

The Diocese of Ogdensburg presents this Code of Pastoral Conduct for all Priests, Deacons, Pastoral Ministers, Administrators, Staff Members, Volunteers, Parishes, Organizations and Institutions listed in its annual *Diocesan Directory*. (Other than Catholic Charities, because of its particular programs and mission, has its own safe *environment policy*) The purpose of the *Code of Pastoral Conduct* is to assist all situations that may arise in pastoral counseling relationships. It is intended to create a structure for addressing a variety of circumstances that, if not appropriately addressed, may create a risk of incidents, allegations, claims and/or lawsuits.

The Church must be exemplary. Staff members should and will be held accountable for their behavior. In order to maintain the highest level of accountability, there must be a clear and unambiguous blueprint of appropriate and inappropriate behavior. This *Code of Pastoral Conduct* provides a basic structure for identifying limits. It is intended as a "continuous improvement document." Therefore, your suggestions and recommendations for additions and revisions are encouraged.

This policy was developed to comply with the Charter for the Protection of Children and Young People, Revised Edition<sup>1</sup> (Charter) and Essential Norms for Diocesan/Eparchial Policies Dealing with Allegations of Sexual Abuse of Minors by Priests, Deacons, or other Church Personnel<sup>2</sup> (Norms). The Charter and Norms are available on the internet at <http://usccb.org/issues-and-action/child-and-youth-protection/charter.cfm>

## **I. Preamble**

Priests, deacons, pastoral ministers, administrators, and staff members, in our central offices, parishes, religious communities/institutes, and organizations must uphold Christian values and conduct. The *Code of Pastoral Conduct for Priests, Deacons, Pastoral Ministers, Administrators, and Staff members, (Code of Pastoral Conduct)* provides a set of standards for conduct in certain pastoral situations.

\*\*\*Throughout the rest of this policy **STAFF MEMBERS** are to include: ALL Priests, deacons, religious, pastoral ministers, pastoral counselors, youth directors, educators, administrators and spiritual directors. (ALL paid employees and persons in leadership positions)

## **II. Responsibility**

The public and private conduct of staff members can inspire and motivate people, but it can also scandalize and undermine the people's faith. Staff members must, at all times, be aware of the responsibilities that accompany their work. They must also know that God's goodness and grace supports them in their ministry.

Responsibility for adherence to the *Code of Pastoral Conduct* rests with the individual. Staff members who disregard this *Code of Pastoral Conduct* will be subject to remedial action by the

vicar/pastor or administrator of the ministry where the offense occurred. Corrective action may take various forms—from a verbal reproach, to removal from the ministry—depending on the specific nature and circumstances of the offense and the extent of the harm.

### **III. Pastoral Standards**

#### **I. Conduct for staff members**

*Staff members must respect the rights and advance the welfare of each person.*

- 1.1 Personnel and other administrative decisions made by staff members shall meet civil and canon law obligations and also reflect Catholic social teachings and this *Code of Pastoral Conduct*
- 1.2 No staff members shall use his or her position to exercise unreasonable or inappropriate power and authority.
- 1.3 Inappropriate or illegal use of alcohol and drugs and/or paraphernalia is strictly prohibited.
- 1.4 Possession or distribution of child pornography is illegal under federal law in all states. “If you see it, report it.”
- 1.5 Staff members should be aware of warning signs that indicate potential problems with their own spiritual, physical, mental, and/or emotional health.
- 1.6 Staff members should seek help immediately whenever they notice behavioral or emotional warning signs in their own professional and/or personal lives.
- 1.7 Staff members shall not step beyond their competence in counseling situations and shall refer clients to other professionals when appropriate.
- 1.8 Staff members should carefully consider the possible consequences before entering into a counseling relationship with someone with whom they have a pre-existing relationship (i.e., employee, professional colleague, friend, or other preexisting relationship). (See Section 7.4)
- 1.9 Staff members should not audiotape or video tape counseling sessions.
- 1.10 Staff members must never engage in sexual intimacies with the persons they counsel. This includes consensual and nonconsensual contact, forced physical contact, sex texting, and inappropriate sexual comments.
- 1.11 Staff members shall not engage in sexual intimacies with individuals who are close to the client—such as relatives or friends of the client—when there is a risk of exploitation or potential harm to the client. Staff members should presume that the potential for exploitation or harm exists in such intimate relationships.
- 1.12 Staff members assume the full burden of responsibility for establishing and maintaining clear, appropriate boundaries in all counseling and counseling-related relationships.

