

Code of Pastoral Conduct

“Living and Working with Integrity”

Diocese of Paterson

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Introduction:

"Blessed are the pure of heart, for they will see God" Mt. 5:8

In the United States, the Catholic Church's Charter for the Protection of Children and Young People calls for clear and well-publicized diocesan standards of ministerial behavior and appropriate boundaries for clergy and for all other church personnel in positions of trust who have regular contact with children and young people. (Article 6) This Code is a response to that call to integrity both in our relationships with children and young people as well as with the adult faith community.

Bishops, priests, deacons, pastoral ministers, administrators, staff, and volunteers in our parishes, schools, agencies, ministries, religious communities/institutes and organizations must uphold Catholic values and conduct that are rooted in the Gospel. We must be aware of the responsibilities that accompany our work while knowing that God's goodness and grace support us in our ministry. We should and will be held accountable for our behavior. In order to maintain the highest level of accountability, each of us is required to abide by this Code which provides a set of standards outlining that which is appropriate and inappropriate behavior in pastoral situations.

Responsibility for adherence to the Code of Pastoral Conduct rests with the individual. Those who disregard this Code may be subject to disciplinary action by the Diocese of Paterson in accord with the United States Conference of Catholic Bishops (USCCB) Charter for the Protection of Children and Young People, the USCCB Essential Norms for Diocesan Policies Dealing with Allegations of Sexual Abuse of Minors and the Diocese of Paterson Employee Handbook¹ up to and including termination.

For the purposes of this policy Church Personnel is defined as follows:

- Bishops, priests and deacons
- All Seminarians for the Diocese of Paterson
- Those who are enrolled in the Diocesan Permanent Diaconate Formation Program
- Members of Religious Institutes or Societies of Apostolic Life who are working for and/or living in the Diocese of Paterson as well as Hermits and Consecrated Virgins residing within the diocese
- All paid personnel whether employed in areas of ministry or other kinds of services by diocese, its parishes, schools, or other agencies; also those who contract their services to Catholic Church agencies

¹ These documents are available from your pastor or supervisor. Many are available on the Diocesan Website.

- All volunteers

STANDARDS OF CONDUCT

A. Ministerial Relationships Including Counseling and Spiritual Direction

Church Personnel must respect boundaries in ministerial behavior in particular with regard to counseling and spiritual direction. They must always respect the rights and advance the welfare of each person.

1. Church Personnel shall not function beyond their qualifications and competence in counseling situations and shall refer the person to other professionals when appropriate.
2. Church Personnel should carefully consider the ramifications of entering into a counseling situation with someone with whom they have a pre-existing relationship.
3. Church Personnel must never engage in sexual intimacies with the persons they counsel. This includes consensual and nonconsensual contact, forced physical contact, and inappropriate sexual comments.
4. Church Personnel assume the full burden of responsibility for establishing and maintaining clear, appropriate boundaries in all counseling and counseling-related relationships.
5. Physical contact between Church Personnel and the persons they counsel can be misconstrued and is prohibited unless pastorally necessary and appropriate. (See Examples of Physical Contact below.)
6. Sessions should be conducted in appropriate settings at appropriate times, i.e. in an office or common area with unobstructed windows or an open door and during day or early evening hours.
7. No sessions should be conducted in private living quarters.
8. 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.
9. Aside from pastoral visits to those who are sick and/or homebound, sessions should not be held in private residences.

B. Conduct with Children and Young People

Anyone who provides pastoral services to children must fulfill the safe environment requirements of the Paterson Diocese, i.e. attend Virtus training, agree to follow this Pastoral Code of Conduct by signing an acknowledgement form and submit to a criminal history background check.

