

## **POLICY ON CONDUCT FOR CHURCH PERSONNEL**

The Diocese of Tyler expects all Church personnel to conduct their lives and ministry with ethics and integrity. While the Second Vatican Council 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 Christ 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.

In that same spirit of safeguarding those whom we serve and doing what is right, the diocese has taken a renewed and comprehensive approach to the creation of safe environments within our community. This policy is one of additional measures that the diocese is adopting to insure the protection of our communities and a pastoral response to difficult situations.

The bishop has created an ethics and integrity team that supervises the implementation of this policy and for the overall ethics and integrity framework. This team is comprised of the promoter of justice, the safe environment coordinator, and the victim assistance coordinator.

The diocese has partnered with an external organization, Praesidium, to offer an independent helpline for our community to share concerns regarding possible Church personnel who violate the Code of Ethics and Integrity, Guidelines for the Conduct of Church Personnel, commonly accepted professional or social conduct, or any behavior that places the people of God and most especially children at risk. The community is invited to contact Praesidium at (877) 415-6423 with any concerns. Please note that this helpline does not replace the state’s mandated reporting requirements. Concerns or questions can also be made to the pastor, principal, head of the agency, or to the safe environment coordinator, or to the bishop. The diocese can be reached at (903) 266-2159 or [vac@dioceseoftyler.org](mailto:vac@dioceseoftyler.org)

A Review Board of lay persons has also been established to promote accountability and transparency in responding to cases of possible misconduct by Church personnel, by reviewing cases and giving advice to the bishop. In addition to meeting to review specific allegations of clergy misconduct with a minor, the board will meet at least once a year to review policy and procedures.

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

The diocese is committed to both justice and openness. The documents to implement and support this policy will be publicly available on the website ([dioceseoftyler.org](http://dioceseoftyler.org)) and by request from the promoter of justice.

Approved: Bishop Alvaro Corrada, February 27, 2003

Revised: Bishop Joseph Strickland, August 1, 2015

Editorial Revisions: October 15, 2019

# **CODE OF ETHICS AND INTEGRITY FOR THE 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. These policies are intended to assist Church personnel in making decisions about their interactions with minors and adults. Violations of this Code may result in immediate dismissal from ministries and programs.

1. 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.
2. Church personnel will exhibit the highest ethical standards and personal integrity and will conduct themselves in a manner that is consistent with the discipline and teachings of the Catholic Church,
3. Church personnel will treat others fairly and with respect at all times, treating every person like Jesus Christ - with respect for their sacred dignity.
4. Church personnel will foster a professional work environment that is free from physical, psychological, written, or verbal intimidation or harassment.
5. Church personnel will act professionally in all counseling, advising, or spiritual direction relationships, protecting the well-being of the other party at all times.
6. Church personnel will not physically, sexually, or emotionally abuse or neglect a minor or an adult.
7. Church personnel will adhere to standards of displaying affection and of appropriate and inappropriate verbal interactions as outlined by the diocese.
8. Church personnel will avoid any affection with minors that cannot be observed by others and will observe appropriate boundaries in accord with diocesan policy, social norms, and civil and canon law.
9. Church personnel will report concerns or complaints about inappropriate behavior to their pastor/principal or the diocesan safe environment coordinator at (903) 266-2159 or [vac@dioceseoftyler.org](mailto:vac@dioceseoftyler.org).
10. Church personnel will immediately report any suspected abuse or neglect of a minor to state or local law enforcement or to the Texas Department of Family and Protective Services at (800) 252-5400 or [txabusehotline.org](http://txabusehotline.org). This is in accordance with mandated reporting laws for the State of Texas. In case of an emergency, call 911.
11. Church personnel accept their personal responsibility to protect minors and adults from all forms of abuse.
12. Church personnel will not tolerate the mistreatment, bullying, or abuse of one person by another, whether they are minors or adults.
13. Church personnel will cooperate with criminal background checks and will report immediately if they are ever accused, arrested, fined, or convicted of any charge involving abuse of a minor or an adult. When requested, Church personnel will also fully cooperate in any investigation.
14. Church personnel will guide their behaviors by this Code, civil and canon law, and the policies of the Diocese of Tyler, particularly the Diocesan Guidelines for the Conduct of Church Personnel which can be found at [dioceseoftyler.org](http://dioceseoftyler.org).

## DECREE PROMULGATING REVISED GUIDELINES FOR THE CONDUCT OF CHURCH PERSONNEL

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

The *Guidelines for the Conduct of Church Personnel* contained herein, which have been updated with the assistance of Praesidium, will serve to direct Church personnel and the diocese in living out of the commitment to ethics and integrity as stated in the *Policy on Conduct for Church Personnel* and as agreed to in the *Code of Ethics and Integrity for the Conduct of Church Personnel*.

Therefore, in virtue of my ordinary legislative authority, I decree as follows:

1. The updated and revised *Guidelines for the Conduct of Church Personnel* are effective as of July 1, 2019, for an *ad experimentum* period of one year. During that time, the Promoter of Justice is authorized to make editorial clarifications and changes as needed.
2. Any previous laws, customs, policies, directives, and procedures contrary to the provisions of the *Guidelines for the Conduct of Church Personnel* are abrogated, unless other provision is explicitly made

All things to the contrary notwithstanding.

Given at Tyler, at the Diocesan Curia, the 1<sup>st</sup> day of June 2019.

Most Rev. Joseph E. Strickland  
Bishop of Tyler

Peyton Low  
Chancellor

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# I. GENERAL DEFINITIONS

## ADULT

Anyone who is 18 years or older and not in high school.

## CHURCH PERSONNEL

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

1. Priests incardinated in the diocese.
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 other agencies. All members of a community of diocesan right or of a nascent community.
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.

## TYPES OF MISCONDUCT

For the purpose of this policy, misconduct includes the 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 or pastoral relationship for the benefit of the Church personnel.
4. **Abuse of Minors and Vulnerable Adults.** 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 (habitual lack of the use of reason).
5. **Boundary Violations.** Failure to observe and respect either the common boundaries established for Church personnel, or the personal boundaries of individuals.
6. **Youth to Youth Sexualized Activity.** Any contact or activity of a sexual nature that occurs between children, youth, or child/youth regardless of whether there is consent or whether consent is possible.
7. **Bullying.** aggressive behavior that is intentional, repeated over time, and involves an imbalance of power or strength. Anyone who sees an act of bullying, and who then encourages it, is engaging in Bullying. Bullying can take on various forms, including:
  - a. **Cyberbullying** is the intentional and overt act of aggression toward another person by way of any technological tool, such as social media, email, instant messages, text messages, digital pictures or images, website postings (including blogs). Cyberbullying can involve:
    - i. Sending mean, vulgar, or threatening messages or images.
    - ii. Posting sensitive, private information about another person.
    - iii. Pretending to be someone else in order to make that person look bad.
    - iv. Intentionally excluding someone from an online group.

- b. **Hazing.** Hazing is an activity expected of someone joining or participating in a group that humiliates, degrades, abuses, or endangers that person regardless of that person's willingness to participate.
- c. **Nonverbal or Relational Bullying** is when one person manipulates a relationship or desired relationship to harm another person. This includes social exclusion, friendship manipulation, or gossip. This type of bullying also includes intimidating another person by using gestures.
- d. **Physical Bullying** is when one person engages in physical force against another person, such as by hitting, punching, pushing, kicking, pinching, or restraining another.
- e. **Sexualized Bullying** is a form of bullying which involves behaviors that are sexual in nature. Examples of sexualized bullying behaviors include sexting, bullying that involves exposures of private body parts, and verbal bullying involving sexualized language or innuendos.
- f. **Verbal Bullying** is when someone uses their words to hurt another, such as by belittling or calling another by hurtful names.

## II. 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*, 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. POLICIES 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 ensure 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 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 or fraud, 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.

### III. 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. POLICIES 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.

## IV. 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. POLICIES 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 wellbeing 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 *Code of Canon Law*, 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 (c. 983). 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 wellbeing, the pastoral counselor or spiritual directors should disclose only the information necessary to protect the health and wellbeing 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.

## V. 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 U.S. Conference of Catholic Bishops to break the “cycle of abuse,” the Diocese of Tyler adopts 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 or still in high school. For the purposes of this policy, the term “minor” also includes any person in a state of infirmity, physical or mental deficiency, or deprivation of personal liberty which, in fact, even occasionally, limits their ability to understand or to want or otherwise resist the offence.
2. **Physical abuse** is non-accidental injury, which is intentionally inflicted upon a minor, such as hitting, spanking, shaking, slapping, or using unnecessary restraints.
3. **Sexual abuse** is any contact or activity of a sexual nature that occurs between a minor and an adult. This includes any activity, which is meant to arouse or gratify the sexual desires of the adult or minor, such as inappropriate touching, exposing oneself, or engaging in sexually oriented conversations.
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, such as degrading, threatening, cursing, shaming, humiliating, or treating a minor with cruelty.
5. **Neglect** is the failure to provide for a minor’s basic needs or the failure to protect a minor from harm.

