

**THE AUSTRALIAN AND NEW ZEALAND DIOCESE OF THE  
RUSSIAN ORTHODOX CHURCH  
OUTSIDE OF RUSSIA**

**POLICY & PROCEDURE  
FOR ADDRESSING  
INAPPROPRIATE BEHAVIOUR**

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## PREFACE

Humanity has never lived without laws and guidelines. Even the simplicity of Adams life in paradise required a commandment from God, albeit only one. The simplicity of life in Grace, experienced by the first Church community in Jerusalem, also required few guidelines. The Christian conscience was sufficient, in most cases, with reference to the spirit of the Gospel. However, as history progressed, the Church found it necessary to clarify certain positions and to provide guidelines to help make Christians live more harmoniously. This became especially relevant when the numbers of Christians grew and it took time to educate them in the proper understanding and acceptance of Gospel ethics in the context of structured Church life. As a result, we now have a body of Church legislation that runs into many hundreds of pages, beginning with the apostolic canons. Look at the ample tome of 'The Rudder', a collection of Church canons and rules. The Russian Church Abroad, and our ANZ Diocese in particular, have collections of Church By-Laws and regulations, some of which are now reflected in NSW civil legislation.

One may be forgiven for certain apprehension upon seeing the appearance of more rules and regulations (namely, this Policy on Inappropriate Behaviour), which seems, on the surface, to have little relevance to the established patterns in our Church life in Australia and New Zealand. Another criticism of the Policy on Inappropriate Behaviour may be that this document introduces secular principles and practices which may distort the spirit of the Church and lead to an increased worldliness in our norms of behaviour. This is not an initiative in the life of the Diocese. It is, in part, a response to a policy of the Synod of Bishops, viz., "**The Policy and Procedures of the Synod of the Russian Orthodox Church Outside of Russia Regarding Sexual Misconduct by Clergy**" (September 2005).

The risk of erosion of the Gospel spirit has always been present in the historical path of the Church, and no amount of Church-generated legislation can prevent it. Our challenge now is to understand that there is a hierarchy of values within which God is first and Caesar second. In this instance, we are responding to the accepted worldly norms, by providing a Diocesan policy and a set of guidelines titled "Policy & Procedures For Addressing Inappropriate Behaviour". The things of God and the things of Caesar are different, but they are not of necessity in opposition to each other. The Church acknowledges secular rule as God given, when it does not consciously oppose the primacy of God. Thus, we need to educate ourselves to understand that the demands of secular law are always minimalistic, while Christ points to perfection as the direction of our efforts. In terms of ethical and behavioural norms, worldly expectations are always minimalistic, i.e., "don't do unto others ...", "don't do evil", whereas Christ expects us to be initiators and conductors of Divine love, even toward our enemies.

The value of the present policy on Inappropriate Behaviour is that it provides a structure for conflict resolution when references to the Gospel are met with scepticism or indifference. Not many Archpastors or Pastors would dare to follow the example of St. Isaac the Syrian, who went into the desert after hearing such a response from a member of his flock. Instead, we are obliged to stay with the flock in order to raise it to the understanding of the mind of Christ. Of course, the existence of these guidelines is not an invitation to sink to the lowest common denominator in behaviour and ethics. It is part of the challenge of preserving the true spirit of the Church in the world.

# DEFINITIONS

- ANZ- Australian & New Zealand.
- Child - means a person who has not attained the age of 18 years.
- Church - ANZ Diocese.
- Clergy – all bishops, priests, deacons, sub-deacons, readers.
- Dean – A senior cleric appointed by the Ruling Bishop to have administrative oversight of all clergy in his Deanery.
- Diocesan Employees – men and/or women contributing labour and expertise and who receive payment for their work, whether from the Diocese, a parish or church organisation.
- Diocesan Officials - men and/or women elected or appointed to Diocesan positions.
- Inappropriate behaviour - bullying, harassment, intimidation, sexual impropriety, aggression, humiliation or any other behaviour deemed to be demeaning or unacceptable in the light of the Gospel.
- Monastics - men and/or women who have entered into a life of prayer and obedience to a monastic rule.
- Parish Officials – men and/or women elected to Parish Councils, Sisterhood Councils, and Auditing Committees.
- Parish workers - men and/or women elected or appointed by parishes to assigned duties without payment.
- Parishioners - individuals who attend divine services at an ANZ Diocesan church, or other gatherings, including social occasions, associated with the life of the parish.
- Rector - priest, abbot or abbess appointed by the Ruling Bishop to oversee a Parish, Monastery or Convent.
- ROCOR - Russian Orthodox Church Outside of Russia.
- Ruling Bishop - Bishop or Archbishop appointed by the Synod of Bishops of ROCOR with responsibility for all the parishes and church communities within his Diocese. He has authority over all the orders of clergy in the Diocese.
- Volunteers – individuals contributing labour and expertise who receive no payment for that work, including altar servers, members of church choirs, youth leaders and Parish school teachers.
- Vulnerable people - individuals who are at greater than normal risk of abuse. They may be receiving or may need community care services because of a disability, age or illness, and who may be unable to protect themselves against significant harm or exploitation.

