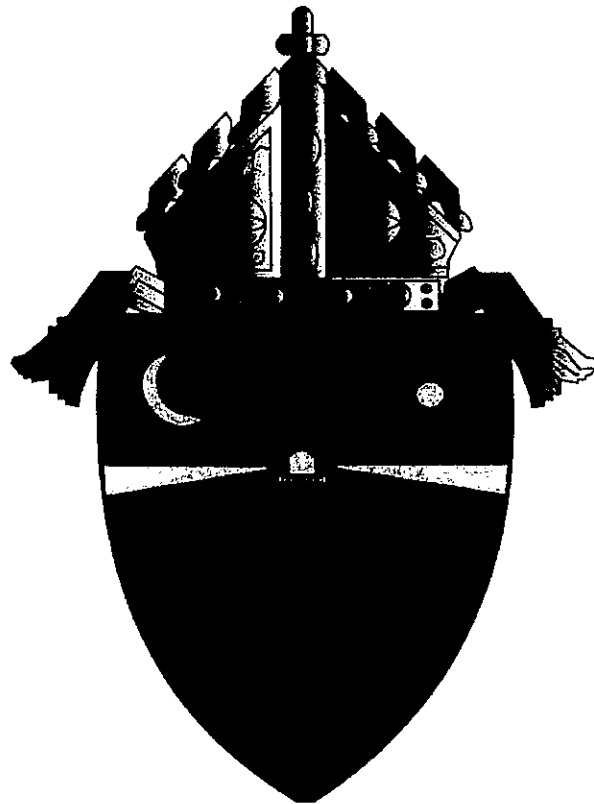


Diocese of Victoria



Code of Pastoral Conduct and Policy Regarding Sexual Abuse of Minors Handbook

Revised 6/2013

CODE OF PASTORAL CONDUCT

I. Preamble

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

The Diocese of Victoria commits itself to responsible hiring, training and supervision of Church personnel. Responsibility for adherence to the *Code of Pastoral Conduct* rests with the individual. All personnel, including clergy, staff and volunteers who disregard this *Code of Pastoral Conduct* will be subject to remedial action by the diocese. Corrective action may take various forms—from a verbal reproach to removal from the ministry—depending on the specific nature and circumstances of the offense and the extent of the harm.

II. General Standards: Code of Ethics

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

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

III. General Definitions

A. Church Personnel

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

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

B. Types of Misconduct

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

1. Immoral conduct: Conduct that is contrary to the discipline and teachings of the Catholic Church.
2. Harassment: Conduct or language which creates an intimidating, hostile or offensive working environment.
3. Exploitation: Taking unfair advantage of a counseling relationship for the benefit of the counselor.
4. Abuse of minors: Physical, sexual or emotional abuse of children under the age of 18 or adults who are uniquely vulnerable to abuse because of physical or mental disabilities.
5. ***Child Pornography: In accordance with applicable state and federal laws, church personnel will not possess, access, download or distribute child pornography.***

IV. Pastoral Standards

1. Administration

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

1.1 Personnel and other administrative decisions made by clergy, staff, and volunteers shall meet civil and canon law obligations and shall also reflect Catholic social teachings and this *Code of Pastoral Conduct*.

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

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

2. Conduct for Pastoral Counselors and Spiritual Directors

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

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

2.2 Pastoral counselors and spiritual directors should carefully consider the possible consequences before entering into a counseling relationship with someone with whom they have a pre-existing relationship (i.e., employee, professional colleague, friend, or other pre-existing relationship).

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

2.4 Pastoral counselors and spiritual directors must never engage in sexual intimacies with the persons they counsel. This includes consensual and nonconsensual contact, forced physical contact, and inappropriate sexual comments.

2.5 Pastoral counselors and spiritual directors shall not engage in sexual intimacies with individuals who are close to the client—such as relatives or friends of the client—when there is a risk of exploitation or potential harm to the client. Pastoral counselors and spiritual directors should presume that the potential for exploitation or harm exists in such intimate relationships.

2.6 Pastoral counselors and spiritual directors assume the full burden of responsibility for establishing and maintaining clear, appropriate boundaries in all counseling and counseling-related relationships.

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

2.7.1 No sessions should be conducted in private living quarters.

2.7.2 Sessions should not be held at places or times that would tend to cause confusion about the nature of the relationship for the person being counseled.

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

2.9 Pastoral counselors and spiritual directors shall comply with all state and federal laws regarding child pornography.