### B. POLICIES OF THE DIOCESE

Policies define the bandwidth of acceptable behavior in an organization. Because offenders often violate policies to gain access to youth, when Church personnel know and understand policies, they can identify, interrupt, and report policy violations. Simply interrupting a policy violation can prevent a false allegation of abuse or put an offender on notice that no one works in private, the rules apply to everyone, and violations will be detected.

The following guidelines are intended to assist Church personnel in making decisions about interactions with minors in Church sponsored and affiliated programs. These policies will also help Church personnel identify and interrupt policy violations and behaviors that may create the conditions for abuse to occur more easily. 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 safe environment coordinator at (903) 266-2159 or [vac@dioceseoftyler.org](mailto:vac@dioceseoftyler.org).

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. Church personnel who work with minors must agree to comply with these Policies.
3. No person should be allowed to volunteer or work in a leadership capacity with minors until the person has been known to the clergy and congregation for at least six months.
4. Church personnel will respond to minors with respect, consideration, and equal treatment, regardless of sex, race, religion, sexual orientation, culture or socio-economic status.
5. Church personnel will portray a positive role model for minors by maintaining an attitude of respect, patience, and maturity. They will avoid even the appearance of favoritism and will model appropriate behaviors.
6. Church personnel are prohibited from the use, possession, distribution, or being under the influence of alcohol, illegal drugs, or the misuse and distribution of legal drugs while participating in or assisting with programs or activities for minors.
7. Church personnel are prohibited from discussing their own use or abuse of drugs or alcohol with 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 minors the Church's views on these topics. If minors have further questions not answered or addressed by their individual teachers, they should be referred to their parents or guardians for clarification or counseling.

9. Church personnel are not permitted to discuss with minors their own sexual activities, including dreams and fantasies, or discussing their use of sexually oriented or explicit materials such as pornography, videos or materials on or from the Internet, with minors.
10. Church personnel are prohibited from using the Internet to view or download any sexually oriented materials on church property or in the presence of minors.
11. Church personnel are prohibited from dressing, undressing, bathing, or showering in the presence of minors.
12. Church personnel are prohibited from engaging in any sexual, romantic, illicit, or secretive relationship or conduct with a minor.
13. Church personnel are prohibited from having sexual contact with a minor.
14. 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.
15. Church personnel are prohibited from participating in or allowing others to conduct any hazing activities relating to children's or youth ministry or activities.
16. Church personnel are prohibited from engaging in impulsive, secluded, or secretive activity, online or in person with children or youth

## C. PHYSICAL CONTACT WITH MINORS

The diocese has implemented a physical contact policy that will promote a positive, nurturing environment for our ministries with minors while protecting them and our Church personnel from misunderstandings. The diocese encourages appropriate physical contact with minors and prohibits inappropriate displays of physical contact. Any inappropriate physical contact by Church personnel towards minors in the diocese's programs may result in disciplinary action, up to and including dismissal from diocesan programs and activities.

The following guidelines are to be carefully followed by all Church personnel working with minors.

1. **Physical Discipline.** 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. Physical restraint may only be used to stop a behavior that may cause immediate harm to the individual, a minor, or others.
2. **Appropriate Physical Interactions.** 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 fist bumps; Touching hands, shoulders and arms briefly; Arms around shoulders; Sitting beside small children; Kneeling or bending down for hugs with small children; Holding hands (when escorting young children or during prayer); Pats on the head when culturally appropriate.
3. **Inappropriate Physical Interactions.** The following forms of affection are considered inappropriate with minors in ministry settings because many of them are the behaviors that child molesters use to "groom" minors for later molestation or can be, in and of themselves, sexual abuse. 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: Full-frontal or lengthy embraces; Kisses; Caressing, stroking, or other 'wandering' of hands; Holding minors over two years old on the lap; Touching bottoms, chests or genital areas; Showing affection in isolated areas; Sleeping or lying down with a minor in the same bed, sleeping bag, etc.; Wrestling with minors; Tickling minors; Piggyback rides; Allowing a minor to cling to an employee's or volunteer's leg or body; Any type of massage given by or to a minor; Any form of unwanted affection or physical contact.

## D. VERBAL INTERACTIONS

Church personnel are prohibited from speaking to minors in a way that is, or could be construed by any observer, as harsh, coercive, threatening, intimidating, shaming, derogatory, demeaning, or humiliating. The following guidelines are to be carefully followed by all Church personnel working with minors.

1. **Appropriate Verbal Interactions.** Positive Reinforcement; Appropriate jokes; Encouragement; Praise.
2. **Inappropriate Verbal Interactions.** Name Calling; Secrets; Cursing; Off-color or sexual jokes; Sexually oriented conversations including discussions of sexual activities; Shaming; Belittling; Derogatory remarks about the minor or his/her family; Harsh language that may frighten, threaten, or humiliate minors; Comments or compliments (spoken, written, or electronic) that relate to physique or body development.

## E. ONE ON ONE INTERACTIONS

Most abuse occurs when an adult is alone with a minor. The diocese aims to eliminate or reduce these situations and prohibits private one-on-one interactions unless approved in advance.

In those situations where one-on-one interactions are approved, Church personnel should observe the following additional guidelines to manage the risk of abuse or false allegations of abuse:

1. When meeting one-on-one with a minor, always do so in a public place where you are in full view of others.
2. Avoid physical affection that can be misinterpreted. Limit affection to pats on the shoulder, high-fives, and handshakes.
3. If meeting in a room or office, leave the door open or move to an area that can be easily observed by others passing by.
4. Inform other staff and volunteers that you are alone with a youth and ask them to randomly drop in.
5. Document and immediately report any unusual incidents, including disclosures of abuse or maltreatment, behavior problems and how they were handled, injuries, or any interactions that might be misinterpreted.

## F. OFF-SITE CONTACT

Many cases of organizational abuse occur off-site and outside of regularly scheduled activities. This contact outside of regularly scheduled activities may put Church personnel and the diocese at increased risk.

The diocese strongly recommends that Church personnel do not have outside contact with minors. However, if off-site contacts are unavoidable, the diocese has determined that the following forms of outside contact are appropriate and inappropriate:

1. **Appropriate Off-site Contact.** Taking groups of minors on an outing with prior approval from the parents; Attending sporting activities with groups of minors with prior approval; Attending functions at a minor's home, with parents present.
2. **Inappropriate Off-site Contact.** Taking one minor on an outing without the parents' written permission; Visiting one minor in the minor's home, without a parent present; Entertaining one minor in the home of Church personnel; Minors spending the night with Church personnel.

## G. ONLINE AND ELECTRONIC INTERACTIONS

We live in a world in which contact between adults and minors is not limited to the physical world, but in the virtual world as well. The need to respect appropriate boundaries of physical contact must be extended to all virtual contacts, be it cell phones, texting, chatting, websites or one of the ever-expanding numbers of social media services. This social media policy promotes a positive, nurturing environment for our ministries with minors while protecting them and our Church personnel from potential harm. All communication between Church personnel and minors should be transparent.

The following guidelines are to be carefully followed when using social media or electronic communications by all Church personnel.

1. Church personnel are to observe in electronic communications/contacts the same respect for appropriate boundaries as in a physical setting.
2. Church personnel should keep in mind that information that is shared online or via electronic communications can easily become public. Therefore, Church personnel should be attentive to their online presence.

3. Church personnel should set all personal social media accounts as private to prevent their access by minors.
  - a. Clergy and religious, by their state of life, are always considered to be public persons and representatives of the Church, so they should maintain appropriate decorum in all types of social media and online presence.
  - b. Other Church personnel also have a special connection with the Church and so must be attentive to their social media presence.
4. Church personnel are prohibited from having any private electronic communication with a minor.
5. Church personnel cannot use electronic communications to communicate with minors below the 9<sup>th</sup> grade; these communications must be directed to their parents.
6. Only Church personnel who have completed "Ethics and Integrity" training and are holding an official position as a youth minister, catechist, or trained adult working with teens may communicate with minors who are in the 9<sup>th</sup> grade or older via electronic communications. It is recommended to use official ministry/program related pages, group chats, or email.
  - a. Church personnel must always ensure that a supervisor and/or another Church personnel is included in any ministry/program pages and group chats. Two adults must always have administrative rights to the account.
  - b. Parents must always be informed about the methods of communications used in the program/ministry and have access to those forms of communications.
  - c. When using email to communicate with a single minor, a parent or supervisor must always be copied.
7. Church personnel who are allowed to engage in electronic communications with minors should not engage minors socially and must adhere to appropriate boundaries in this setting.
  - a. Electronic communications must be in relation to a ministry, program, or event only and are intended to meet the needs of the minors not those of the adult.
  - b. Church personnel must limit their electronic communications to between 8 a.m. and 9 p.m., unless it is an emergency, or the information is time sensitive. Church personnel must not frequent any particular minors and must always exercise prudence in the frequency of these communications.
  - c. Counseling of minors through social communications is strongly discouraged. These types of interactions should be encouraged to take place in person. In the event an electronic counseling conversation cannot be avoided, it should be shared with a supervisor and the Youth Minister, Faith Formation Leader, or Pastor. A copy of such conversations with the time and date should be kept on file for your personal records.
  - d. Private Social groups formed by minors for their own gatherings, that are not functions of any diocesan program or activity, should not be joined by Church personnel.
  - e. Church personnel cannot make or accept a friend request involving minors, or "follow" minors on social media.
  - f. Church personnel must not share content that is sexually oriented, harsh, coercive, threatening, intimidating, shaming, derogatory, demeaning, or humiliating.
  - g. Church personnel are prohibited from posting pictures of minors on social media sites without first obtaining the proper authorizations. Any unauthorized postings are subject to removal.
8. If a minor is inclined not to respect appropriate boundaries either by contacting outside of appropriate time, contacting frequently, or seeking to discuss inappropriate topics, the Church personnel should promptly notify the ministerial leaders and get another adult assigned to work with the minor. The parents/guardian should also be notified.
9. Anyone using social media to contact minors within the diocese should be open and willing to undergo search of social media messaging systems.
10. Social media accounts for minors and platforms used for electronic communications with them should be monitored frequently and with multiple "Ethics and integrity" trained Church personnel. Multiple adults monitoring a social media account will help prevent breakdowns in communication and assure that an important message is responded to in a timely fashion.
11. This policy should be provided to parents so that they know what is appropriate and inappropriate from Church personnel.

