



Diocese of Tyler

Ethics and Integrity

for Church Personnel

Effective Date: March 1, 2003

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ETHICS AND POLICIES DOCUMENT REVISION LISTING

A. Revision Date: August 1, 2003

- Modified Section 6, Part C, #2
- Modified Section 8, Part A, #4
- Added Appendix F
- Modified Appendix A: *Diocese of Tyler Application for Employees and Volunteers*



I. POLICY ON CHURCH PERSONNEL CONDUCT

The Diocese of Tyler expects all Church personnel (whether priest, deacon, vowed religious, paid employee, or volunteer) to conduct their lives and ministry (whether in a parish, mission, Catholic School, or other Catholic institution or ministry) with ethics and integrity. While Vatican II calls all baptized and confirmed Christians to holiness, the obligation upon Church personnel is increased because of their education and position. They should lead by an example that will inspire others to follow Jesus more closely in their life and they should always safeguard the well-being of others. Ethics and integrity in ministry require “doing what is right” rather than simply not breaking the rules

All Church personnel are to be committed to a life of ethics and integrity and formally commit themselves to the Code of Ethics and Integrity for the Conduct of Church Personnel in the Diocese of Tyler.

All Church personnel will cooperate with criminal background checks and will report promptly if they are ever accused, arrested, fined, or convicted of any charge involving abuse of a minor or an adult.

A Promoter of Justice will be appointed who is to receive concerns regarding possible Church personnel who violate the Code of Ethics and Integrity, Guidelines for Ethical behavior, commonly accepted professional or social conduct, or any behavior that places the people of God and most especially children at risk. Reporting or questions can be made to the pastor, principal, head of the agency, or to the Promoter of Justice or to the Bishop. **The Promoter of Justice can be reached at 903.266.2159.**

A Panel of lay persons will be established to promote accountability in responding to cases of possible misconduct by Church personnel, by reviewing cases and giving advice to the Diocese through the office of the Judicial Vicar.

The Diocese will maintain written guidelines to further insure that behavior of Church personnel is guided by ethics and integrity for: counseling situations, ministry with minors, reporting of concerns, and other areas as seems warranted.

The Diocese of Tyler is committed to both justice and openness. The documents to implement and support this policy will be publicly available on the website (www.Dioceseoftyler.org) and by request from the Business Office.

This policy and the accompanying guidelines supersede prior policy concerning conduct of Church personnel in the Diocese of Tyler. This policy is signed the 27th day of February 2003 and is effective March 1, 2003

Most Reverend Alvaro Corrada del Rio, S.J.



Code of Ethics and Integrity for Conduct of Church Personnel in the Diocese of Tyler

As part of our witness to the Gospel of Jesus Christ, it is imperative that all Church personnel in the Diocese consistently act with ethics and integrity. People of all ages deserve to be respected and protected in their relationships with Church personnel. Defining healthy and safe relationships is not meant, in any way, to undermine the strength and importance of appropriate personal contact or the ministerial role. Rather, it is to assist all who fulfill the many roles that create the living Church to demonstrate their love and compassion for children and adults through sincere and genuine relationships.

All Church personnel are asked to carefully consider each statement in this Code of Ethics and Integrity and to sign their name to demonstrate their commitment to observing this Code in their life and ministry in the Diocese of Tyler.

1. Church personnel will exhibit the highest Christian ethical standards and personal integrity.
2. Church personnel will conduct themselves in a manner that is consistent with the discipline and teachings of the Catholic Church.
3. Church personnel will foster a professional work environment that is free from physical, psychological, written, or verbal intimidation or harassment.
4. Church personnel will act professionally in all counseling, advising, or spiritual direction relationships protecting the well-being of the other party at all times.
5. Church personnel will not physically, sexually or emotionally abuse or neglect a minor or an adult.
6. Church personnel will share concerns about suspicious or inappropriate behavior with their pastor, their principal, the Promoter of Justice, or the Bishop.
7. Church personnel will report any suspected abuse or neglect of a minor to the **Texas Department of Protective and Regulatory Services (1.800.252.5400)**.
8. Church personnel will accept their personal responsibility to protect minors and adults from all forms of abuse.
9. Church personnel will guide their behaviors by this Code, civil and canon law, policies of the Diocese of Tyler, particularly the diocesan guidelines for Ethics and Integrity in Ministry.

I have read, understand, and commit myself to living and ministering according to this Code.

_____ (Name) _____ (Parish, School, Agency)

_____ (Date) (NOTE: Keep one signed copy, return other to the Diocese.)

Concerns about violations of this Code can be reported to the Promoter of Justice at 903.266.2159.



Decree Promulgating the Guidelines for the Conduct of Church Personnel

As Bishop, I commit the Diocese of Tyler to consistently act in a way that protects children, minors and adults who have any dealings with the Church or any Catholic agencies operating in our Diocese.

These Guidelines will serve to direct Church personnel and the Diocese in living out of the commitment to Ethics and Integrity as outlined in the Policy on Conduct of Church Personnel and as agreed to in the Code of Ethics and Integrity.

These Guidelines are to be implemented effective March 1, 2003.

Most Reverend Alvaro Corrada del Rio, S.J.



II. 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 Tyler.
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.
5. Permanent deacons of other jurisdictions who have canonical faculties to function in this Diocese.
6. Seminarians and those enrolled in the Permanent Diaconate Formation Program.
7. Men and Women in consecrated life working for the Diocese, its parishes, schools or agencies.
8. Individual lay missionaries who are associated with the Diocese.
9. All paid personnel whether employed in areas of ministry or other kinds of services by the Diocese, its parishes, schools or other agencies.
10. All volunteers who could reasonably be expected to come into direct contact with minors or vulnerable adults while engaged in volunteer work in connection with the Diocese, its parishes, schools or other agencies. This includes any person who enters 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 Church.
2. Harassment. Conduct or language that 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.