## POLICY

- To encourage respectful and courteous behaviour, free from any bullying, harassment, sexual impropriety, intimidation or any other unacceptable or inappropriate behaviour, throughout the Church community.
- All complaints will be treated seriously with compassion and will be dealt with promptly, confidentially and with a transparent process.

## POLICY PRINCIPLES

- This policy, and its procedures, is intended to recognise the potential damage to the Church and its members from inappropriate behaviour and to prevent such damage through a process of awareness and education.
- The Church also recognises the need to work with and be supportive of those who have been adversely affected, the alleged perpetrators and the affected families, consistent with the principles of natural justice.
- This policy, and its procedures, is intended to be a confidential, supportive, non-litigious means for resolving problems of unacceptable behaviour, where all parties agree to terms of confidentiality and willingness to follow these procedures.
- Situations arising should be dealt with in a manner that is consistent with Orthodox Christian principles, in the spirit of Christian love and with willingness to enter into fair discussion, co-operation and the common goal of resolving the situation satisfactorily for all concerned, without any subsequent victimisation of any party.
- Anyone who experiences or witnesses bullying or aggressive behaviours should raise their concerns as early as possible, seeking confidential advice from a trusted person in the first instance if preferred.
- As outlined in the procedure, it is preferable that the person against whom the allegations are being made, be approached in the first instance, whether by the complainant or by their nominated representative.
- Allegations should be treated with sensitivity and respect to all parties concerned, with all parties receiving assistance and support as required to resolve the matter.
- Where a complaint proceeds to the Rector, Dean or the Ruling Bishop, the parties must express willingness to negotiate in good faith to resolve the matter.
- In case of a perceived criminal offence, the police **must** be informed immediately, without any delay.
- Nothing in this document mitigates the necessity to maintain the sacredness of the Confessional.

## **PURPOSE OF POLICY**

Aggressive or dominating behaviours by any members of the Church community can have a detrimental effect on the purpose and unity of the Church. The purpose of this policy is to acknowledge that inappropriate behaviours, particularly involving bullying and harassment, can occur, and to provide a clear, transparent process for dealing with this problem. The effects of inappropriate behaviour can include, but are not limited to, the following:

- high stress levels and resentment among members,
- ill-health, tiredness, anxiety, sleep disturbances,
- incapacity to work, loss of self-confidence and self-esteem,
- feelings of social isolation,
- dysfunctional behaviour within church Councils and Committees,
- growth of factions or separate groups within the community ,
- loss of quality of spiritual life,
- spiritual and/or emotional dysfunction,
- diminishing of goodwill and Christian love, and
- decisions to leave the Church community .

The ANZ Diocese of ROCOR is committed to caring for the salvation and well-being of souls, ensuring a Church environment that is nurturing, sustaining, faithful to Orthodoxy and expressing the love that we have been asked to reflect by our Lord Jesus Christ. To this end, the Church considers inappropriate behaviour unacceptable.

The Church seeks to provide an environment that is free from bullying, harassment or aggressive behaviours.

All clergy and Parish Officials have the added responsibility of taking action to stop all inappropriate behaviours immediately such behaviours are brought to their attention.

## **APPLICATION AND SCOPE OF THE POLICY**

This policy applies to all members of the Church community throughout the Australian and New Zealand Diocese - including clergy, Parish Officials, Diocesan employees, volunteers, parishioners and visitors.

## WHAT IS INAPPROPRIATE BEHAVIOUR

Inappropriate behaviour can be intentional or unintentional. It can include, but is not limited to:

- harassment, intimidation, humiliation, sexual impropriety or any other actions that may degrade a member of the Church community either in a one-on-one situation or in front of other people,
- treating people unfairly, giving orders without authority, causing them to be isolated or ignored, making unfavourable comments about them to others, making judgmental statements about them, speaking rudely and malicious gossiping,
- making others feel vulnerable and/or threatened, and
- aggressive behaviour.

Inappropriate Behaviour can take place between any person to whom this policy applies.