## H. CELL PHONE USE

While assigned to work with minors, Church personnel should generally limit use of electronic communications devices, except during approved breaks and emergency situations. Internet use, text messaging and/or emailing pictures while assigned to work with minors is strictly prohibited regardless of the type of device used and whether for business or personal reasons.

Use of personal electronic communication devices to contact (via voice, text, or pictures/video) organization members and/or program participants for personal and/ or inappropriate reasons shall be grounds for discipline up to and including termination of employment.

There are occasions in which Church personnel will need to use personal or diocesan-issued electronic communication devices. In these cases, Church personnel will have direction from supervisors governing use. Situations which may require use of diocesan-issued or personal electronic communication devices include: Fields Trips; Off-site programming or events; Emergencies.

## I. GIFT GIVING

Molesters routinely groom minors by giving gifts, thereby endearing themselves to the them. They might instruct the minor to keep the gifts a secret, which then starts teaching the minor to keep secrets from parents. For this reason, Church personnel should only give gifts to groups of minors, and only under the following circumstances: Supervisors are made aware of and approve the gift; Parents must be notified.

## J. MONITORING AND SUPERVISING PROGRAMS THAT INVOLVE MINORS

When adults are adequately supervised, potential offenders are less likely to act on their impulses because they face detection. When minors are adequately supervised, they too are less likely to engage in inappropriate interactions with others. Similarly, the physical facilities should be monitored, particularly out-of-the-way locations or locations that might permit an offender undue access to or privacy with a minor. Effective supervision and monitoring require that a variety of methods be used frequently, at both scheduled and random times.

1. **Facility Monitoring.** Building architecture can increase or mitigate the risk of an incident or accident. Because most incidents of sexual behavior occur in private, the extent to which privacy is managed, risk is managed.
2. **General Supervision.**
  - a. *Administrative and Supervisory Visits to Youth Programs.* Supervisors and administrators will regularly visit all programs involving minors to ensure that all activities are well- managed and that policies are observed by all in attendance.
  - b. *Number of Church Personnel.* There shall be at least two adults (at least two years older than the eldest youth) supervising an activity/program. The number of adults is to be determined by the requirements for adequate supervision.
  - c. *Mixed Age Groups.* In most incidents involving one minor abusing another minor, the minors are from different age groups. Church personnel must be aware that close line of sight supervision is required when monitoring programs that mix age groups.
  - d. *Church Personnel under 21.* Church personnel under the age of 21 must work under the direction of an adult with supervision.
  - e. *Age Gap between Church personnel and Youth.* Church personnel must be at least two years older than the eldest youth participating in an activity/program.
  - f. *Parent Visits.* Parents are encouraged to be a part of any and all services and programs in which their children are involved in the diocese. 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 and training process.
  - g. *Inventory of Programs.* 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 and their coordinator(s) should be maintained in the parish or school office. Leaders are encouraged to examine these programs and consider whether they have adequate supervision.
  - h. *New Programs.* 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.

- i. *Church personnel Roster.* Using the online Praesidium database, the diocese, its parishes, schools, and other agencies shall maintain an up-to-date list of Church personnel.
3. **Monitoring Minors in Facilities.** Ultimately, all children and youth must always be supervised. The key is to know that they can be supervised directly in structured activities and indirectly when they are in authorized areas. Because the Church is responsible for all minors in the facility, the diocese suggests implementing the following practices:
- a. Require a parent or legal guardian to complete an information sheet which includes identifying information, any special medical or behavioral circumstances, any legal indemnifications, the minor's date of birth, and emergency contact information.
  - b. 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. If Church personnel are uncertain of the propriety of releasing a minor, they should immediately locate or contact their immediate supervisor before releasing the child.
  - c. Host an information session run by the program/ministry representative for parents and encourage them to attend. This meeting will provide an opportunity to review expectations and requirements, and the chance to establish a relationship with the parents. This can be helpful if any problems arise in the future.
  - d. Church personnel should report uncontrollable or unusual behavior of minors immediately to parents.
  - e. Develop supervision standards for the authorized areas. For example:
    - i. Determine how frequently authorized areas should be monitored by Church personnel.
    - ii. Assign Church personnel specific supervision responsibilities over authorized areas.
    - iii. Require Church personnel to record when they monitor authorized areas: this may be accomplished by using checklists.
  - f. Train all staff:
    - i. To greet minors that enter the facility; to direct minors to the structured activities or authorized areas; and, to redirect minors who are not in an authorized area or who are not participating in a structured activity.
    - ii. To be aware of the risks involved with mixing age groups and how to monitor activities involving mixed age groups.
    - iii. To routinely monitor high risk areas (such as bathrooms, locker rooms, and unused rooms).

## K. MONITORING HIGH RISK AREAS

1. **Bathroom Activities.** Most incidents of youth-to-youth abuse occur in the bathrooms. Therefore, the following supervision guidelines are recommended:

When supervising restroom use, Church personnel should first quickly scan the bathroom before allowing minors to enter.

- a. *For Group Bathroom Breaks.*
  - i. Require Church personnel to take groups of two or more minors to the bathroom – following the “rule of three” or more.
  - ii. If the bathroom only has one stall, only one minor should enter the restroom while the others wait outside with the Church personnel.
  - iii. If there are multiple stalls, only send in as many minors as there are stalls.
  - iv. Minimize minors of different ages using the bathroom at the same time.
  - v. Require Church personnel to stand outside the bathroom door but remain within earshot.
- b. *For Single-Use Restrooms.*
  - i. Require minors to ask permission to use the bathroom.
  - ii. Require all Church personnel to frequently check bathrooms.
  - iii. Prohibit Church personnel from using the bathroom at the same time as minors.

- iv. If assisting minors in the stalls, the Church personnel should keep the door to the stall open.
2. **Locker Room Activities.** The locker room procedures include:
    - a. Requiring staff to stand within earshot of the locker room when in use by youths.
    - b. Requiring staff to intermittently and briefly check inside the locker room so users know the locker room is monitored.
    - c. Discouraging the use of locker rooms by youths of different ages at the same time.
    - d. Prohibiting the use of locker room horseplay such as towel snapping.
    - e. When possible, arrange lockers to minimize unnecessary privacy
  3. **Shower Activities.** Church personnel and minors must shower at different times. Create shower schedules that will permit supervision of the minors while Church personnel shower. While the minors shower, at least one Church personnel member should stand in the bathroom doorway and within earshot of the minors. Ensure that only one minor is in each shower (consider utilizing shower curtains that do not go all the way to the floor, so that Church personnel can easily see how many minors are in each shower stall).
  4. **Transportation Activities.** Transporting minors may increase the risk of abuse or false allegations of abuse because transportation activities may provide a time for unsupervised minors to engage in youth-to-youth sexual activity.
    - a. *General Transportation Guidelines.*
      - i. Drivers who are assigned to transport minors must be at least 25 years old.
      - ii. Require written parent permission from all minors on the trip. Church personnel take these permission forms and medical releases with them on the trip.
      - iii. Require staff to have a list of the minors on the trip. The Church personnel take roll when boarding the vehicle, when leaving the vehicle, periodically throughout the trip, and then again when boarding the vehicle.
      - iv. Require Church personnel to sit in seats that permit maximum supervision.
      - v. Discourage mixed age groups from sitting together. When possible, high risk minors are seated by themselves or with a Church personnel.
      - vi. Prohibit drivers from making unauthorized stops and ask them to transport minors directly to their destination.
      - vii. Church personnel must avoid unnecessary and/or inappropriate physical contact with minors.
      - viii. Require documentation of any unusual occurrences.
    - b. *When public transportation is used.*
      - i. In addition to the transportation procedures listed above, minors should remain in one area of the vehicle, if possible.
      - ii. Church personnel that are assigned to a group should remain with that group on the bus.
      - iii. Take a head count or call roll immediately after entering and leaving the vehicle.
    - c. *In situations where staff transport youths in non-organization vehicles.*
      - i. Supervisors, the pastor, or principal must be notified of all transportation activities.
      - ii. Use the "rule of three" when transporting minors: At least two Church personnel must transport a single minor, or at least two minors must be present if transported by a single Church personnel.
      - iii. Minors must never be transported without written permission from a parent.
      - iv. Minors must be transported directly to their destination. No unauthorized stops may be made.
      - v. Church personnel must avoid unnecessary physical contact with minors while in vehicles.
      - vi. Church personnel should avoid engaging in sensitive conversations with minors.
  5. **Off-Site Activities.** The off-site procedures include:
    - a. Requiring supervisor, pastor, or principal approval for all off-site activities.
    - b. Requiring parental approval.
    - c. Considering specific recommendations based on the location and type of activity (for example, amusement parks, water Parks, arcades, etc.).