III. PREVENTION OF IMMORAL CONDUCT: GUIDELINES FOR ETHICAL AND MORAL BEHAVIOR

A. Definitions

1. Immoral conduct is defined as behavior that is contrary to the honor and dignity of the human person and so goes against the discipline and teachings of the Church. Immoral conduct may result in an offense against the dignity of another person, scandal to the faithful, and harm to the ministry of the Church.
2. Scandal is an attitude or behavior which leads another to do evil. Scandal damages virtue and integrity. Scandal is grave when given by those who by nature or office are obliged to teach and educate others (Catechism of the Catholic Church, n. 2284-5). An occasion of scandal in the Church disheartens the faithful and discredits the proclamation of the Gospel.
3. Church personnel enjoy a public trust and confidence. It is essential that Church personnel view their own actions and intentions objectively to assure that no observer would have grounds to believe that irregularity in conduct exists. All Church personnel have a responsibility to uphold the standards of the Catholic Church in their day-to-day work and personal lives.

B. Standards of the Diocese

It is fundamental to the mission of the Diocese of Tyler for Church personnel to exhibit the highest ethical standards and personal integrity. The purpose of this policy is to insure that all Church personnel follow the traditional strong moral and ethical standards of the Catholic Church. Therefore, Church personnel should not engage in the following conduct:

1. Formally rejecting the teachings of the Catholic Church or the Christian way of life.
2. Exhibiting actions that are disruptive to the ministry and public worship.
3. Procuring or participating in abortion, homicide or euthanasia.
4. Possessing pornographic materials.
5. Engaging in adultery, flagrant promiscuity or illicit co-habitation.
6. Abusing alcohol, drugs or gambling.
7. Stealing or any other form of theft, including misappropriation of Church funds.
8. Sexual harassment, exploitation or abuse.
9. Physical assault and fighting.
10. Harming the reputation of others through:
 - a. Disclosing the faults or failings of others to persons who have no cause to know them.
 - b. Making false allegations against another.



IV. PREVENTION OF HARASSMENT: GUIDELINES FOR PROFESSIONALISM

A. Definitions

Harassment encompasses a broad range of physical, written, or verbal behavior that includes, but is not limited to, the following:

1. Physical or mental abuse;
2. Racial insults;
3. Derogatory ethnic slurs;
4. Unwelcome sexual advances or touching;
5. Sexual comments or sexual jokes;
6. Requests for sexual favors used as a condition of employment, or to affect other personnel decisions, such as promotion or compensation.
7. Display of offensive materials.
8. Harassment is an offensive use of power where the purpose or the effect is to create a hostile or intimidating work environment.
9. Harassment may be severe and/or pervasive.
 - a. Severe conduct is sufficient to alter a workplace environment even though it may occur only once.
 - b. Pervasive conduct is a persistent pattern of offensive conduct.

B. Standards of the Diocese

1. Church personnel do not engage in physical, psychological, written, or verbal harassment of employees, volunteers, or parishioners and do not tolerate such harassment by other Church personnel.
2. Church personnel shall foster a professional work environment that is free from physical, psychological, written, or verbal intimidation or harassment.



V. PREVENTION OF EXPLOITATION: GUIDELINES FOR COUNSELING RELATIONSHIPS

A. Definitions

1. Counseling as used in these guidelines concerns non-clinical conversations that occur in a pastoral or ministerial setting, such as reflective listening, advising, or spiritual direction.
2. Exploitation in the context of this policy refers to Church personnel taking unfair advantage of the counseling relationship for the benefit of the counselor.
3. Sexual exploitation is sexual contact between Church personnel and the recipient of his or her counseling services, regardless of who initiates the contact.
4. Conflicts of interest exist when Church personnel take advantage of counseling relationships in order to further their own personal, religious, political, or business interests.
5. Church personnel are expected to avoid situations and conduct that are or may give the appearance of exploitation or conflicts of interest.

B. Standards of the Diocese

1. Church personnel shall not step beyond their competence in counseling situations and shall refer to other professionals when appropriate.
2. Church personnel must never engage in sexual intimacies with the persons they counsel. This includes consensual contact, forced physical contact, and sexually explicit conversations not related to counseling issues.
3. Church personnel shall not engage in sexual intimacies with relatives, friends, or other individuals who are close to those they minister to, when there is a risk of exploitation or potential harm to the person. Church personnel should presume that a potential exploitation or harm exists in such intimate relationships.
4. Church personnel assume the full burden for setting and maintaining clear, appropriate boundaries in all counseling and counseling-related relationships.
5. Sessions should be conducted in appropriate settings at appropriate times and 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.
6. No sessions should be conducted in private living quarters

C. Confidentiality

1. Church personnel shall always act to safeguard the well being of minors and to observe state laws concerning reporting of suspected abuse.
2. Information disclosed to Church personnel during the course of counseling, advising, or spiritual direction shall be held in the strictest confidence possible.



3. In accordance with the norm of canon law (c.983), the sacramental seal is inviolable; therefore, it is absolutely forbidden for a confessor to betray the seal of confession in any way and for any reason. This is applicable whether the penitent is living or dead.
4. Church personnel should discuss the nature of confidentiality and its limitations with each person in counseling, as appropriate.
5. Information obtained in the course of sessions shall be confidential, except for compelling professional reasons or as required by law.
6. If there is clear and imminent danger to the client or to others, the Church personnel are to disclose the information necessary to protect the parties involved and to prevent harm.
7. Before disclosure is made, if feasible, the Church personnel should inform the person being counseled about the disclosure and the potential consequences.
8. The Church personnel providing pastoral counseling services or spiritual direction should keep minimal records of sessions.
9. With the exception of knowledge gained in the Sacrament of Penance, knowledge that arises from professional contact may be used in teaching, delivering homilies, or other public presentations only when effective measures have been taken to absolutely safeguard both the individual's identity and the confidentiality of the disclosures. In the rare event that such disclosures are used, good pastoral judgment is of the utmost importance when making decisions about the use of information in public ministry.
10. If Church personnel discover, while counseling a minor, 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 pastoral counselor or spiritual directors should disclose only the information necessary to protect the health and well-being of the minor.

D. Conflicts of Interest

1. Church personnel should avoid situations that might present a conflict of interest between a counselor and a person being counseled. Even the appearance of a conflict of interest can call integrity and professional conduct into question.
2. If a conflict of interest exists or arises, Church personnel should inform all parties.
3. Resolution of the issues must protect the person being counseled.
4. Church personnel must establish clear, appropriate boundaries with anyone with whom they have a business, professional, or social relationship.