- 1.13 Physical contact of any kind (i.e., touching, hugging, holding) between staff members and the persons they counsel can be misconstrued and should be avoided.
- 1.14 Counseling sessions should be conducted in appropriate settings at appropriate times.
- 1.15 No counseling sessions should be conducted in private living quarters.
- 1.16 Counseling sessions should not be held at places or times that would tend to cause confusion about the nature of the relationship for the person being counseled.
- 1.17 Staff members shall maintain a log of the times and places of counseling sessions with each person being counseled.

## **2. Confidentiality**

*Information disclosed to a staff member during the course of counseling, advising, or spiritual direction shall be held in the strictest confidence possible.*

- 2.1 Information obtained in the course of sessions shall be confidential, except for compelling professional reasons or as required by law.
- 2.2 If there is clear and imminent danger to the client or to others, the staff member may disclose only the information necessary to protect the parties affected and to prevent harm.
- 2.3 If disclosure needs to be made, the staff member should inform the person being counseled about the disclosure and the potential consequences.
- 2.4 Staff members should discuss the nature of confidentiality and its limitations with each person in counseling.
- 2.5 Staff members should keep minimal records of the content of sessions.
- 2.6 Knowledge that arises from professional contact may be used in teaching, writing, homilies, or other public presentations only when effective measures are taken to absolutely safeguard both the individual's identity and the confidentiality of the disclosures.
  - While counseling a minor, if a staff member discovers that there is a serious threat to the welfare of the minor and that communication of confidential information to a parent or legal guardian is essential to the child's health and well-being, the staff member should: Attempt to secure written consent from the minor for the specific disclosure.

- If consent is not given, disclose only the information necessary to protect the health and well-being of the minor.
- 2.7 Consultation with the appropriate diocesan/parish supervisory personnel is required before disclosure.

**These obligations are independent of the confidentiality of the confessional. Under no circumstances whatsoever can there be any disclosure—even indirect disclosure—of information received through the confessional.**

### **3. Conduct With Youth**

*Staff members working with youth shall maintain an open and trust worthy relationship between youth and adult supervisors. Youth would include any persons under age 18. A youth would also be any person in a youth ministry program as a participant even if 18 or older.*

- 3.1 All staff members and adult volunteers will be subject to background checks and VIRTUS training as determined by the Diocese of Ogdensburg. (See Policy 107.4)
- 3.2 Staff members must be aware of their own and other's vulnerability when working alone with youth. Use a team approach to managing youth activities and emergency situations.
- 3.3 **An adult should never be alone with a child.** In any youth ministry activity, there should be one adult for every eight youth present ~ **never** fewer than two adults.
- 3.4 Physical contact with youth can be misconstrued and should occur (a) only when completely nonsexual and otherwise appropriate, and (b) never in private.
- 3.5 Staff members must refrain from (a) the illegal possession and/or illegal use of drugs and/or alcohol at all times, and (b) the use of alcohol or drugs when working with youth.
- 3.6 Staff members should never have, purchase, give or use child pornographic material.
- 3.7 Possession or distribution of child pornography is illegal under federal law in all states. "If you see it, report it."
- 3.8 Staff members may not engage in inappropriate conversation or use inappropriate humor, vocabulary, recordings, films, printed materials or games with minors, particularly if the content is of a sexual nature.
- 3.9 Staff members should never use tobacco products in the presence of youth, nor should they give or provide these products to youth.
- 3.10 Staff members should not allow individual young people to stay overnight in the their private accommodations or residence

- 3.11 Staff members should not share private, overnight accommodation with individual young people including, but not limited to, accommodations in any Church owned facility, private residence, hotel room, or any other place where there is no other adult supervision present.
- 3.12 In rare, emergency situations, when accommodation is necessary for the health and well-being of the youth, the staff members should take extraordinary care to protect all parties from the appearance of impropriety and from all risk of harm.

#### **4. Sexual Conduct**

*Staff members must not, for sexual gain or intimacy, exploit the trust placed in them by the faith community.*

- 4.1 Clergy and religious, who are committed to a celibate lifestyle, are called to be an example of celibate chastity in all relationships at all times.
- 4.2 Staff members who provide pastoral counseling or spiritual direction services must avoid developing inappropriately intimate relationships with minors, other staff members, or parishioners. Staff members must behave in a professional manner at all times.
- 4.3 No staff member may exploit another person for sexual purposes.
- 4.4 Allegations of sexual misconduct should be taken seriously and reported to the person in charge of the ministry where the allegation took place and to civil authorities if the situation involves a minor. All procedures will be followed to protect the rights of all involved. The person who is notified of the allegation should contact the Victims Assistance Coordinator and/or the Vicar for Pastoral Services and inform him/her of the allegation.
- 4.5 Staff members should review and be familiar with the contents of the Diocesan Safe Environment policies and reporting requirements. Mandates, policies and requirements can be found on the Diocesan Web Site under the Office of Safe Environment.

