

CODE OF PASTORAL CONDUCT

I. Preamble

Priests, deacons, pastoral ministers, administrators, staff, and volunteers in our parishes, religious communities/institutes, and organizations must uphold Christian values and conduct. In addition to following the Gospel and its mandates, they will want to act properly at all times in the light of contemporary society and its needs. The *Code of Pastoral Conduct* for the Diocese of Victoria provides a set of standards for conduct in pastoral situations.

The Diocese of Victoria commits itself to responsible hiring, training and supervision of Church personnel. Responsibility for adherence to the *Code of Pastoral Conduct* rests with the individual. All personnel, including clergy, staff and volunteers who disregard this *Code of Pastoral Conduct* will be subject to remedial action by the diocese. 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.

II. General Standards: Code of Ethics

Relationships among people are the foundation of Christian ministry and are central to church life. It is with the intention that relationships in ministry be experienced at all times as charitable and without intention to do harm or allow harm to occur, that the following Code of Ethics has been adopted by the Diocese of Victoria. All church personnel are asked to carefully consider each standard in the code and within these policies before agreeing to adhere to the standards and continue in service to the diocese.

- Church personnel will exhibit the highest Christian ethical standards and personal integrity.
- Church personnel will conduct themselves in a manner that is consistent with the discipline and teachings of the Catholic Church.
- Church personnel shall provide a professional work environment that is free from physical, psychological, written, or verbal intimidation or harassment.
- Church personnel will avoid taking unfair advantage of a counseling relationship for the benefit of themselves.
- Church personnel will not physically, sexually or emotionally abuse or neglect a minor or an adult.
- Church personnel will share concerns about suspicious or inappropriate behavior with their pastor, their principal, the chancellor, or the bishop.
- Church personnel will report any suspected abuse or neglect of a minor to the Texas Department of Family and Protective Services.
- Church personnel will accept their personal responsibility to protect minors and adults from all forms of abuse.

III. General Definitions

A. Church Personnel

For the purposes of this policy, the following are included in the definition of church personnel:

1. Priests incardinated in the Diocese of Victoria.
2. Priests who are members of religious institutes assigned to pastoral work in the diocese.
3. Priests of other jurisdictions who are assigned to pastoral work in this diocese; priests seeking incardination in this diocese; other priests including those who are retired, or who request canonical faculties to do part-time or supply ministry.
4. Permanent and transitional deacons incardinated in this diocese; permanent deacons but with canonical faculties to function in this diocese.
5. Seminarians and those enrolled in the Permanent Diaconate Formation Program.
6. Women religious and religious brothers working for the diocese, its parishes, schools or agencies.
7. Individuals in other forms of consecrated life who are associated with the diocese.
8. All paid personnel whether employed in areas of ministry or other kinds of services by the diocese, its parishes, schools or other agencies; also, those who contract their services to church agencies.
9. All volunteers who enter into or offers himself/herself for a church related service of his/her own free will.

B. Types of Misconduct

For the purpose of this policy, misconduct includes the four types of behavior listed below:

1. Immoral conduct: Conduct that is contrary to the discipline and teachings of the Catholic Church.
2. Harassment: Conduct or language which creates an intimidating, hostile or offensive working environment.
3. Exploitation: Taking unfair advantage of a counseling relationship for the benefit of the counselor.
4. Abuse of minors: Physical, sexual or emotional abuse of children under the age of 18 or adults who are uniquely vulnerable to abuse because of physical or mental disabilities.

IV. Pastoral Standards

1. Administration

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

1.1 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*.

1.2 No clergy, staff, or volunteer shall use his or her position to exercise unreasonable or inappropriate power and authority.

1.3 Each volunteer providing service to children and youth must read and sign the Volunteer Code of Conduct before providing services.

2. Conduct for Pastoral Counselors and Spiritual Directors

Pastoral counselors and spiritual directors must respect the rights and advance the welfare of each person.

2.1 Pastoral counselors and spiritual directors shall not step beyond their competence in counseling situations and shall refer clients to other professionals when appropriate.

2.2 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).

2.3 Pastoral counselors and spiritual directors should not audiotape or videotape sessions.

2.4 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.