3. Conduct with Minors/Vulnerable Adults

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

3.1 Clergy, staff, and volunteers must be aware of their own and others' vulnerability when working with youth and vulnerable adults. Appropriate ratios of adult chaperones/supervisors must be maintained at all times including emergency situations.

3.2 Physical contact with youth/vulnerable adults can be misconstrued and should occur (a) only when completely nonsexual and otherwise appropriate, and (b) never in private.

3.3 Clergy, staff, and volunteers should refrain from (a) the illegal possession and/or illegal use of drugs and/or alcohol at all times, and (b) the use of alcohol when working with youth/vulnerable adults.

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

3.5 Staff and volunteers should not provide shared, private, overnight accommodation for individual young people including, but not limited to, accommodations in any church owned facility, private residence, hotel room, or any other place where there is no other adult supervision present.

3.5.1 In rare, emergency situations, when accommodation is necessary for the health and well-being of the youth or vulnerable adults, the clergy, staff, volunteer should take extraordinary care to protect all parties from the appearance of impropriety and from all risk of harm.

3.6 Staff and volunteers will not create, transmit, display, download, distribute, possess or intentionally access any obscene, harassing, offensive, sexually explicit, unprofessional messages or materials through a computer or other technological means either online, in person, by text messaging or any other social media means.

Nor will they lure, entice, or groom children, youth and/or vulnerable adults for illegal, immoral or unethical purposes.

3.6.1 Church personnel must not show or display sexually suggestive objects, media or pornography.

3.6.2 Church personnel must not access, possess or distribute child pornography as defined by applicable state and federal laws.

4. Sexual Conduct

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

4.1 Clergy, religious, staff, and volunteers who are committed to a celibate lifestyle are called to be an example of celibate chastity in all relationships at all times.

4.2 Staff and volunteers who provide pastoral counseling or spiritual direction services must avoid developing inappropriately intimate relationships with minors, other staff, or parishioners. Staff and volunteers must behave in a professional manner at all times.

4.3 No clergy, staff, or volunteer may exploit another person for sexual purposes.

4.4 Allegations of sexual misconduct should be taken seriously and reported to the Texas Department of Family and Protective Services at 1-800-252-5400 or online at www.txabusehotline.org if the situation involves a minor. The procedures of the state of Texas will be followed to protect the rights of all involved.

If church personnel is involved:

- First, contact the civil authorities.
 - To report an incident involving the production, possession, distribution, or receipt of child pornography, file a report on the National Center for Missing & Exploited Children (NCMEC)'s website at www.txabusehotline.org, or call **1-800-843-5678**. Your report will be forwarded to a law enforcement agency for investigation and action.
- Second, contact the bishop or the chancellor of the Diocese of Victoria at 361-573-0828 or the Coordinator of Pastoral Care and Outreach: Vicki L Pyatt, LMSW at 361-827-7186. Written allegations may be sent to the Office of the Bishop marked "Personal and Confidential". Failure to report suspected abuse to civil authorities is against civil law in the state of Texas.

If child is in immediate danger, call 911.

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

Pornography in the mail: There is no free speech, First Amendment protection for child pornography. Pornographic pictures of children are not constitutionally protected speech. Such pictures are evidence of the sexual exploitation of children. If the pictures are sent through the U.S. Mail, it is a violation of federal law. If you have information about the use of the U.S. Postal Service to send child pornography, contact the U.S. Postal Inspection Service listed in the white pages of your local telephone directory. More information may be obtained at the US Postal Web Page:

<https://postalinspectors.uspis.gov/investigations/MailFraud/fraudschemes/cc/CE.aspx>

4.5 Clergy, staff, and volunteers should review and know the contents of the child abuse regulations and reporting requirements for the state of Texas and should follow those mandates. See: www.txabusehotline.org

5. Harassment

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

5.1 Clergy, staff, and volunteers shall provide a professional work environment that is free from physical, psychological, written, or verbal intimidation or harassment.

5.2 Harassment encompasses a broad range of physical, written, or verbal behavior, including, without limitation, the following:

- Physical or mental abuse.
- Racial insults.
- Derogatory ethnic slurs.
- Unwelcome sexual advances or touching.
- Sexual comments or sexual jokes.
- Requests for sexual favors used as:
 - a condition of employment, or
 - to affect other personnel decisions, such as promotion or compensation.
- Display of offensive materials.

5.3 Harassment can be a single severe incident or a persistent pattern of behavior where the purpose or the effect is to create a hostile, offensive, or intimidating work environment.