6. **Overnight Activities.** Overnight stays present unique risks to minors and Church personnel. They often involve changing clothes, groups of both genders and different ages in a more intimate atmosphere than usual, more unstructured activities, and increased supervision demands for Church personnel.
  - a. *Supervision Guidelines.*
    - i. All overnight activities must be documented and approved in writing by the Pastor or Principal.
    - ii. Provide parents with written information about the overnight activity, including sleeping arrangements. All parents must sign a permission slip for their children to attend the overnight.
    - iii. Supervisors are expected to regularly and randomly observe overnight activities on a scheduled and periodic basis.
    - iv. The program director should appoint a "lead" Church personnel to supervise overnight. A meeting with all Church personnel is conducted to discuss the unique risks of overnight trips, unique elements of the specific overnight trip and to review the specific policies and procedures.
    - v. Meetings with the group should be hosted in open and observable areas; meetings should not be hosted in Church personnel rooms or the rooms of minors.
    - vi. 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.
  - b. *Overnights at the Facility.*
    - i. Physical boundaries within the facility must be clearly defined and explained to the minors.
    - ii. Assign each Church personnel to a specific group of minors to supervise. Each Church personnel should then maintain a role sheet that lists all of the minors in his or her group. Head counts and roll checks should be conducted routinely throughout the evening.
    - iii. Assign Church personnel to high risk areas in the facility, such as the bathrooms, entrances and exits, hallways, etc. If it is not possible to assign specific Church personnel to these areas, assign specific Church personnel to conduct periodic facility "walk-throughs".
    - iv. With regards to sleeping arrangements, separate the male and female minors into separate rooms and post Church personnel at the entrances and exits to these rooms. If this is not feasible, separate males and females by as much space as possible.
    - v. When performing room checks, Church personnel should always go in pairs.
    - vi. At least one Church personnel should stay awake overnight.
  - c. *Overnights Away from the Facility.*
    - i. Physical boundaries at the off-site location must be clearly defined and explained to the minors.
    - ii. Assign each Church personnel to a specific group of minors to supervise. Each Church personnel should then maintain a role sheet that lists all of the minors in his or her group. Head counts and roll checks should be conducted routinely throughout the event.
    - iii. In hotel rooms, assign minors to rooms based on sex and age. Church personnel should have their own rooms.
    - iv. All Church personnel are to be on duty in the halls at night until an hour after lights out and all rooms are quiet.

## K. MONITORING ON-SITE AND OFF-SITE PROGRAMS

Supervisors and program directors should:

1. **Vary Observation Times.** Do not develop a predictable pattern of observation. Drop in at different times each day. Occasionally leave and come back immediately.
2. **Arrive Before Church personnel.** Check punctuality and the routine that Church personnel follow to prepare for the minors to arrive.
3. **Survey the Physical Environment.** Is this a suitable location for the activity (e.g. size of area for number of minors, ability to supervise all areas used by minors, landscaping that may inhibit supervision)?

4. **Watch Activities.** Are they planned and organized? Are the Church personnel actively involved? Ask to see the schedule of activities and compare with what is actually going on at a given time.
5. **Observe Bathroom and Locker Room Activities.** Observe bathroom and locker room activities to ensure that the Church personnel are complying with the established policies and procedures.
6. **Observe Interactions.**

## L. SCREENING AND SELECTION OF CHURCH PERSONNEL WHO WORK WITH MINORS

The process of screening and selecting Church personnel is an essential element in the protection of minors, as it the first opportunity to limit the access of offenders to minors.

1. All applicants for Church personnel positions working with minors will be required to complete the following without exception:
  - a. The **Code of Ethics and Integrity for the Conduct of Church Personnel in the Diocese of Tyler** (the "Code") will be read and signed by the applicant.
  - b. A **background check** conducted by Praesidium, which will go back seven (7) years and include the following:
    - i. Name and Address History Locator.
    - ii. Multi-State Criminal Database Check.
    - iii. National Sex Offender Database Check.
    - iv. County Level Criminal Search
  - c. Background checks will be conducted every three years.
  - d. If needed, for paid positions an applicant will complete a standard application for a clearly written job description.
  - e. If needed, for paid positions, an individual in-person interview with the applicant, conducted by an approved individual from the parish, school, or program.
  - f. If needed, credit checks of persons with check signing accordance authority may be conducted in accordance with state law.
  - g. The above shall all be completed prior to the start of the person's participation in any diocesan activity, program, or ministry. Failure to pass the background check may result in immediate termination without compensation.
2. All information gathered about an applicant will be carefully reviewed and evaluated to decide, in consultation with others, of whether or not the person is appropriate to work with children or youth.
3. All screening and selection records will be maintained secure and confidential, including a signature by each applicant on the diocese's Code of Conduct.
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 lead volunteer position with minors.
5. Clergy seeking to serve in the diocese shall complete this screening process prior to being given faculties for ministry.

## F. TRAINING FOR CHURCH PERSONNEL WHO WORK WITH MINORS

The diocese is committed to providing Church personnel the tools necessary to help them protect the children and youth we serve. Therefore, all Church personnel must complete the training indicated before beginning their participation in any diocesan activity, program, or ministry. Church personnel must also complete on-going training to continue participating in diocesan activities, programs, or ministries.

1. **Foundational Training.** All Church personnel are required to complete the diocese's **in-person youth protection training** and the diocese's **Armatus Policy Course** before they begin their work with minors. This training will include the following:
  - a. Organization level
    - i. Review of expected conduct, standards, and boundaries defined in this policy.
    - ii. Explanation of procedures for reporting violations of standards of conduct and suspected child abuse.

- b. Abuse prevention education:
    - i. Effects of sexual abuse.
    - ii. Types of child molesters.
    - iii. Characteristics of abusers.
    - iv. How child molesters operate: access, privacy, and control.
    - v. Protecting oneself from false allegations.
    - vi. Examples of child-on-child sexual abuse, even among young children.
    - vii. Characteristics of children more likely to act out sexually.
    - viii. Characteristics of children more likely to be abused.
    - ix. High-risk activities and circumstances.
    - x. Specific monitoring and supervision activities to prevent child-on-child sexual activity.
    - xi. How to respond to incidents of sexual activity between children.
  - c. **Ongoing Education.** On years when Church personnel do not have to complete the in-person Foundational Training, they will complete online courses designated by the diocese.
2. **Frequency of Training.** Typically, the diocese's Foundational Training will be completed every three years in person. During the two years following the Foundational Training, Church personnel will complete courses online as part of their ongoing education.

## VI. GUIDELINES FOR RESPONDING TO AND REPORTING INCIDENTS, ALLEGATIONS, AND CONCERNS

### A. RESPONDING TO AND REPORTING OF IMMORAL CONDUCT, HARASSMENT, OR EXPLOITATION

Church personnel have a duty to report violations of this policy to appropriate parties:

1. When there is an indication of illegal actions, Church personnel will notify state or local law enforcement or other appropriate 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 diocesan safe environment coordinator at (903) 266-2159 or [promoter@dioceseoftyler.org](mailto:promoter@dioceseoftyler.org).
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 diocesan safe environment coordinator at (903) 266-2159 or [promoter@dioceseoftyler.org](mailto:promoter@dioceseoftyler.org).
  - d. Submit an anonymous, specific, and verifiable letter to the promoter of justice or the bishop at 1015 ESE Loop 323, Tyler, Texas 75701; or [promoter@dioceseoftyler.org](mailto:promoter@dioceseoftyler.org).
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 diocese at (903) 266-2159.
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 this policy.

### B. RESPONDING TO AND REPORTING OF SUSPICIOUS OR INAPPROPRIATE BEHAVIORS WITH MINORS

1. Because the diocese 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: it is everyone's responsibility to respond to and report inappropriate behavior and abuse. If Church personnel observe any suspicious or inappropriate behaviors and/or behaviors that are inconsistent with these policies 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 diocesan safe environment coordinator at (903) 266-2159 or [promoter@dioceseoftyler.org](mailto:promoter@dioceseoftyler.org).
  - d. Submit an anonymous, specific, and verifiable letter to the promoter of justice or the bishop at 1015 ESE Loop 323, Tyler, Texas 75701; or [promoter@dioceseoftyler.org](mailto:promoter@dioceseoftyler.org).
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.
4. **Church Personnel Response.** If Church personnel witness suspicious or inappropriate behaviors or policy violations from other Church personnel, the witnessing person is instructed to do the following:
  - a. Interrupt the behavior.
  - b. Report to any of the entities listed in item 2 above.
  - c. Submit a Notice of Concern Form (appendix) to the pastor, the principal, or the diocesan safe environment coordinator.