1. Church Personnel could be vulnerable when working alone with youth². Use a team approach to managing youth activities.
2. Physical contact with youth can be misconstrued and is prohibited unless pastorally necessary and appropriate. (See Examples of Physical Contact below.)
3. The possession and/or use of any weapons, except by bona fide law enforcement personnel or in approved instructional or recreational situations, is strictly prohibited when working with youth.
 - i) If you suspect someone is in possession of a weapon this must be reported to a supervisor.
 - ii) Providing weapons to minors, or allowing their use is strictly prohibited.³
4. The possession and/or use of alcohol or illegal drugs is strictly prohibited when working with youth.
 - i) If you suspect someone is under the influence of alcohol or drugs this must be reported to a supervisor.
 - ii) Providing alcohol or drugs to a minor, or allowing their use is strictly prohibited⁴.
5. Church Personnel must not provide shared or private overnight accommodations for young people where there is no other adult supervision present. This includes, but is not limited to, accommodations in any Church-owned facility, private residence or hotel room.
 - i) In rare, emergency situations, when accommodation is necessary for the health and well-being of the youth, the clergy, staff, or volunteer should take

² Working with youth includes all adults who are chaperones at events for children and young people.

³ The sole exceptions are weapons used in instructional and recreational activities sponsored by organizations such as the Boy and Girl Scouts of America and only with strict supervision and also observing the protocol of those organizations regarding their use.

⁴ The sole exception is the distribution of the Precious Blood at Eucharistic Liturgies and, with the consent of parents or guardians, the use of wine when practicing for first Holy Communion.

extraordinary care to protect all parties from the appearance of impropriety and from all risk of harm. It is recommended that DYFS be contacted to provide shelter in such situations. The Diocesan Office of Child and Youth Protection must also be notified as soon practical.

- ii) Use a team approach to managing emergency situations.
- 6. Other than for the purpose of recognition of achievement or use as teaching tool church personnel shall refrain from giving gifts to individual children without the permission of the immediate supervisor. (See Virtus Training)
- 7. Smoking or use of tobacco products in the presence of children and/or youth is prohibited. Providing tobacco to a minor or allowing its use is strictly prohibited.
- 8. Church Personnel shall not strike, spank, shake, or slap children and/or youth, nor shall they humiliate, ridicule, threaten, or degrade children and/or youth in any way. They shall not use abusive language or profanity in the presence of children and/or youth.
- 9. Church Personnel must not tickle or wrestle with children and/or youth.
- 10. Church Personnel must never be alone in a vehicle with a minor who is not their child. When a child is present, there must be at least one other person (adult or minor) present in the vehicle at all times.
- 11. No adult may **initiate** hugs or other gestures of affection with a child and or young person.

C. Sexual Misconduct

Church Personnel must not, for sexual gain or intimacy, exploit the trust placed in them by the faith community.

- 1. Church Personnel who are committed to a celibate lifestyle are called to be an example of celibate chastity in all relationships at all times.
- 2. Inappropriately intimate relationships with minors, other staff, or parishioners are strictly prohibited.
- 3. Acquisition, possession, or distribution by Church personnel of any pornographic images, including those of minors under the age of eighteen, for any reason, by whatever means or using whatever technology, are strictly prohibited.

4. Church Personnel will follow the policy of the Diocese of Paterson in handling allegations of sexual abuse and reporting such allegations. The policy includes our obligations as citizens of New Jersey, our Memorandum of Understanding with the Attorney General⁵ and the Charter for the Protection of Children and Young People from the United States Conference of Catholic Bishops.

D. Harassment and Bullying

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

1. Church Personnel shall provide a professional work and service environment that is free from physical, psychological, written, or verbal intimidation or harassment.
2. There will be zero tolerance of harassment or bullying of any kind, including, but not limited to, verbal harassment, gender bias, threats, sexual harassment, and foul language.
3. Harassment includes conduct such as any form of bullying or intimidation (including the use of electronic communication). Bullying is unreasonable behavior that generally is persistent, and that demeans, intimidates, and humiliates employees or volunteers, either as individuals or as a group.
4. Sexual harassment in the workplace is unlawful and we will not tolerate it there or in the course of volunteer service. Sexual harassment can and does vary in degree, from "locker room" jokes to explicit requests for sexual favors. Any behavior of this type, regardless of the degree, is prohibited and strictly against Diocesan policy.
5. The Diocese will not tolerate harassment or bullying by its employees, volunteers, parishioners, members of the clergy or religious, by the employees of companies with whom it does business, or from our visitors.
6. Sexual harassment does not refer to compliments of a socially acceptable nature. There are appropriate social relationships that can exist at work and in volunteer service that do not have a discriminatory impact. Rather, sexual harassment refers to behavior that is unwelcome or that is personally offensive.