VI. PREVENTION OF ABUSE: GUIDELINES FOR MINISTRY WITH MINORS

Abuse of minors is contrary to the teachings of the Church and is prohibited by the Diocese. Church personnel have a responsibility to actively protect minors from all forms of abuse.

In response to the call by the United States Conference of Catholic Bishops to break the “cycle of abuse,” the Diocese of Tyler adopted the following child abuse education and prevention policies. The intent of these policies is to have “zero tolerance” for abuse of minors.

A. Definitions

1. A minor is defined as anyone under the age of 18. For the purposes of this policy, the term “minors” also includes adults who would be considered uniquely vulnerable to danger abuse because of physical or mental disabilities.
2. Physical abuse is non-accidental injury that is intentionally inflicted upon a minor.
3. Sexual abuse is any contact of a sexual nature that occurs between a minor and an adult.
 - a. This includes any activity that is meant to arouse or gratify the sexual desires of the adult.
 - b. This includes any intentional contact with the private parts of either the adult or child.
4. Emotional abuse is mental or emotional injury to a minor that results in an observable and material impairment in the minor’s growth, development or psychological functioning.
5. Neglect is the failure to provide for a minor’s basic needs or the failure to protect a minor from harm.

B. Standards of the Diocese

The following guidelines are intended to assist Church personnel in making decisions about interactions with minors in Church sponsored and affiliated programs. They are not designed or intended to address interactions within families. For clarification of any guideline or to inquire about behaviors not addressed here, contact your pastor, agency director, principal or the **Promoter of Justice, at 903.266.2159.**

1. Abuse of minors is contrary to the teachings of the Church and is prohibited by the Diocese. Church personnel have a responsibility to actively protect minors from all forms of abuse.
2. All activities involving minors shall have sufficient adult supervision to maintain the safe environment of the group. At all times a minimum of two adults should be present for any activity.
3. Church personnel are responsible for releasing minors in their care only to parents, legal guardians, or other persons designated by parents or legal guardians at the close of services or activities. In the event that Church personnel are uncertain of the propriety of releasing a



minor, they should immediately locate or contact their immediate supervisor before releasing the child.

4. Church personnel should report uncontrollable or unusual behavior of minors immediately to parents.
5. Church personnel are prohibited from the use, possession, or being under the influence of alcohol or any illegal drugs while working with minors.
6. Church personnel may occasionally be in a position to provide transportation for minors. The following guidelines should be strictly observed when Church personnel are involved in the transportation of minors:
 - a. Ordinarily, minors should never be transported without written permission.
 - b. Minors should be transported directly to their destination. No unauthorized stops should be made.
 - c. Church personnel should avoid unnecessary and/or inappropriate physical contact with minors while in vehicles.
 - d. Drivers who are assigned to transport minors must be at least 25 years old.
7. Church personnel are prohibited from speaking to minors in a way that is or could be construed by a reasonable observer such as harsh, threatening, intimidating, shaming, derogatory, demeaning, or humiliating. In addition, church personnel are required to refrain from swearing in the presence of minors.
8. Church personnel are prohibited from engaging in any sexually oriented conversations with minors. However, it is expected that from time to time youth ministry may provide with parental consent lessons and discussions for teenagers that address human sexuality issues related to dating and sex. These lessons will convey to youth the Church's views on these topics. If youth have further questions not answered or addressed by their individual teachers they should be referred to their parents or guardians for clarification or counseling. In addition, Church personnel are not permitted to discuss their own sexual activities with minors.
9. Church personnel should never be nude in the presence of minors in their care.
10. Changing and showering facilities or arrangements for adults should be separate from facilities or arrangements for minors.
11. Church personnel are prohibited from possessing any sexually oriented or morally inappropriate printed materials (magazines, cards, videos, films, clothing etc.) on Church property or in the presence of minors.
12. Church personnel are prohibited from sleeping in the same beds, sleeping bags or small tents with minors unless the adult is an immediate family member of the minor.
13. As provided for in the Supplementary Norms for Clergy and Religious, houses used for residences of priests and religious are exclusively for the use of the priest or religious. With the exception of occasional visits from immediate family members, minors, and non-family members are not permitted to be overnight guests in the residence of a priest or religious.



C. Physical Contact with Minors

The Diocese of Tyler has implemented a physical contact policy that will promote a positive, nurturing environment for our children and youth ministries while protecting our children and our Church personnel from misunderstandings. The following guidelines are to be carefully followed by all Church personnel working in children and youth programs.

1. Church personnel are prohibited from using physical discipline in any way for behavior management of minors. No form of physical discipline is acceptable. This prohibition includes spanking, slapping, pinching, hitting, or any other physical force as retaliation or correction for inappropriate behaviors by minors.
2. Appropriate affection between Church personnel and minors is important for a child's development and a positive part of Church life and ministry. The following forms of affection are regarded as appropriate examples for most Church sponsored and affiliated programs and can be used in moderation:
 - Side hugs.
 - Shoulder to shoulder or “temple” hugs.
 - Pats on the shoulder or back.
 - Handshakes.
 - “High-fives” and hand slapping.
 - Verbal praise.
 - Touching hands, faces, shoulders and arms of minors.
 - Arms around shoulders.
 - Holding hands while walking with small children.
 - Sitting beside small children.
 - Kneeling or bending down for hugs with small children.
 - Holding hands during prayer.
 - Pats on the head when culturally appropriate. (For example, this gesture should typically be avoided in some Asian communities and other culturally diverse ethnic communities.)



3. Adults to initiate inappropriate contact with minors have often used some forms of physical affection. In order to maintain the safest possible environment for minors, the following are examples of affection that are not to be used in Church sponsored and affiliated programs:
 - Inappropriate or lengthy embraces.
 - Kisses
 - Holding minors over two years old on the lap.
 - Touching bottoms, chests or genital areas.
 - Showing affection in isolated areas of the program such as bedrooms, closets, staff only areas or other private rooms.
 - Sleeping or lying down with a child.
 - Touching knees or legs of minors.
 - Wrestling with minors.
 - Tickling minors.
 - 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 or physical contact.
 - Compliments that relate to physique or body development.
 - Compliments that make people uncomfortable.