## EXAMPLES OF INAPPROPRIATE BEHAVIOUR

Such behaviours may include, but are not limited to:

- yelling, abusive or offensive language, one-on-one or in front of others,
- any form of physical force, whether directed at people or objects (e.g., pushing people, thumping tables, inappropriate gestures),
- inappropriate comments about a person's race, nationality, culture, language, appearance, personal life, or defamation/slander of people and/or their families,
- inappropriate sexual comments, advances or physical contact,
- constant belittling or unreasonable criticism of others,
- inappropriate teasing and/or joking at the expense of others, distressing others,
- isolating people from the Church community or discouraging them from participating in community life,
- making unreasonable demands on Clergy, Church officers and volunteer workers
- minimisation or non-acknowledgement of people's contributions,
- abusive oral or written communications or any other form of abusive, aggressive or offensive behaviour via any electronic medium (including social media).

## **WHAT IS NOT INAPPROPRIATE BEHAVIOUR**

It is not inappropriate behaviour

- To express differences of opinion, disagree with one another about something or having a conflict with someone in the Church community. These are a part of normal life, and not every conflict has inappropriate features. Every effort should be made in such cases, drawing on Christian principles, to resolve the situation with love, respect and courtesy for one another. In many such cases, the assistance of a third party in a mediating role can help to resolve the situation,
- In situations where members of the Clergy instruct parishioners in aspects of their Christian life or when members of the Clergy instruct one another on aspects of spiritual life,
- In situations where Clergy and Church officials express their concerns and discuss matters pertaining to the smooth running of the parishes, or Church discipline, when such discussions are undertaken with due love, respect and courtesy.

## **PROCEDURE FOR DEALING WITH ALLEGED INAPPROPRIATE BEHAVIOUR**

Step 1 – The complainant may approach the alleged perpetrator of inappropriate behaviour either in person or in writing, describing the behaviour that is causing him/her distress and ask that the offending behaviour stop.

However, if this is not deemed possible, and, in the case of all allegations involving sexual impropriety or any impropriety involving children, the relevant Rector shall become involved in the investigation of the case in question.

Should the Rector be a party to any such allegations, the matter should be referred to the Dean and the Ruling Bishop.

Step 2 - If Step 1 does not lead to a satisfactory conclusion, the complainant may approach the relevant Rector and then the Dean directly who will investigate the matter and will attempt to resolve the issue.

Step 3 – If Step 2 is not successful, the complainant may

- approach the Ruling Bishop directly,
- approach a mediator, or
- refer the matter to civil authorities.



## **CHILDREN EXPERIENCING INAPPROPRIATE BEHAVIOUR**

Children (minors) in such situations should speak to their parents in the first instance and the parents should follow the procedure outlined above on behalf of them.

Families in the Church community will be made aware that their children will be helped and protected if they experience inappropriate behaviour.

It is the Christian responsibility of all members of the Church community to report any form of inappropriate behaviour they may see towards children.

Under Australian law, suspected cases of physical and/or sexual abuse of children must be reported to the relevant statutory child protection authorities.

## **VULNERABLE PEOPLE EXPERIENCING INAPPROPRIATE BEHAVIOUR**

All vulnerable people subject to abuse in its various forms will be protected by the Church and guided through the above Steps 1, 2 & 3 by the Rector or a priest of their choice.

## **COUNSELLING AND PERSONAL DEVELOPMENT**

If requested, the Diocese will organise counselling for any person experiencing distress from inappropriate behaviour.

The Church will, as far as possible, ensure that all people involved in dealing with a complaint will be qualified to undertake the role required. Training will be provided by qualified professionals. It will include professional development for Clergy and Diocesan/Parish officials as required.

# SUPPORTING DOCUMENTATION

## 1. THE POLICY AND PROCEDURES OF THE SYNOD OF BISHOPS OF THE RUSSIAN ORTHODOX CHURCH OUTSIDE OF RUSSIA REGARDING SEXUAL MISCONDUCT BY CLERGY

[http://www.russianorthodoxchurch.ws/synod/engdocuments/enov\\_smisconduct.html](http://www.russianorthodoxchurch.ws/synod/engdocuments/enov_smisconduct.html)

## 2 FEDERAL LAWS

- Australian Human Rights Commission Act 1986
- Age Discrimination Act 2004 (Cth)
- Disability Discrimination Act 1992
- Racial Discrimination Act 1975
- Sex Discrimination Act 1984

## 3 STATE AND TERRITORY LAWS

- Australian Capital Territory Discrimination Act 1991 (ACT)
- New South Wales Anti-Discrimination Act 1977 (NSW)
- Northern Territory Anti-Discrimination Act 1996 (NT)
- Queensland Anti-Discrimination Act 1991 (QLD)
- South Australia Equal Opportunity Act 1984 (SA)
- Tasmania Anti-Discrimination Act 1998 (TAS)
- Victoria Equal Opportunity Act 1995 (VIC)
- Western Australia Equal Opportunity Act 1984 (WA)