5.4 All allegations of harassments must be reported in writing and submitted (following the chain of command.) immediately:

- Parish
 - Pastor of the Parish
 - Safe Environment Coordinator
 - Chancellor of the Diocese of Victoria
 - Bishop of the Diocese of Victoria

- School
 - Principal of the school
 - Pastor of the school (if applicable)
 - Safe Environment Coordinator
 - Superintendent of Catholic Schools
 - Chancellor of the Diocese of Victoria
 - Bishop of the Diocese of Victoria

- Diocesan (Employees or volunteers at the diocesan level.)
 - Human Resource Manager
 - Safe Environment Coordinator
 - Chancellor of the Diocese of Victoria
 - Bishop of the Diocese of Victoria

Upon reporting the incident, written documentation should be dated and provided to the proper chain of command by the individual who has made an allegation.

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

6. Confidentiality

Information disclosed to a pastoral counselor or spiritual director during the course of counseling, advising, or spiritual direction shall be held in the strictest confidence.

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

6.1.1 If there is clear and imminent danger to the client or to others, the pastoral counselor or spiritual director may disclose only the information necessary to protect the parties affected and to prevent harm.

6.1.2 Before disclosure is made, if feasible, the pastoral counselor or spiritual director should inform the person being counseled about the disclosure and the potential consequences.

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

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

6.4 Knowledge that arises from professional contact may be used in teaching, writing, homilies, or other public presentations only when effective measures are taken to absolutely safeguard both the individual's identity and the confidentiality of the disclosures.

6.5 While counseling a minor, if a pastoral counselor or spiritual director discovers that there is a serious threat to the welfare of the minor and that communication of confidential information to a parent or legal guardian is essential to the child's health and well being, the counselor or spiritual director should:

- Submit a report to the Texas Department of Family and Protective Services and/or the proper civil authorities, if warranted.
and/or
- Disclose only the information necessary to protect the health and well-being of the minor.

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

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

7. Conflicts of Interest

Clergy, staff, and volunteers should avoid situations that might present a conflict of interest. Even the appearance of a conflict of interest can call integrity and professional conduct into question.

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

7.2 Clergy, staff, and volunteers should inform all parties when a real or potential conflict of interest arises. Resolution of the issues must protect the person receiving ministry services.

7.2.1 No clergy, staff, or volunteer should take advantage of anyone to whom they are providing services in order to further their personal, religious, political, or business interests.

7.2.2 Pastoral counselors should not provide counseling services to anyone with whom they have a business, professional, or social relationship. When this is unavoidable, the client must be protected. The counselor must establish and maintain clear, appropriate boundaries.

7.2.3 When pastoral counseling or spiritual direction services are provided to two or more people who have a relationship with each other, the pastoral counselor or spiritual director must:

- Clarify with all parties the nature of each relationship;
- Anticipate any conflict of interest;
- Take appropriate actions to eliminate the conflict; and
- Obtain from all parties written consent to continue services.

7.3 Conflicts of interest may also arise when a pastoral counselor's or spiritual director's independent judgment is impaired by:

- Prior dealings
- Becoming personally involved
- Becoming an advocate for one (person) against another.

In these circumstances, the pastoral counselor or spiritual director shall advise the parties that he or she can no longer provide services and refer them to another pastoral counselor or spiritual director.

8. Reporting Misconduct

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

8.1 Clergy, staff, and volunteers must hold each other accountable for maintaining the highest ethical and professional standards. When there is an indication of illegal actions by clergy, staff, or volunteers, you should notify the proper civil authorities immediately. Also notify one of the following:

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

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

- Peers

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

8.3 When it appears that a member of clergy, a staff member, or a volunteer has violated this *Code of Pastoral Conduct* or other religious, moral, or ethical principle:

- Report the issue to a supervisor or next higher authority, or
- Refer the matter directly to the chancery office through the office of the chancellor or the bishop at 361-573-0828

8.4 The obligation of pastoral counselors and spiritual directors to report client misconduct is subject to the duty of confidentiality. However, any agreement or duty to maintain confidentiality must yield to the need to report misconduct that threatens the safety, health, or well-being of any of the persons involved except as provided for in Section 6.6

9. Screening Procedures for Church Personnel

9.1 All applicants for Church personnel positions, whether by employment or in a volunteer capacity will be required to complete a standard application that includes a release of information to conduct background checks and/or a driving check. Applicants will also be required to read and sign a Code of Pastoral Conduct for church personnel and attend the required safe environment workshop.