#### **5. Harassment**

*Staff members and volunteers must not engage in physical, psychological, written, or verbal harassment of other staff members or parishioners, and shall not tolerate such harassment by other staff members.*

- 5.1 Staff members shall provide a professional work environment that is free from physical, psychological, written, or verbal intimidation or harassment.
- 5.2 Harassment encompasses a broad range of physical, written, or verbal behavior, including without limitation the following:

- Physical or mental abuse.
  - Racial insults.
  - Derogatory ethnic slurs.
  - Unwelcome sexual advances or touching.
  - Sexual comments or sexual jokes.
  - Any requests for sexual favors used as a condition of employment, or to affect other personnel decisions, such as promotion or compensation.
  - Display of offensive materials.
- 5.3 Harassment can be a single severe incident or a persistent pattern of behavior where the purpose or the effect is to create a hostile, offensive, or intimidating work environment.
- 5.4 Allegations of harassment should be taken seriously and reported immediately to the person in charge of the ministry where the allegation took place. If the person in charge is the alleged perpetrator of harassment, then the allegation should be reported to the alleged perpetrator's supervisor. All procedures will be followed to protect the rights of all involved.

## **6. Diocesan, Parish, Religious Community/Institute, and Organizational Records and Information**

*Confidentiality will be maintained in creating, storing, accessing, transferring, and disposing of diocesan, parish, religious community/institute, or organizational records*

- 6.1 Sacramental records shall be regarded as confidential. When compiling and publishing parish, religious community/institute, or organization statistical information from these records, great care must be taken to preserve the anonymity of individuals.
- 6.2 Information regarding adoption and legitimacy remains confidential, regardless of age.
- 6.3 Only staff members who are authorized to access the contents of records and supervise their use shall handle requests for more recent records.
- 6.4 This general policy of the diocese should be supplemented by policies and procedures written by and for each parish and institution.
- 6.5 Parish, religious community/institute, or organization financial records are confidential unless review is required by *the Diocese of Ogdensburg*. Contact the Diocesan Fiscal Officer upon receipt of any request for release of financial records.
- 6.6 Individual contribution records of the parish, religious community/institute, or organization shall be regarded as private and shall be maintained in strictest confidence.

## **7. Conflicts of Interest**

*Staff members should avoid situations that might present a conflict of interest. Even the appearance of a conflict of interest can call integrity and professional conduct into question.*

- 7.1 Staff members should disclose all relevant factors that potentially could create a conflict of interest
- 7.2 Staff members should inform all parties when a real or potential conflict of interest arises. Resolution of the issues must protect the person receiving ministry services
- 7.3 No staff member should take advantage of anyone to whom they are providing services in order to further their personal, religious, political, or business interests.
- 7.4 Staff members should not provide counseling services to anyone with whom they have a business, professional, or social relationship. When this is unavoidable, the client must be protected. The counselor must establish and maintain clear, appropriate boundaries.
- 7.5 When pastoral counseling or spiritual direction services are provided to two or more people who have a relationship with each other, the staff member must:
  - Clarify with all parties the nature of each relationship,
  - Anticipate any conflict of interest,
  - Take appropriate actions to eliminate the conflict, and
  - Obtain from all parties written consent to continue services.
- 7.6 Conflicts of interest may also arise when a staff member's independent judgment is impaired by:
  - Prior dealings,
  - Becoming personally involved, or
  - Becoming an advocate for one (person) against another. In these circumstances, the staff member shall advise the parties that he or she can no longer provide services and refer them to another counselor or spiritual director.

## **8. Reporting Ethical or Professional Misconduct**

*Staff members, have a duty to report their own ethical or professional misconduct and the misconduct of others.*

- 8.1 Staff members must hold each other accountable for maintaining the highest ethical and professional standards. When there is an indication of illegal actions by staff members the proper civil authorities are to be notified immediately.

Also, notify the Vicar at the diocesan office in charge of the ministry where the alleged offense has occurred.

- 8.2 When an uncertainty exists about whether a situation or course of conduct violates this *Code of Pastoral Conduct* or other religious, moral, or ethical principles, consult with:
- Peers
  - Others knowledgeable about ethical issues, or the Vicar at the diocesan office in charge of the ministry where the alleged offense has occurred.
- 8.3 When it appears that a staff members member has violated this *Code of Pastoral Conduct* or other religious, moral, or ethical principles:
- Report the issue to a supervisor or next higher authority, or
  - Refer the matter directly to the Vicar at diocesan office in charge of the ministry where the alleged offense has occurred.
- 8.4 The obligation of staff members to report client misconduct is subject to the duty of confidentiality. However, any agreement or duty to maintain confidentiality must yield to the need to report misconduct that threatens the safety, health, or well-being of any of the persons involved except as provided for in Section 2.6