⁵ A copy of the Memorandum of Understanding (an agreement between the Diocese of Paterson and law enforcement to report abuse activity) is available on the Diocesan website at www.patersondiocese.org.

7. Harassment can be a display of offensive materials, such as sexually explicit materials, pornography, expressions of hate and discrimination, sex or race based cartoons, etc.
8. All harassment and bullying must be taken seriously and reported to the appropriate supervising Church Personnel, the Office of Child and Youth Protection or Human Resources.
9. When there is an allegation of sexual harassment of an adult or child the proper authorities, i.e., the Chief Human Resources and Compliance Officer or the General Counsel of the Diocese must be contacted immediately so that the allegations can be appropriately investigated.
10. When appropriate, the county prosecutor should also be notified in accord with the Memorandum of Understanding.
11. It is inappropriate for the pastor, principal, agency staff or other parties to hold initial meetings convening all or even some of the parties involved. It is also inappropriate to investigate or attempt to broker a solution to the matter without first consulting the Chief Human Resources and Compliance Officer or the General Counsel of the Diocese.
12. The Diocese of Paterson's procedures as outlined in the ***Guidelines for Responses to Allegations of Morally Inappropriate Conduct*** by Church Employees and the ***Employee Handbook*** for Employees of the Diocese of Paterson will be followed to protect the rights of all involved.

E. A Safe Environment for Catholics Program – Standards Expected of Our Children and Youth

In addition to our policies on the behavior of adults and those who aid in programs, we must also maintain a safe environment program among the children and teens themselves in our programs. The following behavior Code will support that safe environment for our religious education program. All adults will work to uphold these standards among our young people.

1. Use of the Internet, computers, tablets and video materials must fall strictly within the guidelines of the religious education program.
2. Hand-held electronic devices, including, but not limited to cell phones, music players, etc., should not be used during any part of the religious education program.

3. There will be zero tolerance for disrespectful, violent, or abusive behavior of any type. Bullying, in particular, will not be tolerated.
4. There will be zero tolerance of harassment of any kind, including, but not limited to, verbal harassment, gender bias, threats, sexual harassment, and foul language.
5. There will be zero tolerance for substance abuse of any kind, including, but not limited to, drugs, inhalants, alcohol, and tobacco.
6. No object which may be construed as a weapon or use of said object as a weapon will be tolerated on-site at parish programs.

The consequences for the forgoing behavior will be immediate. Parents will be called to remove their child. As appropriate, according to the seriousness of the incident, the pastor, Director/Coordinator of Religious Education or the Coordinator of Youth Ministry, will inform the appropriate authorities, the Division of Youth and Family Services and appropriate diocesan staff.

The Director/Coordinator of Religious Education or the Coordinator of Youth Ministry will assess the incident. The Director may then decide that the child will not be readmitted to the program until it has been determined to the satisfaction of the pastor that the child is not a danger to themselves or others and is likely to conduct themselves appropriately while participating in the program.

Examples of Physical Contact

The following forms of physical contact are generally regarded as appropriate.⁶

- | | |
|--|---|
| <input type="checkbox"/> Brief hugs initiated by a child | <input type="checkbox"/> Pats on the shoulder or back |
| <input type="checkbox"/> Hand-shakes | <input type="checkbox"/> "High-fives" and hand slapping |
| <input type="checkbox"/> Verbal praise | <input type="checkbox"/> Holding hands while walking with small children |
| <input type="checkbox"/> Sitting beside small children | <input type="checkbox"/> Kneeling or bending down for hugs initiated by small children |
| <input type="checkbox"/> Holding hands during prayer | <input type="checkbox"/> Pats on the head when culturally appropriate
(For example, this gesture should typically be avoided in some Asian communities). |

⁶ If at any time, an individual indicates that any of these forms of contact makes them uncomfortable, the contact should stop immediately.

Examples of physical contact that are not appropriate include but are not limited to:

- Inappropriate or lengthy embraces
- Kissing
- Holding minors on the lap
- Touching buttocks, breasts, genital areas or inner thigh
- Showing affection in isolated areas such as bedrooms, closets, staff-only areas or other private rooms
- Being in a bedroom alone with a minor
- Touching knees or legs
- Wrestling
- Tickling
- Piggyback rides
- Any type of massage given by minor to adult
- Any type of massage given by adult to minor
- Any form of unwanted affection
- Compliments that relate to physique or body development

Reporting Requirements

IF YOU SUSPECT A CHILD IS IN IMMINENT DANGER FROM ABUSE, PLEASE CALL 9-1-1 IMMEDIATELY.