9.1.2 In the case of new or recently registered parish/school persons and those who are unknown to the parish/school community, reference checks and or face-to-face interviews are strongly recommended.

9.1.3 Background checks for all new applicants, including criminal record check and/or driving checks for the State of Texas and any other state where the applicant has resided during the past five years, are required.

9.2. Volunteers for programs working with minors in parishes should be registered members of a parish in the diocese and/or affiliated with a Catholic school. A complete background check must be performed and clearance obtained before being utilized in a service position with children/youth/vulnerable adults.

9.3. Criminal *and/or driving* record checks will be conducted every third year (or as required by law) of a church personnel's employment or volunteer position.

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

9.5 Analysis of Results

9.5.1 Convictions of Certain Crimes

Individuals convicted of certain crimes may be prohibited from being assigned, employed, or engaged as a volunteer for the diocese, its parishes, or its schools. These crimes include, but are not limited to: capital murder; first degree murder; second degree murder; manslaughter; sexual assault; kidnapping; incest; endangering the welfare of a child or vulnerable person; indecent exposure or lewdness in the presence of a minor; prostitution; child pornography and computer pornography; and child exploitation. If a background check reveals that a person has been convicted of such a crime, the bishop or his designee will notify the hiring authority that the person is not qualified to work or volunteer. *Exceptions, requested on behalf of the applicant and in accordance with the appeal process, can be made on rare occasions. All exceptions must be reviewed and approved by either the bishop, chancellor, or vicar general.*

9.5.2 Convictions of Other Crimes.

Accusations or Investigations of Child Abuse, and Other Types of Misconduct: Individuals convicted of other crimes involving moral turpitude, including, but not limited to drug-related crimes, assault and battery, theft, fraud, and perjury, and individuals found to have engaged in sexual harassment, sexual exploitation, or other misconduct or offense involving moral turpitude, may also be disqualified from service or ministry within the Church. The relationship between the crime or offense and the position with the Church, and evidence of rehabilitation will be considered if an appeal is made by the applicant.

9.5.3 Registered Sex Offenders who are Parents/Guardians of School

Children/Youth: The pastor/principal will have full control of any and all restrictions regarding campus visits including the right to change the restrictions as needed for the safety of the parish/school.

10. Training/Education of Church Personnel

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

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

- Awareness of signs of sexual abuse in children.
- Appropriate boundaries with adults.
- Safe touch, and other issues to child physical and sexual abuse.

- Procedures to report sexual abuse, and guidelines to a pastoral response to all involved in sexual abuse.
 - Recommendations to prevent sexual abuse.
- 10.1.1 Church personnel of the Diocese of Victoria are required to attend an orientation program at which the *Code of Pastoral Conduct* and the *Policy Regarding Sexual Abuse of Minors* are presented, reviewed and explained.
- 10.1.2 Church personnel of the Diocese of Victoria will be required to attend periodic education sessions pertaining to various aspects of personal safety and/or sexual abuse. Verification of attendance will be kept in their personnel files with the Diocese of Victoria.
- 10.1.3 All clergy and other church personnel within the diocese shall certify in writing that he/she has read and is familiar with the diocesan policy and procedures regarding the *Code of Pastoral Conduct* and the *Policy Regarding Sexual Abuse of Minors*. Each individual's certification will be maintained in his or her personnel file.
- 10.2 In the interest of protecting children youth and vulnerable adults, the diocese has the authority to revoke current certification.

11. Supervision of Programs that Involve Minors

- 11.1 Parents are encouraged to be a part of any and all services and programs in which their children are involved in the Diocese of Victoria. Parents have an open invitation to observe programs and activities in which their children are involved. However, parents who desire to participate with their child's programs/events in the parish or school will be required to complete the volunteer application process.
- 11.2 Programs for minors should not be sponsored or administered by only one adult without supervision.
- 11.3 Church personnel under the age of 21 are to be under the direct supervision, at all times, of an adult 21 years of age or older who is safe environment compliant.
- 11.4 Church personnel in leadership roles must be aware of all programs for minors that are sponsored by a parish or school. A list of these programs should be maintained in the central office and include activities, purpose, sponsors or coordinators of the programs, meeting times and locations. Leaders are encouraged to examine these programs and consider whether they have adequate supervision.
- 11.5 Because new programs for minors are far more likely to have difficulties than established ones, individual church personnel should not be permitted to develop

new programs for minors without proper consent and review within the parish or school. Requests to develop new programs should be submitted in writing to the pastor and/ or the principal. The pastor and/or the principal should consider whether the plan for a new program includes adequate adult supervision and will be structured to comply with the guidelines.

