.

True Not True

(If yes, please explain the date and place of such occurrences, disposition and reason)

Q: Is there any fact or circumstance involving you or your background that would call into question you being entrusted with the responsibilities of the position for which you are applying?

Yes No

(If yes, please provide a brief explanation)

I acknowledge my receipt and understanding of the Diocesan Policy Guidelines.

Dated on this ____ day of _____, 20__

(Print Name & Sign by Applicant/Parent/Guardian)

Date

(Print Name & Sign by Parent/Guardian for Applicants under 18)

Date

Appendix E

MISCONDUCT COMPLAINT FORM

Mar Thoma Church
Diocese of North America and Europe

Revised July 2022

REPORT DATE: _____

COMPLAINANT INFORMATION (Person completing this form)

Name: _____ Relationship to Respondent: _____

Mailing Address: _____

Email Address: _____

Home Phone: _____ Cell Phone: _____

RESPONDENT INFORMATION (Person being reported)

Name: _____ Church Position (if any): _____

Mailing Address: _____

Email Address: _____

Home Phone: _____ Cell Phone: _____

MISCONDUCT REPORT

On the following page, please give a detailed description of the incident that prompted this report of concern and attach documentation if applicable and available. (Attach more pages if needed.) Please include the following: What did the accused do? Where? When? What was the impact of the behavior? Is the alleged misconduct continuing? How old was the victim at time of abuse (if sexual abuse claim)?

Legitimate reports are encouraged and will be taken seriously without retaliation from anyone involved in the process of response. However, individuals who make false or frivolous reports will be held accountable. Confidentiality will be preserved, and general information will only be shared on a need-to-know basis. A certain degree of transparency is essential for the process of just resolution, accountability, and healing.

Misconduct Report Complainant Last Name _____ Respondent Last Name _____

Witness 1

Name: _____ Email: _____

Mailing Address: _____

Home Phone: _____ Cell Phone: _____

State briefly how witness has knowledge of the incident being reported:

_____ I have _____ I have not Discussed this concern with this witness

Witness 2

Name: _____ Email: _____

Mailing Address: _____

Home Phone: _____ Cell Phone: _____

State briefly how witness has knowledge of the incident being reported:

_____ I have _____ I have not Discussed this concern with this witness

Witness 3

Name: _____ Email: _____

Mailing Address: _____

Home Phone: _____ Cell Phone: _____

State briefly how witness has knowledge of the incident being reported:

_____ I have _____ I have not Discussed this concern with this witness

Upon completion, this form should be sent to:

Diocese of North America and Europe
ATTN: Legal Affairs Committee (LAC)
2320 Merrick Avenue
Merrick NY 11566

If you have any questions or concerns about how to complete this form to present an allegation, please contact your parish priest or the Diocesan Bishop in writing at the above address or via email at marthomadiocese@gmail.com.

Please refer to the diocesan website at <https://www.marthomanae.org/> for policies.

Pursuant to policy, all complaints of sexual abuse involving priests, religious, employees and volunteers serving the Mar Thoma Church- Diocese of North America and Europe will be investigated by the Legal Affairs Committee (LAC). For exact process, please see below.

All information received will be treated with confidentiality.

All alleged victims are advised of their right to report the alleged abuse to public authorities.