- d. Document the report but do not conduct an investigation.
  - e. Continue to report until the appropriate action is taken.
5. **Supervisor Response.** If a supervisor receives a report of suspicious or inappropriate behaviors or policy violations, the supervisor is instructed to do the following:
- a. Review and follow the relevant policy and disciplinary processes. If the supervisor wants additional guidance and recommendations, call Praesidium's helpline for further consultation.
  - b. Inform the diocese's safe environment coordinator and promoter of justice of the situation and of the next steps. The diocese may have additional recommendations and requests to those listed.
  - c. Speak with the Church personnel member who has been reported.
  - d. Review the file of the Church personnel member to determine if similar complaints have been reported.
  - e. Document the report as well as any other action taken on the Notice of Concern (appendix) and forward it to the safe environment coordinator (promoter@dioceseoftyler.org).
  - f. If at any point in gathering information about a report of suspicious or inappropriate behavior, a concern arises about possible abuse or a crime, contact local police or the Texas Department of Family and Protective Services (800-252-5400) or [www.txabusehotline.org](http://www.txabusehotline.org) and file a report. The diocese will cooperate with the civil authorities in any investigation. See below for additional procedures if there is a suspicion of abuse of minors.
  - g. Advise the person who reported the behavior that the report is being taken seriously.
6. Other potential necessary steps, depending in the information gathered:
- a. Notify the parents of the minors involved and of other minors if necessary.
  - b. Increase monitoring or supervision of the Church personnel member or the program.
  - c. If at any point, policy violations with minors are confirmed, Church personnel will be subject to disciplinary action up to and including termination. Disciplinary action will follow the Progressive Discipline Process outlined in this policy.
  - d. If more information is needed, interview and/or survey other Church personnel or children and youth with parent notification.
7. Supervisors and the diocese must ensure that everyone involved and affected receive appropriate pastoral care. The person providing the pastoral care shall not be the same person who will be making decisions as to the outcome of investigations or consequences to avoid conflicts of interest.
8. Other organizational responses:
- a. Review the need for increased supervision.
  - b. Review the need for revised policies or procedures.
  - c. Review the need for additional training.

## C. RESPONDING TO AND REPORTING SUSPECTED 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 civil authorities. Emergencies should be reported to 911. Non-emergencies can be reported to state and local law enforcement or the Texas Department of Family and Protective Services: 24-hour hotline: (800-252-5400) or [www.txabusehotline.org](http://www.txabusehotline.org). The Notice of Concern Form (appendix) 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 if the report was made in good faith and without malice.
3. In addition to reporting to law enforcement or the Texas Department of Family and Protective Services, Church personnel are strongly encouraged to also report any suspected or known abuse of minors that may have been perpetrated by Church personnel directly to the diocese, so that immediate and proper steps may be taken to ensure the safety of alleged victims and to initiate an appropriate pastoral response. Notification of reports of suspected or known abuse made to the authorities 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 diocesan safe environment coordinator at (903) 266-2159 or promoter@diocesseeoftyler.org.
  - d. Submit an anonymous, specific, and verifiable letter to the promoter of justice or the bishop at 1015 ESE Loop 323, Tyler, Texas 75701; or promoter@diocesseeoftyler.org.
4. **Church Personnel (Additional Guidelines).** When coming across an allegation of abuse or receiving a disclosure of abuse, Church personnel should follow these additional guidelines:
- a. If you witness abuse, interrupt the behavior immediately.
  - b. If abuse is disclosed to you, assure the individual disclosing that he or she was correct to tell to you.
  - c. Protect the alleged victim from intimidation, retribution, or further abuse.
  - d. Immediately report the allegation or incident to the proper civil authorities and notify any of the entities listed in item 3 above that you have made a report to the authorities.
  - e. Be sure to document the incident, disclosure, or any circumstances causing your suspicion of abuse in a Notice of Concern Form (appendix). State only the facts.
  - f. It is not your job to investigate the incident, but it IS your job to report.
  - g. Check back to make sure appropriate steps were taken. If not, report again to someone else in the diocese.
  - h. Confidentiality cannot be guaranteed if a minor discloses a situation pertaining to abuse, neglect, self-harm, or exploitation because of mandatory reporting laws.
5. **Supervisors (Additional Guidelines).** In addition to the above response procedures, supervisors should ensure the following if they become aware of abuse or abuse is disclosed to them:
- a. First, determine if the minor is still in danger and if so, take immediate steps to prevent any further harm.
  - b. Gather as much information about the allegation as you can. For example, who made the report, who was allegedly abused, who was the alleged abuser, what was the nature of the alleged abuse, where and when did the alleged abuse occur, etc.
  - c. Accurately record everything you learn in as much detail as you can in a Notice of Concern Form (appendix) Remember your notes may be read by others. Stick to the facts.
  - d. Contact the appropriate local authorities as indicated by your mandatory reporting procedures. Make sure you get a case number and the name and contact information of the person with whom you speak at the reporting agency.
  - e. Notify the promoter of justice and the safe environment coordinator of your report to the authorities.
  - f. Suspend the Church personnel member until the investigation is completed.
6. When suspicious behavior, inappropriate behavior or suspected abuse is reported to the civil authorities, the diocese will cooperate fully with their inquiry and any investigation and will not conduct a further investigation without approval from the civil authorities.
7. If an investigation by civil authorities results in a finding of “unable to determine” or that no civil violation seems to have occurred, an investigation within the diocese will be initiated to determine if a violation of diocesan policy or Church law may have occurred.
8. If the situation does not require civil investigation, the diocese will initiate an internal investigation within 24 hours.
9. During investigations by civil authorities or internal investigations, the Church personnel who are the subject of the investigation may be temporarily removed from Church responsibilities and duties.
10. Supervisors and the diocese must ensure that everyone involved and affected receive appropriate pastoral care, so long as this does not interfere with any investigation conducted by the authorities. The person providing the pastoral care shall not be the same person who will be making decisions as to the outcome of investigations or consequences to avoid conflicts of interest.
11. Internal investigations will be documented. Documentation will be maintained in the diocesan office.
12. Internal investigations will follow diocesan procedures.
13. At the conclusion of an internal investigation, the promoter of justice will submit a recommendation for action to the bishop.
14. If abuse of a minor is confirmed, Church personnel will be subject to termination in accordance with 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 universal law.

15. If evidence of abuse of a minor is discovered through an internal investigation, the Texas Department of Family and Protective Services and law enforcement will be re-contacted and a follow-up report will be submitted.

## D. REPORTING PAST ABUSE BY CHURCH PERSONNEL, PARTICULARLY CLERGY

In any case in which a crime is believed to have been committed, the civil authorities must be contacted.

All cases of possible past abuse by Church personnel will be investigated. The concern of the diocese 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, universal law, and the *Essential Norms for Diocesan/Eparchial Policies Dealing with Allegations of Sexual Abuse of Minors by Priests and Deacons*.

Concerns of possible past abuse should be directed to the safe environment coordinator at (903) 266-2159 or [promoter@dioceseoftyler.org](mailto:promoter@dioceseoftyler.org). Church personnel and supervisors should follow the same guidelines listed in the prior section.

## E. RESPONDING TO AND REPORTING YOUTH TO YOUTH INAPPROPRIATE BEHAVIOR

Church personnel who supervise minors must give particular attention to youth-to-youth interactions. Young people need to learn how to respect the sacred dignity of each person, including their peers. The diocese is available as resources to assist parishes, schools, and other agencies in responding to youth-to-youth inappropriate behavior by calling (903) 266-2159.

1. **Youth-to-Youth Interactions.** Most serious incidents of youth-to-youth abuse are preceded by more subtle incidents such as name-calling, taunting, or roughhousing. Interrupting these interactions early and establishing and communicating standards of conduct can keep the program environment safe. The diocese recognizes that the following interactions are high risk and are prohibited:
  - a. Hazing
  - b. Bullying
  - c. Derogatory name-calling
  - d. Games of Truth or Dare
  - e. Ridicule or humiliation
2. **Church Personnel Response.** Youth-to-youth sexualized behaviors can include inappropriate touching, exposing body parts, using sexualized language, making threats of sexual activity, engaging in sexual activity, and similar types of interactions. If Church personnel witness youth-to-youth sexual behaviors, they are instructed to follow these guidelines:
  - a. Immediately separate the children or youth.
  - b. Calmly explain that such interactions are not permitted.
  - c. Notify the supervisor.
  - d. Complete a Notice of Concern Form (appendix) including what was observed and what the response was, and submit it to the supervisor.
  - e. Follow any instructions from the supervisor regarding notifying the authorities and informing the parents of the children and youth involved.
  - f. In some cases, if the problem is recurring, discipline may be required including not allowing one or both children or youth to return to the program.
3. **Supervisor Response.** If a supervisor receives a report of a minor's sexualized behavior or youth-to-youth sexual activity, he/she should do the following:
  - a. Confirm that the minors involved have been separated and placed under increased supervision.
  - b. Meet with the Church personnel who reported the sexual activity to gather information and review the Notice of Concern Form.
  - c. Review the steps taken by the Church personnel on duty.