2.5 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.

2.6 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.

2.7 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.

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

2.8.1 No sessions should be conducted in private living quarters.

2.8.2 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.

2.9 Pastoral counselors and spiritual directors shall maintain a log of the times and places of sessions with each person being counseled.

3. Conduct with Minors

Clergy, staff, and volunteers working with youth shall maintain an open and trustworthy relationship between youth and adult supervisors.

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.

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 when working with youth.

3.4 Clergy should not allow individual young people, other than family members, to stay overnight in the cleric's private accommodations or residence.

3.5 Staff and volunteers should not provide shared, private, overnight accommodation for 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.

3.5.1 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.

3.5.2 Use a team approach to managing emergency situations.

3.6 Staff and volunteers will not create, transmit, display, download, distribute, possess or intentionally access any obscene, harassing, offensive, sexually explicit, unprofessional messages or materials through a computer or other technological means either online, in person or by text messaging. Nor will they lure, entice, or groom children and/or youth for illegal, immoral or unethical purposes.

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 Texas Department of Family and Protective Services at 1-800-252-5400 or online at www.txabusehotline.com if the situation involves a minor. The procedures of the state of Texas will be followed to protect the rights of all involved.

If church personnel is involved: First, contact the civil authorities. Second, contact the Bishop or the chancellor of the diocese of Victoria at 361-573-0828 or the Coordinators of Pastoral Care and Outreach: Rev. Gary Janak at 979-543-3770 or Sr. Emilie Eilers at 361-575-7111. Written allegations may be sent to the Office of the Bishop marked "Personal and Confidential". Failure to report suspected abuse to civil authorities is against civil law in the state of Texas. If child is in immediate danger, call 911.

Failure to report is a Class B criminal offense, punishable by a \$2,000 fine and/or imprisonment for up to 180 days. Failure to report also could subject you to considerable monetary liability in a civil rights action. Failure to report sexual misconduct could result in the termination of employment or volunteer status.

4.5 Clergy, staff, and volunteers should review and know the contents of the child abuse regulations and reporting requirements for the state of Texas 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, volunteers or minor.

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 pastor of the parish;
- The principal of the school;
- The chancellor of the Diocese of Victoria; and
- The bishop of the Diocese of Victoria

Procedures will be followed to protect the rights of all involved.

6. 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.

6.1 Information obtained in the course of sessions shall be confidential, except for compelling professional reasons or as required by law.

6.1.1 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.

6.1.2 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.

6.2 Pastoral counselors and spiritual directors should discuss the nature of confidentiality and its limitations with each person in counseling.

6.3 Pastoral counselors and spiritual directors should keep minimal records of the content of sessions.

6.4 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.

6.5 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.

6.6 These obligations are independent of the confidentiality of the Sacrament of Penance. Under no circumstances whatsoever can there be any disclosure—even indirect disclosure—of information received through sacramental confession.

7. Records and Information

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

7.1 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.

7.2 Most sacramental records older than 70 years are open to the public.

7.2.1 Information regarding adoption and legitimacy remains confidential, regardless of age.

7.2.2 Only staff members who are authorized to access the records and supervise their use shall handle requests for more recent records.

7.3 Parish, religious community/institute, or organization financial records are confidential unless review is required by the Diocese of Victoria or an appropriate government agency. Contact the business office of the Diocese of Victoria upon receipt of any request for release of financial records.

7.4 Individual contribution records of the parish, religious community/institute, or organization shall be regarded as private and shall be maintained in strictest confidence.

8. 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.

8.1 Clergy, staff, and volunteers should disclose all relevant factors that potentially could create a conflict of interest.

8.2 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.

8.2.1 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.

8.2.2 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.

8.2.3 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.

8.3 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
- 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.