D. Screening of Church Personnel who Work with Minors

1. All applicants for Church personnel positions working with minors will be required to complete the following without exception:
 - a. A standard application that includes a release of information to conduct background checks (See Appendix A). Applicants will also be required to read and sign a Code of Ethics for Church personnel (See Appendix B).
 - b. Criminal records check for the State of Texas and any other state where the applicant has resided during the past five years.
2. For employees and volunteers who have worked in the parish or school for two years or more, the application and criminal records check will complete their screening process.
3. Additional screening procedures, such as reference checks and face-to-face interviews are recommended for new applicants as well as existing employees and volunteers with who have held their positions for less than two years.



4. Volunteers for programs working with minors in parishes should be registered members of the parish for at least six months before being placed in a volunteer position with minors. After careful consultation, exceptions may be made for parents of minors in the specific programs in which their child or children are participating.
5. Criminal records checks will be conducted at the implementation of this policy, prior to the beginning of employment or volunteer ministry, and repeated as frequently as necessary to maintain a safe environment.
6. Church personnel who transfer within the Diocese are required to request in writing for their personnel files to be transferred to the new parish or school.

E. Training for Church Personnel who Work with Minors

1. Church personnel are required to review the Diocese of Tyler Policies on Ethics and Integrity in Ministry and agree to comply with Diocesan Code of Ethics (See Appendix B).
2. Members of the clergy, religious, employees and all volunteers who work with minors will be required to participate in training that addresses their role in protecting minors in the Diocese of Tyler.

F. Supervision of Programs that Involve Minors

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 Tyler. 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 are required to complete the volunteer application process.
2. Programs for minors should not be sponsored or administered by only one adult without supervision.
3. Church personnel under the age of 21 must work under the direction of an adult supervisor.
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 parish or school 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.
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 pastoral council. The pastoral council should consider whether the plan for a new program includes adequate adult supervision and will be structured to comply with the guidelines.



VII. GUIDELINES FOR REPORTING OF INCIDENTS, ALLEGATIONS AND CONCERNS

A. *Reporting of Immoral Conduct, Harassment or Exploitation*

Church personnel have a duty to report violations of the Policies on Ethics and Integrity in Ministry to appropriate parties:

1. When there is an indication of illegal actions by Church personnel, Church personnel will notify the police or other civil authorities immediately. Although it is not a legal requirement, the Diocese of Tyler is better able to respond promptly if it is informed directly. Church personnel are encouraged to inform the **Promoter of Justice, at 903.266.2159.**
2. When there is an indication that the actions of Church personnel member may constitute immoral conduct, harassment or exploitation, report to one of the following:
 - a. The pastor of the parish; who will immediately report same to the Diocese
 - b. The principal of the school; who will immediately report same to the Diocese
 - c. **The Promoter of Justice, at 903.266.2159**
 - d. **The Bishop at 903.534.1077**
 - e. Submit an anonymous, specific and verifiable letter to the Promoter of Justice or the Bishop at 1015 ESE Loop 323 Tyler, TX 75701.
3. Allegations of immoral conduct, harassment or exploitation will be taken seriously and Diocesan procedures will be followed to protect the rights of all involved.
4. If there are questions about the applicability of these policies, consult the **Promoter of Justice, 903.266.2159, or the Diocesan Business Manager, at 903.534.1077.**
5. If infractions of Diocesan policy are confirmed, Church personnel will be subject to disciplinary action up to and including termination and possible prosecution. Disciplinary action will follow the Progressive Discipline Process outlined in Section VIII of these policies.



B. Reporting of Suspicious or Inappropriate Behaviors with Minors

1. Because the Diocese of Tyler is dedicated to maintaining a zero tolerance for abuse, it is imperative for every member of this community to participate actively in the protection of minors. In the event that Church personnel observe any suspicious or inappropriate behaviors on the part of other Church personnel, it is their personal responsibility to immediately report their observations. Examples of suspicious or inappropriate behaviors would be policy violations, neglectful supervision, and poor role-modeling, seeking private time with minors, taking minors on overnight trips without other adults, swearing or making suggestive comments to minors.
2. Inappropriate behaviors or policy violations that relate to interactions with minors should be reported to one of the following:
 - a. The pastor of the parish; who will immediately report same to the Diocese
 - b. The principal of the school; who will immediately report same to the Diocese
 - c. **The Promoter of Justice, at 903.266.2159;**
 - d. **The Bishop at 903.534.1077;** or
 - e. Submit an anonymous, specific and verifiable letter to the Promoter of Justice or the Bishop at 1015 ESE Loop 323 Tyler, TX 75701.
3. All reports of suspicious or inappropriate behavior with minors will be taken seriously. Diocesan procedures will be carefully followed to ensure that the rights of all those involved are protected. (See Process for Responding, Appendix C).
4. When suspicious or inappropriate behaviors are reported to a pastor or a principal, he or she is asked to gather additional information about the nature of the concern and contact the Promoter of Justice, for consultation. Regardless of the outcome of initial information gathering, a Notice of Concern (See Appendix D) must be completed and faxed to the **confidential fax line in the Bishop's office, 903.939.1037.**
5. If at any point in gathering information about suspicious or inappropriate behavior, a concern arises that there is a possibility of abuse, the Texas Department of Protective and Regulatory Services will be contacted and a report filed. See Section VII C below for additional procedures in the event that there is a suspicion of abuse of minors.
6. If at any point, policy violations with minors are confirmed, Church personnel will be subject to disciplinary action up to and including termination and possible prosecution. Disciplinary action will follow the Progressive Discipline Process outlined in Section VIII of these policies.