- d. Follow up as appropriate:
  - i. Notify the proper authorities.
  - ii. Notify and meet with parents of the minors involved.
  - iii. Determine what actions should be taken to make sure there is no recurrence, including assessing the suitability of the program for the minors involved.
  - iv. Consider developing a written corrective action or follow-up plan in response to the incident.
- e. Based on the information gathered, the following may also be required from the supervisor:
  - i. Consider the need for additional supervision.
  - ii. Consider the need for revised policies or procedures.
  - iii. Consider the need for additional training
  - iv. Notify others in the organization who are involved in the program or with the youth involved.

## F. REPORTS CONCERNING THE DIOCESAN BISHOP

Reports concerning delicts against the sixth commandment of the Decalogue by the diocesan bishop, or conduct carried out by the diocesan bishop consisting of actions or omissions intended to interfere with or avoid civil investigations or canonical investigations, whether administrative or penal, against a cleric or a religious regarding delicts against the sixth commandment of the Decalogue, are to be reported (or forwarded) to the Metropolitan Archbishop of Galveston-Houston in accordance with the provisions of the Apostolic Letter *Vos Estis Lux Mundi*.

For purposes of this section, delicts against the sixth commandment of the Decalogue consist of:

1. Forcing someone, by violence or threat or through abuse of authority, to perform or submit to sexual acts.
2. Performing sexual acts with a minor or a vulnerable person;
3. The production, exhibition, possession or distribution, including by electronic means, of child pornography, as well as by the recruitment of or inducement of a minor or a vulnerable person to participate in pornographic exhibitions;

## G. NOTIFICATION OF PARENTS

When a minor is involved in an incident, notification of parents is always warranted. The utmost care is required when contacting parents about something like this.

When communicating with a parent, always be mindful of the importance of a timely communication, and pay particular importance to:

1. Who shall and in what manner communicate with the parents.
2. Specific facts.
3. Tentative remedial steps to prevent a further incident.
4. Whether a disciplinary termination process is triggered.
5. Whether a child should be dismissed from programming.
6. Whether mandated reporting applies.

## H. PUBLIC OUTREACH TO VICTIMS OF ABUSE

The diocese is committed to fostering a safe environment and respecting the sacred dignity of all people. As part of this ongoing commitment, the diocese requests parishes, missions, and institutions to consciously reach out to possible victims of abuse. Outreach is concerned with reaching out to victims of abuse whether they have recently been harmed as well as those who may have been harmed many years ago. To accomplish this, the diocese requests that the following steps be taken by parishes, missions, and institutions:

1. Basic outreach information should be posted in places where people have access to important announcements, such as public bulletin boards and parish websites.

2. Basic outreach information should be in the bulletin regularly, at least once a month, preferably on the 3rd Sunday of the month.
3. Every literature rack in church offices, parish foyers, or school offices should include at least a one-page sheet on identifying and responding to possible cases of abuse. This should include contact information for reporting criminal abuse as well as contacting Church authorities.

To accomplish these goals, the following is a model of a message that should be included in all outreach efforts:

If you know or suspect that a minor or vulnerable adult is currently being abused or is in danger, immediately report it to state/local law enforcement or the Texas Department of Family and Protective Services at (800) 252-5400 or [txabusehotline.org](http://txabusehotline.org).

The Diocese of Tyler is committed respecting the dignity of all persons and to helping anyone who may have been hurt or abused by a priest, deacon, religious, or anyone working in the name of the Church. Any current or past cases of abuse involving Church personnel should also be reported to the victim assistance coordinator at (903) 266-2159 or [vac@dioceseoftyler.org](mailto:vac@dioceseoftyler.org).

## I. RESPONDING TO MEDIA INQUIRIES

Media publicity following an incident of abuse may be detrimental to reputations of individuals, the faithful, the school, the diocese, and the Church. It is for this reason that the diocese has implemented a plan to respond to media inquiries or publications.

Church personnel are not authorized to make any comments regarding an incident that involves a Church-sponsored activity. Any Church personnel who is approached by media should redirect the inquiry to the promoter of justice or safe environment coordinator.

## **VII. GUIDELINES FOR THE CHURCH'S PASTORAL RESPONSE TO MISCONDUCT IN MINISTRY**

### **A. CARE OF THE ONE WHO BRINGS ALLEGATIONS OF MISCONDUCT**

1. The diocese will take all allegations seriously and will immediately and thoroughly investigate all concerns. Investigations will follow diocesan procedures.
2. The diocese 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, but steps will be taken to prevent possible further harm.
3. 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. In cases brought forward by third parties it is presumed that the report honestly represents their perspective. It is always important for all members of the Church to be sensitive to the needs and feelings of those who allege misconduct.
4. The Church will offer counseling services to the victim of misconduct to enable healing, and when appropriate to their family. 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 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. If allegations are not founded, the accused Church personnel will resume his or her position as quickly as possible.
4. If 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 by universal and particular law will be initiated. The bishop, in reaching final decisions, will always be guided by the appropriate norms of universal 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.

## VIII. GUIDELINES FOR PROGRESSIVE DISCIPLINE PROCEDURE

### A. STANDARDS OF THE DIOCESE

1. It is the policy of the diocese 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 and how to conform to diocesan policies.
2. When Church personnel performance or conduct does not meet the expectations of the diocese, 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. In cases regarding Ethics and Integrity, a Formal Warning Document can also be forwarded to the promoter of justice at [promoter@dioceseoftyler.org](mailto:promoter@dioceseoftyler.org).
4. The promoter of justice serves as a resource in matters regarding Ethics and Integrity. He may be contacted for advice in dealing with concerns of Ethics and Integrity. In more serious cases the supervisor should consult with the promoter of justice to help guide the response.
5. The chancellor for the diocese also serves as a resource for matters involving employees. The chancellor should always be consulted in cases which are likely to result in termination. Consultation with the chancellor is expected before any termination.
6. Procedures for progressive discipline of clergy and religious will be consistent with these policies and the appropriate norms of universal and particular law.

### 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 be in writing and may follow the format provided in the "Formal Warning Document" (see appendix). 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. The Formal Warning Document 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, the Formal Warning document can also be forwarded to the promoter of justice at [promoter@dioceseoftyler.org](mailto:promoter@dioceseoftyler.org).
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 can also be forwarded to the promoter of justice at [promoter@dioceseoftyler.org](mailto:promoter@dioceseoftyler.org).
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 Guidelines for the Conduct of Church Personnel.
  - c. Consultation with the Chancellor should precede termination.

## APPENDIX A: PRAESIDIUM HELPLINE

**Call: (877) 415-6423**

The diocese is committed to creating an environment where everyone is encouraged to share their concerns and is committed to take those concerns seriously. To this end, the diocese has partnered with Praesidium to establish a helpline that is available to everyone (clergy, employees, volunteers, parents, program participants, community members, etc.) in the diocese 24 hours a day, seven days a week, 365 days a year.

### **What is the Praesidium Helpline?**

The Praesidium Helpline is a consultation line anyone in the diocese can call to discuss observations of inappropriate behaviors, suspicious behaviors, policy violations, instances of youth to youth sexual activity, and any other abuse prevention questions and issues.

### **What can you expect when you call?**

One of Praesidium's experts will be ready to answer your call and gather any information relevant to your concern or question. If the matter the caller shares is one deemed to be suspected or known sexual abuse, the caller will be instructed by Praesidium to immediately call the legal authorities.

### **What happens once you get off the call?**

Praesidium's team of risk management experts comprised of social workers, attorneys, and other professionals will staff the concern or situation and develop recommended responses and next steps. Praesidium will then share the recommendations with stakeholders at the parish/school and diocesan level.