9. Reporting Misconduct

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

9.1 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, you should notify the proper civil authorities immediately. Also notify one of the following:

- The pastor of the parish
- The principal of the school
- The chancellor of the Diocese of Victoria
- The bishop of the Diocese of Victoria

9.2 When an uncertainty exists about whether a situation or course of conduct violates this *Code of Pastoral Conduct* or other religious, moral, or ethical principle, consult with:

- Peers,
- Others knowledgeable about ethical issues, or
- The chancellor, or the bishop at 361-573-0828

9.3 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 principle:

- Report the issue to a supervisor or next higher authority, or

- Refer the matter directly to the chancery office through the office of the chancellor or the bishop at 361-573-0828

9.4 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 6.6

10. Screening Procedures for Church Personnel

10.1 All applicants for Church personnel positions, whether by employment or in a volunteer capacity will be required to complete the following without exception:

10.1.2 A standard application that includes a release of information to conduct background checks. Applicants will also be required to read and sign a Code of Pastoral Conduct for church personnel.

10.1.3 Reference checks and/ or face-to-face interviews are recommended for new applicants as well as existing employees and volunteers.

10.1.4 Criminal record and/or driving checks for the State of Texas and any other state where the applicant has resided during the past five years.

10.2. Volunteers for programs working with minors in parishes should be registered members of a parish in the diocese, and a complete background check performed and clearance obtained before being placed in a volunteer position with minors.

10.3. Criminal and/or driving record checks will be conducted every third year of a church personnel's employment or volunteer position.

10.4. Church personnel who transfer within the diocese are strongly encouraged to request in writing for their personnel files to be transferred to the new parish or school.

11. Training/Education of Church Personnel

The diocese shall develop and maintain “safe environment” programs and programs for outreach to communities affected. The programs shall promote healing and understanding. They will cooperate with parents, civil authorities, educators, and community organizations to provide education and training for children, youth, parents, ministers, educators, and others about ways to make and maintain a safe environment for children. The diocese will make clear to clergy and all member of the community the standards of conduct for clergy and other persons in positions of trust with regard to sexual abuse. (Cf. *USCCB Charter, art 12*)

11.1 Church personnel will be required to attend a training and educational program with the following components:

- Awareness of signs of sexual abuse in children.
- Appropriate boundaries with adults.
- Safe touch, and other issues to child physical and sexual abuse.
- Procedures to report sexual abuse, and guidelines to a pastoral response to all involved in sexual abuse.
- Recommendations to prevent sexual abuse.

11.2 Church personnel of the Diocese of Victoria are required to attend an orientation program at which the *Code of Pastoral Conduct* and the *Policy Regarding Sexual Abuse of Minors* are presented, reviewed and explained.

11.3 Church personnel of the Diocese of Victoria will be required to attend periodic education sessions pertaining to various aspects of sexual abuse. Verification of attendance will be kept in their personnel files with the Diocese of Victoria.

11.4 All clergy and other church personnel within the diocese shall certify in writing that he/she has read and is familiar with the diocesan policy and procedures regarding the *Code of Pastoral Conduct* and the *Policy Regarding Sexual Abuse of Minors*. Each individual's certification will be maintained in his or her personnel file.

12. Supervision of Programs that Involve Minors

12.1 Parents are encouraged to be a part of any and all services and programs in which their children are involved in the Diocese of Victoria. Parents have an open invitation to observe programs and activities in which their children are involved. However, parents who desire to participate in or have continuous, ongoing contact with their child's programs in the church will be required to complete the volunteer application process.

12.2 Programs for minors should not be sponsored or administered by only one adult without supervision.

12.3 Church personnel under the age of 21 are to be under the direct supervision, at all times, of an adult 21 years of age or older who is safe environment compliant.

12.4 Church personnel in leadership roles must be aware of all programs for minors that are sponsored by a parish or school. A list of these programs should be maintained in the central office and include activities, purpose, sponsors or coordinators of the programs, meeting times and locations. Leaders are encouraged to examine these programs and consider whether they have adequate supervision.

- 12.5 Because new programs for minors are far more likely to have difficulties than established ones, individual church personnel should not be permitted to develop new programs for minors without proper consent and review within the parish or school. Requests to develop new programs should be submitted in writing to the pastor and/ or the principal. The pastor and/or the principal should consider whether the plan for a new program includes adequate adult supervision and will be structured to comply with the guidelines.
- 12.6 Church/school personnel/volunteers under the age of 25 are restricted from transporting children and youth.
- 12.7 Drivers must adhere to the diocesan driver's policy. (Please check with your parish or school regarding requirements.)