C. Reporting Abuse of Minors

1. In accordance with Texas Law, any citizen who has cause to believe a minor may have been or is being abused must report his or her suspicions to the Texas Department of Protective and Regulatory Services. **Child Protective Services maintains a 24-hour child abuse hotline at 1.800.252.5400.** The *Notice of Confidential Concern* form (See Appendix D) may be used to maintain documentation of the report.
2. Failure to report suspected abuse of a minor in Texas is a crime punishable by fine, imprisonment or both. Reports may be made confidentially or anonymously. A person who mistakenly reports suspected abuse is immune from civil or criminal liability as long as the report was made in good faith and without malice.
3. In addition to reporting to the Texas Department of Protective and Regulatory Services, Church personnel are strongly encouraged to report any suspected or known abuse of minors that may have been perpetrated by Church personnel directly to the Diocese of Tyler, so that immediate and proper steps may be taken to ensure the safety of alleged victims. Reports of suspected or known abuse may be made confidentially to any of the following:
 - a. The pastor of the parish; who will immediately report same to the Diocese
 - b. The principal of the school; who will immediately report same to the Diocese
 - c. **The Promoter of Justice, at 903.266.2159;**
 - d. **The Bishop at 903.534.1077;** or
 - e. Submit an anonymous, specific and verifiable letter to the Promoter of Justice or the Bishop at 1015 ESE Loop 323 Tyler, TX 75701.
4. When suspicious behavior, inappropriate behavior or suspected abuse is reported to the Texas Department of Protective and Regulatory Services, TDPRS will inform the Diocese whether they believe a crime has been committed that would require an investigation by civil authorities. If the situation meets the criteria for a TDPRS investigation and/or a police investigation, the Diocese will cooperate fully with the investigation and will not conduct a further investigation without approval from TDPRS or the police.
5. If an investigation by TDPRS results in a finding of “unable to determine,” an investigation within the Diocese will be initiated.
6. If the situation does not meet TDPRS or police criteria for investigation, the Diocese will initiate an internal investigation within 24 hours.
7. During investigations by civil authorities or internal investigations, the Church personnel who are the subject of the investigation will be temporarily removed from Church responsibilities and duties.
8. Internal investigations will be documented. Documentation will be maintained in the central file at the diocesan office.



9. Internal investigations will follow Diocesan procedures and the guidance of the Ethics Intervention Committee.
10. At the conclusion of an internal investigation, the Judicial Vicar will submit a recommendation for action to the Bishop.
11. If abuse of a minor is confirmed, Church personnel will be subject to termination in accordance with Guidelines for Progressive Discipline Procedure of the Diocese, which provides for termination in cases of serious and major offenses. If abuse by a member of the clergy is confirmed, procedures will follow the appropriate norms of canon law defined in the Supplementary Norms for Clergy and Religious.
12. If abuse of a minor is confirmed through an internal investigation, the Texas Department of Protective and Regulatory Services and the police will be re-contacted and a follow-up report will be submitted.

D. Reporting Past Abuse by Church Personnel, Particularly Priests or Deacons

All cases of possible past abuse by Church Personnel will be investigated. The concern of the Diocese of Tyler is that those hurting, as a result of possible abuse, receive our pastoral care and, if necessary, appropriate professional care. While this is the case for anyone hurt by the conduct of someone working in the name of the Church, it is even more imperative for those harmed by a priest or deacon.

Cases of past abuse will be handled in conformity with the current policy and guidelines of the Diocese of Tyler, with canon law, and the Essential Norms for Diocesan/Eparchial Policies Dealing with Allegations of Sexual Abuse of Minors by Priests and Deacons.

Concerns of possible abuse should be directed to the **Promoter of Justice at 903.266.2159, or to the Bishop at 903.534.1077.**



VIII. GUIDELINES FOR PROGRESSIVE DISCIPLINE PROCEDURE

A. Standards of the Diocese

1. It is the policy of the Diocese of Tyler to maintain the highest quality personnel who exhibit exemplary conduct and superior performance. To this end, all Church personnel are to be informed by their supervisors of what is expected of them in the performance of their roles, how to conform to Diocesan policies.
2. When Church personnel performance or conduct does not meet the expectations of the Diocese of Tyler, it is the responsibility of supervisors to address the problem(s) in a timely and equitable manner. The procedure would normally include four steps: 1) Counseling, 2) Formal Warning, 3) Probation and 4) Termination.
3. All documents associated with the Progressive Discipline Procedure are to be retained in the personnel file of the Church personnel. Formal Warning Documents should also be forwarded to **the Promoter of Justice on the confidential fax line, 903.939.1037.**
4. Procedures for progressive discipline of clergy will be consistent with these policies and the appropriate norms of canon law defined in the Supplementary Norms for Clergy and Religious. (See Appendix F).

B. Steps in Progressive Discipline

1. **Counseling.** A large portion of performance and conduct deficiencies are identifiable and in many cases, can be addressed and resolved through informal counseling between the supervisor and the Church personnel. Effective counseling includes the following:
 - a. Clear identification of the problem with specific examples,
 - b. A mutually agreed upon action plan to resolve the problem,
 - c. Documentation of the counseling and communication, which is kept in the personnel file of the individual who receives counseling.



2. **Formal Warning.** Formal Warnings should be initiated when 1) counseling fails to resolve the problem, or 2) the problem is of such a serious nature that immediate and formal resolution is required.
 - a. Formal Warnings should follow the format provided in the “Formal Warning Document” (See Appendix E). The document should include:
 - i) A specific statement of the problem.
 - ii) Reference to any counseling that was attempted.
 - iii) A statement of the policy that was violated.
 - iv) A summary of corrective actions to be taken.
 - v) A statement of the consequences of failure to resolve the problem(s).
 - vi) A reasonable timeframe for resolution (often 15 to 30 days).
 - b. Formal Warnings should be presented at a meeting with the supervisor.
 - c. Church personnel should be required to sign the Formal Warning Document.
 - d. Formal Warning Documents and all accompanying materials should be stored in the personnel file of the individual who receives the warning.
 - e. If Formal Warnings relate to ethics and integrity in ministry, Formal Warning Documents will be faxed to the **confidential fax line in the Bishop’s office, 903.939.1037.**
3. **Probation.** Probation is the third step in the Progressive Discipline Procedure prior to dismissal.
 - a. Probation should be initiated when a warning process has not succeeded or when the misconduct is such that a second infraction would clearly warrant termination.
 - b. The probation process consists of the same elements as the formal warning process with an emphasis on the fact that failure to meet the conditions of the probation will result in termination if significant improvement is not demonstrated consistently in the probation period (typically 30 days).
 - c. A second Formal Warning Document should be completed when the Church personnel is placed on probation.
 - d. At the successful conclusion of probation, Church personnel should be notified in writing that he or she is no longer in a probationary status.
 - e. Any documentation of probation that relates to ethics and integrity in ministry will be faxed to the **confidential fax line in the Bishop’s office, 903.939.1037.**
4. **Termination.** Termination should be administered under one of two conditions:
 - a. Failure to improve conduct during the steps of Progressive Discipline, or
 - b. Serious and major offenses, including but not limited to, violations of the Policies on Ethics and Integrity in Ministry.