**Action Taken** (How was the situation handled, who was involved, who was questioned, was law enforcement called? What was their recommendation?):

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Signature of Staff Member:

Date:

Signature of Promoter of Justice (if applicable):

Date Report Received:

**Mandated Reporting** (Texas law says anyone who thinks a child, or person 65 years or older, or an adult with disabilities is being abused, neglected, or exploited must report it to DFPS or state or local law enforcement):

Date/Time of Report to DFPS or Law Enforcement:	
Report Method:	
Confirmation Number/ID:	
Name of DFPS or Law Enforcement Contact:	

**APPENDIX C: FORMAL WARNING DOCUMENT**

<b>Church Personnel Name:</b>
<b>Position:</b>
<b>Purpose:</b> ___ Formal Warning                    ___ Probation

<b>Statement of the Problem</b> (Violation of policies, standards, poor performance):
<b>Prior Discussion or Cautions of the Problem</b> (Oral or written dates of discussion):
<b>Statement of Diocesan Policy on Subject:</b>
<b>Summary of Corrective Action to be taken by Church personnel:</b>
<b>Consequences of Failure to Complete and Maintain Corrective Action:</b>

Signature of Staff Member: \_\_\_\_\_ Date: \_\_\_\_\_

Signature of Supervisor: \_\_\_\_\_ Date: \_\_\_\_\_

## APPENDIX D: POLICY ON CLERGY AND SUPPLEMENTAL NORMS

### POLICY ON DISCIPLINE IN CASES OF POSSIBLE CLERICAL SEXUAL ABUSE OF A MINOR

We share Pope Francis' "conviction that everything possible must be done to rid the Church of the scourge of the sexual abuse of minors and to open pathways of reconciliation and healing for those who were abused" (Letter to the Presidents of the Episcopal Conferences and Superiors of Institutes of Consecrated Life and Societies of Apostolic Life Concerning the Pontifical Commission for the Protection of Minors, February 2, 2015). We affirm the words of Pope John Paul II that "there is no place in the priesthood or religious life for those who would harm the young" (Address to U.S. Cardinals, April 23, 2002).

Sexual abuse of a minor by a cleric is a crime in the universal law of the Church (*CIC*, c. 1395 §2; *CCEO*, c. 1453 §1). Because of the seriousness of this matter, jurisdiction has been reserved to the Congregation for the Doctrine of the Faith (*Motu proprio Sacramentorum sanctitatis tutela*, AAS 93, 2001). Sexual abuse of a minor is also a crime in all civil jurisdictions in the United States.

A priest or deacon who is accused of sexual abuse of a minor is to be accorded the presumption of innocence during the investigation of the allegation and all appropriate steps are to be taken to protect his reputation.<sup>1</sup> He is to be encouraged to retain the assistance of civil and canonical counsel. If the allegation is deemed not substantiated, every step possible is to be taken to restore his good name, should it have been harmed.

Even a single act of sexual abuse of a minor—whenever it occurred—which is admitted or established after an appropriate process in accord with universal law, the offending priest or deacon is to be permanently removed from ministry and, if warranted, dismissed from the clerical state. In keeping with the stated purpose of the *Charter for the Protection of Children and Young People*, an offending priest or deacon is to be offered therapeutic professional assistance both for the purpose of prevention and also for his own healing and well-being.

The bishop will exercise his power of governance, within the parameters of the universal law of the Church, to ensure that any priest or deacon subject to his governance who has committed even one act of sexual abuse of a minor as shall not continue in ministry.

No priest or deacon who has committed an act of sexual abuse of a minor may be transferred for ministerial assignment to another diocese or religious province. Before a priest or deacon can be transferred for residence to another diocese or religious province, the bishop shall forward in a confidential manner to the local bishop or religious superior of the proposed place of residence any and all information concerning and act of sexual abuse of a minor and any other information indicating that he has been or may be a danger to children or young people. This shall apply even if the priest or deacon will reside in the local community of an institute of consecrated life or society of apostolic life

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<sup>1</sup> In accordance with the *Charter*, the offense of sexual abuse of a minor will be understood in accord with the provisions of *Sacramentorum sanctitatis tutela* (SST), article 6, which reads:

- §1. The more grave delicts against morals which are reserved to the Congregation for the Doctrine of the Faith are:
  1. the delict against the sixth commandment of the Decalogue committed by a cleric with a minor below the age of eighteen years; in this case, a person who habitually lacks the use of reason is to be considered equivalent to a minor.
  2. the acquisition, possession, or distribution by a cleric of pornographic images of minors under the age of fourteen, for purposes of sexual gratification, by whatever means or using whatever technology;
- §2. A cleric who commits the delicts mentioned above in §1 is to be punished according to the gravity of his crime, not excluding dismissal or deposition.

In view of the Circular Letter from the Congregation for the Doctrine of the Faith, dated May 3, 2011, which calls for "mak[ing] allowance for the legislation of the country where the Conference is located," Section III(g), we will apply the federal legal age for defining child pornography, which includes pornographic images of minors under the age of eighteen, for assessing a cleric's suitability for ministry and for complying with civil reporting statutes.

If there is any doubt whether a specific act qualifies as an external, objectively grave violation, the writings of recognized moral theologians should be consulted, and the opinions of recognized experts should be appropriately obtained (*Canonical Delicts Involving Sexual Misconduct and Dismissal from the Clerical State*, 1995, 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.

## SUPPLEMENTAL NORMS FOR THE LIFE AND MINISTRY OF CLERICS

### A. Introduction

As “stewards of the mysteries of God in the service of His people” clerics are bound by a special obligation to pursue a life perfected in holiness for the sake of the sacred ministry entrusted to them (c. 276, §1).” Members of institutes of consecrated life, and others in approved forms of religious life (“religious”), are also called to “the perfection of charity in the service of God’s Kingdom” that enables them to “build up the Church” for the sake of the salvation of the world (c. 573, §1). Accordingly, members of the clergy, whether incardinated in the Diocese of Tyler, or otherwise legitimately associated with the diocese are obligated to observe the *Code of Ethics and Integrity, Policy on Conduct of Church Personnel, and Guidelines on the Conduct of Church Personnel* (the “diocesan policies”) to a degree that makes evident to all others the Church’s constant desire to safeguard the dignity of the human person and to promote the Gospel values necessary for effective ministry.

All clerics are “Church personnel” as defined by diocesan policies and are thus bound by those policies, as well as by these additional norms, both as to their personal observance of them as well as to the implementation of them within their particular sphere of public ministry within the Diocese of Tyler. At the same time, due to the special canonical rights, obligations, and procedures that apply to clerics, additional norms are necessary to set out those provisions.

### B. Norms for Life and Ministry of Clerics

1. Clerics are obliged “to recognize and promote the mission which the laity exercise, each according to his or her part, in the Church and the world (c. 275 § 2).”
  - a. Diocesan policies seek to assure that when the lay faithful carry out the mission entrusted to them by the Church they will not be hindered from doing so by a hostile or abusive environment, or given cause for scandal by others.
    - i. Thus, by diligent observance and implementation of diocesan policies, clerics will assist greatly in promoting the mission of the laity.
    - ii. To the extent that they are invested with the authority and responsibility to do so, clerics are bound by a grave obligation to assure that diocesan policies are implemented and maintained in their particular sphere of ministry.
    - iii. Malicious or negligent failure to implement and maintain the provisions of the diocesan policies within their particular sphere of ministry or office, and according to their responsibility to do so, may result in the imposition of a just penalty according to the norm of law.
  - b. Additionally, clerics will conduct themselves in relationship to the lay faithful in a way reflective of their own state of life in the Church.
    - i. They are faithfully and untiringly to fulfill the obligations of their pastoral ministry (c. 276 §2).
    - ii. They will avoid whatever may give rise to scandal in their interactions with others.
    - iii. They will lead a “simple way of life, avoiding all things that appear worldly (c. 282 §1).”
    - iv. And they will witness to their calling by wearing suitable ecclesiastical dress in accordance with the norms of the U.S. Conference of Catholic Bishops or the particular law of their institute (see cc. 284; 669, §1).
2. Clerics, who are bound already to “observe perfect and perpetual continence for the sake of the Kingdom of heaven,” and religious, who have embraced the evangelical counsel of chastity (c. 599), will take care always to “behave with due prudence in relation to persons whose company can be a danger to their obligation of preserving continence or can lead to scandal of the faithful (c. 277, §2).”
3. Those clerics who are in the state of matrimony are to strive always for perfect chastity with their spouses, and to avoid any activity that might threaten the sacredness of the marriage bond or otherwise give cause for scandal to the faithful.

4. Rectories and other residences of clerics, whether ecclesiastical or private property, will be available as overnight lodging solely for other clerics, male religious, seminarians, and seminarian candidates officially recognized as such by the diocese.
  - i. With written permission from the bishop, immediate family members may lodge temporarily in such residences provided other clerics in residence give consent.
  - ii. In order to avoid even the appearance of impropriety, no minors will lodge in rectories or other residences of clerics.
  - iii. Superiors of canonically erected religious houses that are located within the diocese are strongly encouraged to adopt these provisions, and implement them to the fullest extent possible, without prejudice to their rights of internal governance.
5. Particular care should be taken to avoid any semblance of inappropriate physical contact with minors in a confessional situation.
  - a. Physical contact of any kind in a confessional situation (i.e. touching, hugging, holding, holding a child on one's lap, etc.) is to be avoided.
  - b. Diocesan particular law requires that confessionals not allow for physical contact and should provide a solid physical separation between the priest and the penitent (Instruction of Oct. 15, 2009). This physical separation should have a fixed grille/grate to allow for face-to-face confession when mutually agreed (c. 964 §2).
  - c. If confessionals are not available for hearing a minor's confession, the confessional seating should be arranged so as to discourage or even obstruct possible physical contact, and the priest and the penitent should be visible (but not audible) to others.
  - d. Confessions (of minors or adults) are not to be heard in the private living quarters of the confessor. Confessions should be heard in the private living quarters of the individual confessing only when necessitated by the physical condition of the individual. In the latter case, an effort should be made for the priest and penitent to be visible (but not audible) to others.
6. In short, all clerics will avoid all things unbecoming to their state, even if those things are in themselves legitimate, but which might harm the effectiveness of the ministry entrusted to them by the Church (*cf* c. 285 §§1-2).

