

(Pastoral Handbook, IV.20)

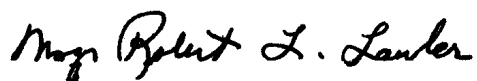
Preface

The Diocese of Ogdensburg presents this *Code of Pastoral Conduct* for all parishes, organizations and institutions listed in its annual *Diocesan Directory*. 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 these parishes, organizations, and institutions to address 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. Clergy, staff, and volunteers 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*¹ (*Charter*) and *Essential Norms for Diocesan/Eparchial Policies Dealing with Allegations of Sexual Abuse of Minors by Priests, Deacons, or other Church Personnel*² (*Norms*). The *Charter* and *Norms* are available on the Internet at <http://www.usccb.org/comm/restoretrust.htm>.

Approved for the Diocese of Ogdensburg



Rev. Msgr. Robert L. Lawler
Diocesan Administrator

October 20, 2003
Date

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I. Preamble

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

II. Responsibility

The public and private conduct of clergy, staff, and volunteers can inspire and motivate people, but it can also scandalize and undermine the people's faith. Clergy, staff, and volunteers 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. Clergy, staff, and volunteers who disregard this *Code of Pastoral Conduct* will be subject to remedial action by the 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

1. Conduct for Pastoral Counselors and Spiritual Directors¹

Pastoral Counselors and Spiritual Directors must respect the rights and advance the welfare of each person.

1.1 Pastoral Counselors and Spiritual Directors shall not step beyond their competence in counseling situations and shall refer clients to other professionals when appropriate.

1.2 Pastoral Counselors and Spiritual Directors 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 pre-existing relationship). (See Section 7.2.21

1.3 Pastoral Counselors and Spiritual Directors should not audiotape or videotape sessions.

1.4 Pastoral Counselors and Spiritual Directors must never engage in sexual intimacies with the persons they counsel. This includes consensual and nonconsensual contact, forced physical contact, and inappropriate sexual comments.

1.5 Pastoral Counselors and Spiritual Directors 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. Pastoral Counselors and Spiritual Directors should presume that the potential for exploitation or harm exists in such intimate relationships.

1.6 Pastoral Counselors and Spiritual Directors assume the full burden of responsibility for establishing and maintaining clear, appropriate boundaries in all counseling and counseling-related relationships.

1.7 Physical contact of any kind (i.e., touching, hugging, holding) between Pastoral Counselors or Spiritual Directors and the persons they counsel can be misconstrued and should be avoided.

1.8 Sessions should be conducted in appropriate settings at appropriate times.

1.8.1 No sessions should be conducted in private living quarters.

1.8.2 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.

1.9 Pastoral Counselors and Spiritual Directors shall maintain a log of the times and places of sessions with each person being counseled.

¹ Pastoral Counselors and Spiritual Directors: Clergy, staff, and volunteers who provide pastoral, spiritual, and/or therapeutic counseling services to individuals, families, or other group

2 Confidentiality

Information disclosed to a Pastoral Counselor or Spiritual Director 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.
 - 2.1.1 If there is clear and imminent danger to the client or to others, the Pastoral Counselor or Spiritual Director may disclose only the information necessary to protect the parties affected and to prevent harm.
 - 2.1.2 Before disclosure is made, if feasible, the Pastoral Counselor or Spiritual Director should inform the person being counseled about the disclosure and the potential consequences.
- 2.2 Pastoral Counselors and Spiritual Directors should discuss the nature of confidentiality and its limitations with each person in counseling.
- 2.3 Pastoral Counselors and Spiritual Directors should keep minimal records of the content of sessions.
- 2.4 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.
- 2.5 While counseling a minor, if a Pastoral Counselor or Spiritual Director 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 Counselor or Spiritual Director 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.

Consultation with the appropriate Church supervisory personnel is required before disclosure.

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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

Clergy, staff and volunteers working with youth shall maintain an open and trustworthy 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 Clergy, staff, and volunteers must be aware of their own and others vulnerability when working alone with youth. Use a team approach to managing youth activities. In any youth ministry activity, there should be one adult for every eight youth present and never fewer than two adults.
- 3.2 Physical contact with youth can be misconstrued and should occur (a) only when completely nonsexual and otherwise appropriate, and (b) never in private.
- 3.3 Clergy, staff, and volunteers should 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. In addition, adults should never have, purchase, give or use video or reading material inappropriate for youth.
- 3.4 Adults should never use tobacco products in the presence of youth, nor should they give or provide these products to youth.
- 3.5 Clergy should not allow individual young people to stay overnight in the cleric's private accommodations or residence.
- 3.6 Staff and volunteers 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.
 - 3.6.1 In rare, emergency situations, when accommodation is necessary for the health and well-being of the youth, the clergy, staff, or volunteer should take extraordinary care to protect all parties from the appearance of impropriety and from all risk of harm.
 - 3.6.2 Use a team approach to managing emergency situations.

4. Sexual Conduct

Clergy, staff, and volunteers must not for sexual gain or intimacy, exploit the trust placed in them by the faith community.

- 4.1 Clergy, religious, staff, and volunteers 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 and volunteers who provide pastoral counseling or spiritual direction services must avoid developing inappropriately intimate relationships with minors, other staff, or parishioners. Staff and volunteers must behave in a professional manner at all times.
- 4.3 No clergy, staff, or volunteer 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 Vicar for Pastoral Services and inform him of the allegation.
- 4.5 Clergy, staff, and volunteers should review and know the contents of the child abuse regulations and reporting requirements for the *State of New York* and should follow those mandates.

5. Harassment

Clergy, staff, and volunteers must not engage in physical, psychological, written, or verbal harassment of staff, volunteers, or parishioners and must not tolerate such harassment by other Church staff or volunteers.