IX. GUIDELINES FOR THE CHURCH'S PASTORAL RESPONSE TO MISCONDUCT IN MINISTRY

A. Care of the One Who Brings Allegations of Misconduct

1. The Diocese of Tyler will take all allegations seriously and will immediately and thoroughly investigate all concerns. Investigations will follow Diocesan procedures.
2. The Diocese of Tyler will respond immediately and effectively to deal with any accusation of misconduct brought against Church personnel. The willingness of the Diocese to respond to an allegation is in no way a judgment of the person being accused. Innocence is always presumed until facts prove otherwise. At all times it is expected that an allegation brought by the one directly involved or by that person's parent or legal guardian, is based on fact, and is an honest representation of the truth. It is always important for all members of the Church to be sensitive to the needs and feelings of those who allege misconduct.
3. The Church will offer counseling services to the victim of misconduct to enable healing. This assistance for an individual victim may vary with circumstances and support from the Diocese will be determined in proportion to the defined course of therapy. The Diocese will provide reasonable assistance as the need arises.

B. Care of Church Personnel Accused of Misconduct

1. The Diocese of Tyler has a deep concern for any Church personnel who is accused of misconduct.
2. The Diocese will take great care in ensuring that a proper investigation is conducted following any allegation of misconduct. All investigations will follow Diocesan procedures. The rights of the accused will be taken into consideration throughout the investigation process and every effort will be made to protect the interests of an individual who may be falsely accused.
3. During investigations of allegations, the accused may be removed from contact with alleged victims to ensure the integrity of the investigation and the safety of alleged victims during the information-gathering process. This action should in no way be interpreted as a presumption of guilt. In the event that allegations are not founded, the accused Church personnel will resume his or her position as quickly as possible.
4. In the event that allegations are founded and the accused is not permitted to resume work within the Diocese, the Diocese will offer pastoral care to the extent that it is able.
5. Any allegation of misconduct involving a priest, deacon or religious will be taken seriously and the process of investigation described in the Supplementary Norms for Clergy and Religious will be initiated. The Bishop, in reaching final decisions, will always be guided by the appropriate norms of canon law.



C. Care of the Community Affected by Misconduct

1. The Diocese also has a special concern for the parishes and other Church organizations served by personnel who are accused of misconduct.
2. The Diocese will make every effort to provide pastoral care to the individuals affected in a parish or other Church organization that experiences an incident or allegation of misconduct.



APPENDIX A: APPLICATION FOR EMPLOYEES AND VOLUNTEERS

(Application appears on next page...)

Residential history

_____ Check here if you have lived in your current residence for longer than 5 years.

Dates (mm/yyyy)	Street Address	City/State/Zip	Country
Beg. Date _____ End Date _____			
Beg. Date _____ End Date _____			
Beg. Date _____ End Date _____			

If you have lived in your current residence for 5 or more years, please do not complete residential history. You only need to check the box at top of this section.

Employment History

_____ Check here if you have no employment history.

Dates of Employment (mm/yyyy)	Company name And address (City, State, Zip)	Immediate Supervisor name & Phone Number	Position Held/Job Description	Reason for Leaving position
Beg. Date _____ End Date _____				
Beg. Date _____ End Date _____				
Beg. Date _____ End Date _____				

Start with current employer and indicate employment history for the last 5 years. If current employer, end date will be current.

Educational History

_____ Check here if you have no educational history.

Dates (mm/yyyy) (Start with most recent)	School name And address (City, State, Zip)	Type of School	Name of Program or Degree	Program Completed?
Beg. Date _____ End Date _____				
Beg. Date _____ End Date _____				
Beg. Date _____ End Date _____				

Educational history should include high school and forward. If currently enrolled in program, end date will be current.

Volunteer History

_____ Check here if you have no volunteer history.

Dates (mm/yyyy) (Start with most recent)	Organization City, State, Zip	Contact	Contact Phone Number	Position/Duties
Beg. Date _____ End Date _____				
Beg. Date _____ End Date _____				
Beg. Date _____ End Date _____				
Beg. Date _____ End Date _____				
Beg. Date _____ End Date _____				

Volunteer history should include 5 of your most recent activities. If you are still participating in a volunteer program, end date will be current.

References

Reference Name First/Last	Address (City, State, Zip)	Daytime Phone	How long have you known this Person?	Has this person agreed to be a reference?
Professional/Civic				
Professional/Civic				
Personal				
Personal				
Family Member				

Confidential Background Check Information

Please note: If this form is completed on-line, no parish official will have access to information in this section. Information in this section is only used to obtain criminal records, *which are* reviewed by a diocesan official in strictest confidence.

_____ Yes _____ No Have you ever been accused of or arrested for physically, sexually, or emotionally abusing a child or an adult?

If yes, please explain: _____

Social Security Number: _____ - _____ - _____

Note: If you cannot supply your Social Security # you must have a letter of reference on file at your parish.

Driver's License: State _____ Number _____

Date of Birth: Month _____ Day _____ Year _____

_____ Yes _____ No Have you changed your last name in the past 5 years?

If yes, what was your previous last name? _____

_____ Yes _____ No Have you lived outside your current state in the last 5 years?

If yes, what state did you live in? _____

Declarations

The **Catholic Diocese of Tyler** appreciates your willingness to share your faith, gifts and skills. Providing safe and secure programs for our members is of utmost importance to us. The information gathered in this application is designed to help us provide the highest quality Catholic programs for the people of our community. Please read and initial each of the statements below.