### **C. Reporting Allegations Against Clerics**

Clergy must hold each other accountable for maintaining the highest legal, moral, ethical and professional standards. Allegations that a cleric has violated diocesan policies or these Supplemental Norms should follow the same reporting process as contained in diocesan policies.

## **APPENDIX E: POLICY ON CONFLICTS OF INTEREST**

### **PURPOSE**

The purpose of this conflicts of interest and private inurement policy is to protect the diocese's interest when it is contemplating entering into a transaction or arrangement that might benefit the interests of private individuals, including but not limited to employees and individuals performing work on behalf of the diocese and other persons in a position to influence the affairs of the diocese. This policy is intended to supplement but not replace any applicable state laws governing conflicts of interest applicable to non-profit and charitable corporations.

### **INTRODUCTION**

Non-profit charitable, religious, and educational organizations obtain their tax-exempt status under the theory that they perform valuable services for society and lessen the burdens of government. If a tax-exempt organization allows its money or other property to be used for private rather than public gain (i.e., for "private inurement" or "private benefit"), then it risks losing its exemption. In addition, under recently adopted "intermediate sanctions" provisions of the Internal Revenue Code, "disqualified persons" such as bishops, CFOs, other diocesan officials, board members, major donors doing work for the diocese, etc., who receive "excess benefits" are subject to an excise tax ranging from 25% to 200%, depending on the circumstances. Furthermore, any organizational manager who knowingly facilitates such an excess benefit is subject to a 10% tax. In light of these IRS restrictions and, more importantly, in order to assist the diocese in fulfilling its responsibilities to act as a competent and trustworthy steward of Church goods, the diocese has developed this policy.

### **IDENTIFYING A PRIVATE INUREMENT OR PRIVATE BENEFIT PROBLEM**

In brief, "private inurement" is the payment or diversion of an exempt organization's assets to its officials, officers, directors, employees, relatives, friends, major donors, or others in a special relationship to the organization who can influence or control the policy or the day-to-day activities of the organization for less than full and adequate consideration. It is a broad concept that can exist in a variety of transactions under a variety of circumstances. Private inurement also extends to the use of organizational assets for "private benefits" such as sales, leasing, construction contracts, service transactions, etc., at other than fair market value or the exploitation of the exempt organization for the benefit of a private business (e.g., "sweetheart deals," promotional schemes, and/or giveaways to private individuals or businesses). Thus, under IRS regulations, a private benefit is similar to, but broader than, private inurement.

To avoid a material private inurement or benefit in the types of transactions described above, the particular diocesan parish, school, or agency must enter into transactions for its benefit, rather than for a private party's benefit, and exercise due diligence to ensure that the proposed transaction is fair and reasonable such that under the circumstances the organization could not have obtained a more advantageous arrangement with reasonable effort. In addition to screening proposed transactions through the applicable councils, boards, or trustees, care should be taken to follow diocesan policies and procedures pertaining to the signing of contracts.

### **CONFLICTS OF INTEREST**

A conflict of interest may exist when persons employed by the "diocese" (i.e., the chancery, parishes, schools, diocesan agencies, and/or affiliated entities), those volunteers of the diocese holding trusteeships or other management authority, or those serving on advisory or consultative boards, councils or committees have a direct or indirect financial interest, as defined below.

### **FINANCIAL INTEREST**

A person has a "financial interest" if the person has, directly or indirectly, through business, investment, or family (including spouses; brothers or sisters; spouses of brothers or sisters; ancestors; children, grandchildren, and great grandchildren; and spouses of children, grandchildren, and great grandchildren), any one of the following:

- a. An ownership or investment interest in any entity with which the diocese has a transaction or arrangement;

- b. A compensation arrangement with the diocese or with any entity or individual with whom the diocese has a transaction or arrangement;
- c. A potential ownership or investment interest with, or compensation arrangement with, any entity or individual with whom the diocese is negotiating a transaction or arrangement. Compensation includes direct and indirect remuneration as well as gifts or favors that are substantial in nature.

## DUTY TO DISCLOSE

In connection with any actual or possible conflict of interest, an interested person must disclose the existence and nature of his or her financial interest and all material facts. Reports should be made to the promoter of justice at (903) 266-2159 or [promoter@dioceseoftyler.org](mailto:promoter@dioceseoftyler.org). Reports should include relevant information that is discernible.

## INVESTIGATION

The designated diocesan personnel shall be responsible for a thorough and expeditious investigation of the actual/possible conflict of interest.

Proposed decisions on disposition of a case will be discussed with the bishop or his designee(s). The results of all reported conflicts of interest and the final resolution shall be reported to the Audit Committee.

## SUBSEQUENT CONFLICTS AND DISCLOSURES

Notwithstanding previous disclosure of actual or potential conflicts of interest, an individual shall make a new disclosure of conflicts when any matter involving the conflict of interest arises for discussion or action. In the event that an individual is uncertain whether an actual or potential conflict of interest exists, the individual should make disclosure of the circumstances that may give rise to an actual or potential conflict.

## CONFIDENTIAL OR PRIVILEGED INFORMATION

Information known to be confidential that is acquired by individuals in the course of employment or association with the diocese and its affiliated entities shall be used only for the benefit and purposes of the diocese. Individuals shall neither disclose confidential information outside the scope of their authorized duties nor utilize their position or association with the diocese for personal identification or advantage, although there may be instances, based on the use of careful discretion and judgment, where incidental use of the association with the diocese may be appropriate.

## **APPENDIX F: POLICY ON FRAUD**

### **POLICY STATEMENT**

The Diocese of Tyler promotes a culture of honest and accountable stewardship of God's gifts. There is a significant responsibility associated with being stewards of the temporal resources of the church: responsibility to safeguard the Church's assets, to exercise prudence in financial matters, to be accountable to those who provide monetary support to the Church, and to comply with all civil regulations.

Fraud is not tolerated. The prevention of fraud is the responsibility of all clergy, religious, lay employees, trustees, finance council members and other volunteers involved in church administration by adherence to diocese policies and procedures. The diocese expects that any suspected case of fraud will be reported and provides assurance against recrimination. Persons found to have participated in fraudulent acts will be subject to disciplinary action, including termination, and civil and criminal prosecution.

### **ACTIONS CONSTITUTING FRAUD**

The diocese defines fraud as the intentional misuse or misappropriation of a diocesan entity's resources or assets for the personal enrichment of the perpetrator or others. Fraud also includes the intentional false representation or concealment of a material fact relating to the misuse or misappropriation of a diocesan entity's resources or assets.

Additionally, fraud also includes any intentional falsification of, or misrepresentation in, financial statements. Actions constituting fraud include, but are not limited to:

1. Misappropriation of funds, securities, supplies or other assets;
2. Impropriety in the handling or reporting of money or financial transactions;
3. Breach of fiduciary duty, including disclosing confidential information to outside parties;
4. Seeking anything of value from contractors, vendors or persons providing (or seeking to provide) services/materials to a diocesan entity for one's or another's personal benefit;
5. Accepting anything of value from contractors, vendors or persons providing (or seeking to provide) services/materials to a diocesan entity for one's or another's personal benefit, in violation of the diocesan Conflict of Interest Policy;
6. Bribery;
7. Inappropriate use of computer systems or other property of the diocesan entity;
8. Unauthorized destruction or removal of records, furniture, fixtures and equipment;
9. Intentional falsification of, or misrepresentation in, financial statements; and
10. Any dishonest act.

### **REPORTING FRAUD TO THE DIOCESE**

Suspected fraud should be reported to the promoter of justice at (903) 266-2159 or [promoter@dioceseoftyler.org](mailto:promoter@dioceseoftyler.org). All suspected frauds are to be reported as soon as possible. Failure to promptly report suspected acts of fraud may jeopardize the diocese's ability to recover stolen funds and/or property, or to correct improperly prepared financial statements on a timely basis. Reports of suspected fraud should include all relevant information about the suspected act, including any material evidence that exists.

### **INVESTIGATION**

The designated diocesan personnel shall be responsible for a thorough and expeditious investigation of the suspected fraud. Unless the report was anonymous, the person submitting the initial report will receive confirmation indicating that their report was received and that the subsequent investigation is confidential. That person may or may not be contacted during the investigation.

Proposed decisions on disposition of a case will be decided by the diocesan bishop or his designee(s). The results of all reported fraud investigations and the final resolution of all confirmed acts of financial fraud shall be reported to the Audit Committee/Finance Council.

## RECORDS RETENTION

Fraud investigation files should be retained in accordance with guidelines established by the diocesan attorney.

## CONFIDENTIALITY

Information about cases will be disclosed to those parties with a legitimate need to know. All parties with knowledge of such cases are to maintain confidentiality in order to avoid damaging the reputations of persons suspected but subsequently found innocent of wrongful conduct, and to protect the diocese from potential civil liability.