We want to be certain that everyone who serves in Church ministry, or any entity affiliated with the Diocese of Paterson, is aware of the strict obligation to report promptly any sexual abuse of a minor.

If you receive information from any source so as to give you reasonable cause to suspect that a child has been subjected to abuse or neglect, you must IMMEDIATELY report that suspicion to the Department of Children and Families by calling the abuse hotline number, 1-877-NJABUSE.

Next, after your report to the hotline number, you must IMMEDIATELY notify our Diocesan Attorney, Ken Mullaney (973-777-8818, ext. 240 or _____). He will then notify the appropriate county prosecutor with jurisdiction over the matter.

However, if there is reason to believe that the criminal conduct is continuing, about to occur, or has recently occurred, or where it is possible that criminal evidence could be destroyed or lost due to the slightest delay, then you must report this immediately to the county prosecutor, rather than to our Diocesan Attorney. Report directly to the prosecutor and then notify the Diocesan Attorney.

“Immediately” in the above paragraphs means that it must be done without any delay whatsoever. This will allow you to follow the law and avoid the legal consequences of a delay in reporting. We have to go the extra mile to protect all children. The obligation to report abuse is not subject to the consent of the victim, parent, legal guardian, or person aware of the abuse.

If you wish a fuller explanation of the requirements and the legal obligations we have, go to this link on our Diocesan website for the *Memorandum of Understanding between the County Prosecutors and the Dioceses of New Jersey*:

Responding To Victims of Abuse

The Diocese does not investigate sexual abuse allegations. Investigation is the job of law enforcement, as outlined above.

The Diocese does have a role in helping victims of sexual abuse. Victims may contact one of the Diocesan Response Officers:

Msgr. James T. Mahoney, (973) 777-8818 X 205 or
Sister Mary Edward Spohrer, S.C.C. – 973-777-8818, X248

The Diocese also has a professional Victim Assistance Coordinator:

Ms. Peggy Zanello, (973) 879-1489

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Consent to Request Consumer Report Information

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Applicant's First Name or Initial

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Last Name

I understand that R C Diocese Of Paterson ("DIOCESE") will use Sterling InfoSystems Inc., 1 State Street, 24th Floor, New York, NY10004, (877)424-2457, to obtain a consumer report ("Report") as part of the employment/volunteer application process. I also understand that if my application is accepted, to the extent permitted by law, DIOCESE may obtain further Reports from STERLING so as to update, renew or extend my employment or ability to volunteer.

I understand Sterling InfoSystems Inc.'s ("STERLING") Investigation may include obtaining information regarding my criminal record, subject to any limitations imposed by applicable federal and state law. I understand such information may be obtained through direct or indirect contact public agencies or other persons who may have such knowledge.

This consent will not affect my ability to question or dispute the accuracy of any information contained in a Report. I understand if COMPANY makes a conditional decision to disqualify me based all or in part on my Report, I will be provided with a copy of the Report and another copy of the Summaries of Rights, and If I disagree with the accuracy of the purported disqualifying information in the Report, I must notify COMPANY within five business days of my receipt of the Report that I am challenging the accuracy of such information with STERLING.

I hereby consent to this investigation and authorize the RC DIOCESE OF PATERSON to procure a Report on my background.

In order to verify my identity for the purposes of Report preparation, I am voluntarily releasing my date of birth, social security number and the other information and fully understand that all employment decisions are based on legitimate non-discriminatory reasons.

Maine, Massachusetts, Minnesota, New Jersey & Oklahoma Applicants Only: I have the right to request a copy of any Report obtained by COMPANY from STERLING by checking the box. (Check only if you wish to receive a copy)

NY Applicants Only: I also acknowledge that I have received the attached copy of Article 23A of New York's Correction Law. I further understand that I may request a copy of any investigative consumer report by contacting STERLING. I further understand that I will be advised if any further checks are requested and provided the name and address of the consumer reporting agency.

Signature: _____
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