_____ I declare that all statements contained in this application are true and that any misrepresentation or omission is cause for rejection of my application or dismissal from my ministry involvement.

_____ I hereby authorize the **Catholic Diocese of Tyler** to conduct a personal and professional background check for the purposes of my application at the **Catholic Diocese of Tyler**. The **Catholic Diocese of Tyler** may contact any references, past and current employers, church, youth organizations, agencies where volunteer service has been completed, and any individual or organization which might be relevant to my desired position. I hereby release all of the above stated persons from any and all liability for damages that might occur during the **Catholic Diocese of Tyler's** contact with the individuals for purposes of employment or volunteer services.

_____ I also hereby give complete permission for the **Catholic Diocese of Tyler** to conduct a criminal background check, arrest records check, abuse registry check, and driving record check for the purposes of my employment or volunteer services.

_____ I waive any right that I may have to inspect any information provided about me by the persons previously mentioned. I have also read and understood the above stated information within this release and am signing below of my own free will.

_____ I understand that a criminal background check will be conducted prior to and during my service. I authorize investigations of all statements contained in the application.

_____ I agree to observe all of the **Catholic Diocese of Tyler** guidelines and policies for the program in which I am applying.

_____ I understand that the **Catholic Diocese of Tyler** has a ZERO TOLERANCE FOR ABUSE and takes all allegations of abuse seriously. I further understand that the **Catholic Diocese of Tyler** cooperates fully with the authorities to investigate all cases of alleged abuse. Abuse of minors or vulnerable adults is grounds for immediate dismissal and possible criminal charges.

_____ I understand that I can withdraw from the application process at any time.

_____ I understand and agree that false statements and/or omissions regarding past conduct and/or present situations may be grounds for denial of the application to provide employment and/or volunteer services and that refusal to inform the **Catholic Diocese of Tyler** of the contents of a sealed criminal record will result in the automatic denial of the application.

_____ I will notify my Parish, school or agency and the Business Office of the Diocese of Tyler if arrested or charged as well as if convicted.

_____ My signature indicates that I have read and understand the above. **Do not sign until you have read and initialed the above statements.**

Applicant Signature _____ **Date:** ____/____/____

I have reviewed this application and have noted any missing information.

Screening Committee Member Signature: _____ **Date:** ____/____/____

Selected Sites

Please indicate the city and the name of the parishes/schools with which you would like this application to be registered.

City Where Parish Is Located	Name of Parish/School



APPENDIX B: Code of Ethics and Integrity for Conduct of Church Personnel in the Diocese of Tyler

As part of our witness to the Gospel of Jesus Christ, it is imperative that all Church personnel in the Diocese consistently act with ethics and integrity. People of all ages deserve to be respected and protected in their relationships with Church personnel. Defining healthy and safe relationships is not meant, in any way, to undermine the strength and importance of appropriate personal contact or the ministerial role. Rather, it is to assist all who fulfill the many roles that create the living Church to demonstrate their love and compassion for children and adults through sincere and genuine relationships.

All Church personnel are asked to carefully consider each statement in this Code of Ethics and Integrity and to sign their name to demonstrate their commitment to observing this Code in their life and ministry in the Diocese of Tyler.

1. Church personnel will exhibit the highest Christian ethical standards and personal integrity.
2. Church personnel will conduct themselves in a manner that is consistent with the discipline and teachings of the Catholic Church.
3. Church personnel shall foster a professional work environment that is free from physical, psychological, written, or verbal intimidation or harassment.
4. Church personnel will act professionally in all counseling, advising, or spiritual direction relationships protecting the well being of the other party at all times.
5. Church personnel will not physically, sexually or emotionally abuse or neglect a minor or an adult.
6. Church personnel will share concerns about suspicious or inappropriate behavior with their pastor, their principal, the Promoter of Justice, or the Bishop.
7. Church personnel will report any suspected abuse or neglect of a minor to the **Texas Department of Protective and Regulatory Services (1.800.252.5400)**.
8. Church personnel will accept their personal responsibility to protect minors and adults from all forms of abuse.
9. Church personnel will guide their behaviors by this Code, civil and canon law, policies of the Diocese of Tyler, particularly the diocesan guidelines for Ethics and Integrity in Ministry.

Concerns about violations of this Code can be reported to the Promoter of Justice, at 903.266.2159.



APPENDIX C: PROCESS FOR RESPONDING TO SUSPICIOUS OR INAPPROPRIATE CONDUCT BY CHURCH PERSONNEL

Initial concern of possible violation of the Code of Ethics and Integrity, the Diocesan Guidelines, State or local law, should be reported to the local pastor, principal or the agency head; it can be reported to the Diocese of Tyler directly to the **Promoter of Justice, 903.266.2159, or to the Bishop 903.534.1077.**

If the concern involves suspected abuse of a minor, the reporting party should also notify the State of **Texas Department of Protective and Regulatory Services, 800.252.5400.** Local law enforcement may also be notified.

The pastor, principal or agency officer, who receives a report, shall request the party complete the “Confidential Notice of Concern” (Appendix D). They will immediately document the report they received and begin keeping accurate notes of all communications on this matter. They will immediately contact the **Promoter of Justice, 903.266.2159.** Catholic Schools will then contact the Superintendent; other agencies will contact the Business Office of the Diocese. Accuse party should be isolated from any situation in which further harm could occur. The alleged victim should receive the immediate pastoral care necessary. **NO INVESTIGATION** is to be done at this time! Keep notes of what the party shares, but **MAKE** no inquiry.

The Promoter of Justice will set in motion appropriate follow up, and see that ongoing pastoral needs of both alleged victim and the accused are met.

The initial assessment of the situation will be shared with the Bishop and Judicial Vicar.

The basic information on the situation and the response of the Diocese will be presented to the panel of lay persons established by the Bishop.

Investigation will be done in cooperation with civil authorities in cases where there is any indication of criminal misconduct.