Mar Thoma Church - Diocese of North America and Europe

Procedures for Action with Regard to an Allegation of Misconduct

The Five Step Process

1. Upon receipt of the Complaint Form, the Diocesan Bishop, within 7 days, must provide a written acknowledgement of receipt of the Complaint Form to its author.
 - a. The Diocesan Bishop, President of a Covered Entity, or other clergy to whom a report is made must immediately inform the parents or guardians of any alleged victims who are minor children, unless the parent or guardian is the subject of the Complaint Form.
 - b. In the event the Diocesan Bishop is the subject of the Complaint Form, the Complaint Form should be sent to the Metropolitan via email or via mail to the Metropolitan’s residence.
2. Within 120 days of sending the acknowledgment of receipt of a written Complaint Form, the Diocesan Bishop shall contact the alleged victim(s), alleged accused(s) and any witnesses to determine the merits of the allegations contained in the Complaint Form. At the end of 120 days, a written Summary of Findings of Misconduct and Decision of Disciplinary Action (if accused is member of laity), shall be created and maintained in the Diocesan Office by the Diocesan Bishop.
 - a. The time for completion of the investigation may be extended at the discretion of the Diocesan Bishop, for up to an addition of 60 days in exceptional circumstances. The Diocesan Bishop shall advise the parties of the extension in writing.
 - b. The Diocesan Bishop may authorize the LAC, on his behalf, to investigate and produce a Summary of Findings of Misconduct alleged in the Complaint Form. Any LAC member who may have a conflict of interest with either the victim or accused must recuse himself or herself from any such inquiry or investigation done by the LAC. The LAC may enlist persons with the relevant expertise to assist with the investigation and creation of the Summary of Findings of Misconduct. All persons involved in conducting or assisting with the investigation are required to maintain confidentiality.
 - c. The LAC, if requested, shall submit its final report to the Diocesan Bishop.
3. Within 14 days of completion of the Summary of Findings and Misconduct, the Diocesan Bishop shall prepare a letter of final determination informing the alleged victim and accused whether the allegations of the complaint were substantiated, and of any disciplinary actions taken.
4. If the alleged victim or the accused does not agree with the findings of the report and/or the disciplinary action, they may appeal to the Metropolitan in writing via email or via mail to the Metropolitan’s residence. The appealing party will have 14 days from the date of the issuance of the letter or final determination to submit an appeal.
 - a. The appeal must include a copy of the letter of final determination and a written statement setting forth the basis of appeal.
 - b. The decision of the Metropolitan or Episcopal Synod shall be binding on the victim and accused.
5. If the final determination is affirmed by the Metropolitan or is not contested by the victim and/or the accused within 45 days of issuance, the name of the confirmed accused shall be maintained on a list published by the Diocese on the Diocesan website for the purpose of informing the members of the Covered Entities.

References

- Archdiocese of North America of the Coptic Orthodox Church, (2020, September). *Archdiocese of North America of the Coptic Orthodox Church Sexual Misconduct and Physical Abuse and Neglect Policy*
- Episcopal Church, (2018). *Model Policy for the Protection of Children and Youth*. <https://www.episcopal-church.org/ministries/youth-ministries/model-policies-and-sample-forms/>
- Formal Complaint Form: Sexual Harassment and Misconduct, Mount Calvary Baptist Church, Fairfield, CA https://mcbcfs.org/images/SexualHarassment_FormalComplaintForm2018.pdf
- North Carolina Conference of the United Methodist Church, (2013, May). *Keeping Our Sacred Trust: Sexual and Professional Misconduct Policy for Ministry Professionals*
- Roman Catholic Archbishop of Los Angeles, (2015), *Archdiocesan Policy for Addressing Allegations of Sexual Misconduct by Clergy in the Archdiocese*
- Sample Complaint Form: Sexual Abuse or Sexual Misconduct by Clergy, Church Ministers or Volunteers, Diocese of Helena, Helena, MT <https://diocesehelena.org/wp-content/uploads/2021/02/Abuse-Complaint-Form-2021.pdf>
- Sample Complaint Form: Sexual Harassment, Jackson Lewis <http://www.bridgestreetbrooklyn.org/wp-content/uploads/2019/07/BSC-Sexual-Harassment-Complaint-Form-Jackson-Lewis.pdf>
- St. Luke the Evangelist Malankara Orthodox Mission, (2017, August). *Child Safety: Prevention Practices and Procedures (To protect Children & Youth)*
- The Episcopal Diocese of Virginia. Policy Manual for Sexual Abuse and Misconduct Prevention and Response <https://www.thediocese.net/resources/administration/sexual-misconduct-prevention/>
- Policies regarding the prevention of sexual misconduct and child abuse by clergy, employees and volunteers in the Anglican Diocese of Pittsburgh and the investigation and prosecution of allegations and incidents <https://www.pitanglican.org/sites/default/files/resources/Policies%20and%20Procedures%202015.pdf>
- The Diocese of Dallas – Policy on Sexual Misconduct <https://www.cathdal.org/SexualMisconductPolicy.pdf>
- Diocese of Allentown – Policies and procedures regarding alleged sexual abuse of minors <https://www.cathdal.org/SexualMisconductPolicy.pdf>