- 5.1 Clergy, staff, and volunteers 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.
 - 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 Parish, Religious Community/Institute, and Organizational Records and Information

Confidentiality will be maintained in creating, storing, accessing, transferring, and disposing of 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 Most sacramental records older than 70 years may be open to the public.
 - 6.2.1 Information regarding adoption and legitimacy remains confidential, regardless of age.
 - 6.2.2 Only staff members who are authorized to access the contents of records and supervise their use shall handle requests for more recent records.
 - 6.2.3 This general policy of the diocese should be supplemented by policies and procedures written by and for each parish and institution.
- 6.3 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.
- 6.4 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

Clergy, staff, and volunteers 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 Clergy, staff, and volunteers should disclose all relevant factors that potentially could create a conflict of interest
- 7.2 Clergy, staff, and volunteers should inform all parties when a real or potential conflict of interest arises. Resolution of the issues must protect the person receiving ministry services.
- 7.2.1 No clergy, staff, or volunteer should take advantage of anyone to whom they are providing services in order to further their personal, religious, political, or business interests.
- 7.2.2 Pastoral counselors 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.
- 7.2.3 When pastoral counseling or spiritual direction services are provided to two or more people who have a relationship with each other, the Pastoral Counselor or Spiritual Director 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.
- 7.3 Conflicts of interest may also arise when a Pastoral Counselor's or Spiritual Director's independent judgment is impaired by:
- Prior dealings,
 - Becoming personally involved, or
 - Becoming an advocate for one (person) against another. In these circumstances, the Pastoral Counselor or Spiritual Director shall advise the parties that he or she can no longer provide services and refer them to another Pastoral Counselor or Spiritual Director.

8 Reporting Ethical or Professional Misconduct

Clergy, staff, and volunteers have a duty to report their own ethical or professional misconduct and the misconduct of others.

- 8.1 Clergy, staff, and volunteers must hold each other accountable for maintaining the highest ethical and professional standards. When there is an indication of illegal actions by clergy, staff, or volunteers, the proper civil authorities are to be notified immediately. Also, notify 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 diocesan office in charge of the ministry where the alleged offense has occurred.
- 8.3 When it appears that a member of clergy, a staff member, or a volunteer 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 diocesan office in charge of the ministry where the alleged offense has occurred.
- 8.4 The obligation of Pastoral Counselors and Spiritual Directors 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

9. Administration

Employers and supervisors shall treat clergy, staff, and volunteers justly in the day-to-day administrative operations of their ministries.

- 9.1 Personnel and other administrative decisions made by clergy, staff, and volunteers shall meet civil and canon law obligations and also reflect Catholic social teachings and this *Code of Pastoral Conduct*
- 9.2 No clergy, staff, or volunteer shall use his or her position to exercise unreasonable or inappropriate power and authority.
- 9.3 All priests, paid employees, and volunteers in the Diocese of Ogdensburg will be subject to background checks as determined by the Diocese of Ogdensburg.
- 9.4 Each volunteer providing services to children and youth must read and sign the Volunteer Code of Conduct before providing services.

10. Staff or Volunteer Well-being

Clergy, staff, and volunteers have the duty to be responsible for their own spiritual, physical, mental, and emotional health.

- 10.1 Clergy, staff, and volunteers should be aware of warning signs that indicate potential problems with their own spiritual, physical, mental, and/or emotional health.
- 10.2 Clergy, staff, and volunteers should seek help immediately whenever they notice behavioral or emotional warning signs in their own professional and/or personal lives.
- 10.3 Clergy, staff, and volunteers must address their own spiritual needs. Support from a Spiritual Director is highly recommended.
- 10.4 Inappropriate or illegal use of alcohol and drugs is prohibited.

IV. Volunteer's Code of Conduct

Our children are the most important gifts God has entrusted to us. As a volunteer, I promise to strictly follow the rules and guidelines in this Volunteer's Code of Conduct as a condition of my providing services to the children and youth of our *[parish, school, facility, diocese, etc.]*.

As a volunteer, will:

- Treat everyone with respect, **professionalism**, patience, integrity, courtesy, dignity, and consideration.
- Avoid situations where I am alone with children and/or youth at Church activities. Use positive reinforcement rather than criticism, competition, or comparison when working with children and/or youth.
- Refuse to accept expensive gifts from children and/or youth or their parents without prior written approval from the pastor or administrator.
- Refrain from giving expensive gifts to children and/or youth without prior written approval from the parents or guardian and the pastor or administrator.
- Report suspected abuse to the pastor, administrator, or appropriate supervisor and the local Child Protection Services agency. I understand that failure to report suspected abuse to civil authorities is, according to the law, a misdemeanor.
- Cooperate fully in any investigation of abuse of children and/or youth.

As a volunteer, I will not:

- Smoke or use tobacco products in the presence of children and/or youth.
- Use, possess, or be under the influence of alcohol at any time while volunteering.
- Use, possess, or be under the influence of illegal drugs at any time.
- Pose any health risk to children and/or youth (i.e., no fevers or other contagious situations).
- Strike, spank, shake, or slap children and/or youth.
- Humiliate, ridicule, threaten, or degrade children and/or youth.
- Touch a child and/or youth in a sexual or other inappropriate manner.
- Use any discipline that frightens or humiliates children and/or youth.
- Use profanity in the presence of children and/or youth.

I understand that as a volunteer working with children and/or youth, I am subject to a thorough background check including criminal history. I understand that any action inconsistent with this Code of Conduct or failure to take action mandated by this Code of Conduct may result in my removal as a volunteer with children and/or youth.

Volunteer's Printed Name

Volunteer's Signature Date