APPENDIX D: CONFIDENTIAL NOTICE OF CONCERN

Date of Occurrence: ____ - ____ - ____ Time of Occurrence: ____ : ____ AM/PM

Type of Concern:

- Harassment Exploitation Policy violation with a minor Possible risk of abuse
- Known or suspected abuse. Has this been reported to **TDPRS at 1-800-825-5400?** Yes No

If YES, Report #: _____

Time/Date of Report: ____ : ____ AM/PM, : ____ - ____ - ____

Other Concern: _____

Describe the Situation: What happened, where it happened, when it happened, who was involved, who was present, who was notified? If reported to TDPRS, what was their recommendation?

Has this situation ever occurred previously? Yes No

What action was taken? How was the situation handled, who was involved, who was questioned, were the police called?

What is the follow-up plan? Does anyone else need to be notified? Will the situation need monitoring? Would you like someone to call you to discuss this situation?

Submitted by: _____ Telephone number: ____ - ____ - ____

Location and address: _____

Signature: _____ Date: ____ - ____ - ____

Reviewed by Promoter of Justice:



APPENDIX E: FORMAL WARNING DOCUMENT

Church Personnel Name: _____ Position: _____

Purpose:

- Formal warning
- Probation

Statement of the Problem: (Violation of policies, standards, poor performance)

Prior Discussion or Cautions of the Problem: (Oral or written and dates of discussions)

Statement of Diocesan Policy on the Subject?

Summary of Corrective Action to be taken by Church Personnel?

Consequences of Failure to Complete and Maintain Correction Action?

Signature of Supervisor: _____ Date: ____ - ____ - _____

Signature of Church Personnel: _____ Date: ____ - ____ - _____

Copy to: **Promoter of Justice, FAX 903.939.1037**



APPENDIX F: ARTICLE 5 OF THE CHARTER FOR THE PROTECTION OF CHILDREN AND YOUNG PEOPLE

We repeat the words of our Holy Father in his Address to the Cardinals of the United States and Conference Officers: "There is no place in the priesthood or religious life for those who would harm the young."

When an allegation of sexual abuse of a minor by a priest or a deacon is received, a preliminary investigation, in harmony with canon law (CIC, cc. 1717-1719; CCEO, cc. 1468-1470), will be initiated and conducted promptly and objectively. If this investigation so indicates, the diocesan/eparchial bishop will both notify the Congregation for the Doctrine of the Faith and apply the precautionary measures mentioned in CIC, canon 1722, or CCEO, canon 1473—i.e., relieve the alleged offender promptly of his ministerial duties. The alleged offender may be requested to seek, or urged voluntarily to comply with, an appropriate medical and psychological evaluation, so long as this does not interfere with the investigation by civil authorities. When the accusation has proved to be unfounded, every step possible will be taken to restore the good name of the priest or deacon.

When sexual abuse of a minor by a priest or a deacon is admitted or is established after an appropriate process in accord with canon law, the following will pertain:

- Diocesan/eparchial policy will provide that for even a single act of sexual abuse (see designated note marked *) of a minor—past, present, or future—the offending priest or deacon will be permanently removed from ministry, not excluding dismissal from the clerical state, if the case so warrants. In keeping with the stated purpose of this Charter, an offending priest or deacon will be offered professional assistance for his own healing and well-being, as well as for the purpose of prevention.
- In every case involving canonical penalties, the processes provided for in canon law must be observed (cf. *Canonical Delicts Involving Sexual Misconduct and Dismissal from the Clerical State*, 1995; cf. Letter from the Congregation for the Doctrine of the Faith, May 18, 2001). For the sake of due process, the accused is to be encouraged to retain the assistance of civil and canonical counsel. When necessary, the diocese/eparchy will supply canonical counsel to a priest or deacon.
- Also provided for in canon law are the following: a request by the priest or deacon for dispensation from the obligation of holy orders and the loss of the clerical state or a request by the bishop for dismissal from the clerical state even without the consent of the priest or deacon (cf. *Canonical Delicts*).
- If the penalty of dismissal from the clerical state has not been applied (e.g., for reasons of advanced age or infirmity), the offender ought to lead a life of prayer and penance. He will not be permitted to celebrate Mass publicly or to administer the sacraments. He is to be instructed not to wear clerical garb or to present himself publicly as a priest.



- At all times, the diocesan bishop/eparch has the executive power of governance, through an administrative act, to remove an offending cleric from office, to remove or restrict his faculties, and to limit his exercise of priestly ministry. Because sexual abuse of a minor is a crime in all jurisdictions in the United States, for the sake of the common good and observing the provisions of canon law, the diocesan bishop/eparch shall exercise this power of governance to ensure that any priest or deacon who has committed even one act of sexual abuse of a minor as described above shall not continue in active ministry.

* Sexual abuse of a minor includes sexual molestation or sexual exploitation of a minor and other behavior by which an adult uses a minor as an object of sexual gratification. Sexual abuse has been defined by different civil authorities in various ways, and these norms do not adopt any particular definition provided in civil law. Rather, the transgressions in question relate to obligations arising from divine commands regarding human sexual interaction as conveyed to us by the sixth commandment of the Decalogue (CIC, c. 1395 §2, CCEO, c. 1453 §1). Thus, the norm to be considered in assessing an allegation of sexual abuse of a minor is whether conduct or interaction with a minor qualifies as an external, objectively grave violation of the sixth commandment (USCCB, *Canonical Delicts Involving Sexual Misconduct and Dismissal from the Clerical State*, 1995, p. 6). A canonical offense against the sixth commandment of the Decalogue (CIC, c. 1395 §2; CCEO, c. 1453 §1) need not be a complete act of intercourse. Nor, to be objectively grave, does an act need to involve force, physical contact, or a discernible harmful outcome. Moreover, "imputability [moral responsibility] for a canonical offense is presumed upon external violation ...unless it is otherwise apparent" (CIC, c. 1321 §3; CCEO, c. 1414 §2). Cf. CIC, cc. 1322-1327, and CCEO, cc. 1413, 1415, and 1416. If there is any doubt about whether a specific act fulfills this definition, the writings of recognized moral theologians should be consulted and the opinion of a recognized expert be obtained (*Canonical Delicts*, p. 6). Ultimately, it is the responsibility of the diocesan bishop/eparch, with the advice of a qualified review board, to determine the gravity of the alleged act.

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