11.6 Church/school personnel/volunteers under the age of 25 are restricted from transporting children, youth and vulnerable adults.

11.7 Drivers must adhere to the diocesan transportation policy. (Please check with your parish or school regarding requirements.)

12. Computer, Social Media and Internet Use

Policy Statement: The Diocese of Victoria and its affiliates recognize that in today's environment, with the increasing prevalence of the Internet, employees, clerics and volunteers will use the Internet to conduct ministry work and to communicate with associates and friends. The Internet provides various ways for individuals to interact and has changed the way we communicate and share information. The Diocese of Victoria views the Internet as an important educational and evangelizing tool to promote school and ministerial programs. Those using the Internet should bear in mind that certain comments and information may have a harmful effect on the Diocese of Victoria, its reputation and its employees. In light of this possibility, employees, clerics and volunteers are required to adhere to the following policy regarding the use of personal and ministry websites including social networks and blogs.

12.1 Summary

12.1.1 Definitions:

- The term "Communication(s) Assets" as used herein shall include, but not be limited to, computers, computer systems and networks, software and related connections, equipment, telephonic access and voice mail.
- The term "User(s)" as used herein shall include any person who has access to, responsibility for, and uses any Communication Assets.
- The term "Diocesan Entity" as used herein shall include the Diocese, each Parish, Mission and its Schools.
- The term "Employee(s)" as used herein shall include lay employees of a Diocesan Entity and Clergy, Religious assigned to a Diocesan Entity and volunteers working as an agent of the church or school.

12.2 No Expectation of Privacy

12.2.1 Employees are provided with Communication Assets and Internet access to assist them in the performance of their duties. There should be no expectation of privacy in anything created, stored, sent or received using Diocesan Entity Communication Assets or personal laptops or personal computer equipment used on Diocesan Entity facilities. The Diocesan Entity Communication Assets may be used only for purposes set out in this Policy.

- 12.2.2 Waiver of Privacy Rights. Users of Diocesan Entity Communication Assets expressly waive any right of privacy in anything created, stored, sent or received using the Communication Assets or Internet access provided by a Diocesan Entity. Users consent to allow appropriate personnel access to and review of all materials created, stored, sent or received by the User through any Diocesan Entity provided Communication Assets. This also applies to privately-owned equipment used on the Diocesan Entity's premises.
- 12.2.3 Monitoring of Computer and Internet use. The Diocesan Entity retains the right to monitor and log any and all aspects of its Communication Assets including, but not limited to, Internet sites visited by Users, chat rooms, newsgroups, file downloads, and all communications sent and received by Users.
- 12.2.4 Blocking Sites with Inappropriate Content. The Diocesan Entities have the right to utilize software that makes it possible to identify and block access to Internet sites containing sexually explicit or other material deemed inappropriate in the workplace.
- 12.2.5 All Communication Assets, as well as any data files, software, or communications created, transmitted by, or received from or stored in the systems in the course of Diocesan Entity work, are the property of the appropriate Diocesan Entity. To ensure use of the Communication Assets is consistent with legitimate business interests, the Diocese and each Diocesan Entity reserves and may exercise the right to inspect, review, audit, intercept or access all matters on the Diocesan Entity e-mail, voice mail, and computer systems at any time, with or without notice. Electronically generated material is stored, and may be retrieved and inspected, even if it has been "deleted" by the user.
- 12.2.6 Employees are responsible for all use of the Communication Assets in an effective, ethical and lawful manner. Every employee has a responsibility to report any violation of this Policy to law enforcement agencies or the Diocesan Business Manager, or both, as appropriate. No employee should undertake an investigation or seek to retrieve files or data.
- 12.2.7 Communication Assets are not to be used in any way that may be immoral, illegal, unethical, disruptive, in violation of diocesan policies and guidelines, invidious to others, or harmful to morale. Items prohibited and which are considered disruptive or invidious include sexually explicit materials or those which contain threats of violence or defamatory comments that invidiously address a person's age, sexual orientation, religious or political beliefs, national origin or disability. Use of Communication Assets for harassment is also prohibited.

12.3 Computer Use Restrictions

- 12.3.1 Use of Communication Assets. Communication Assets may not be used to disseminate, view or store commercial or personal advertisements, solicitations, promotions, destructive code (e.g., viruses, Trojan horse programs, etc.) or any other unauthorized materials. At all times Users are responsible for the professional, ethical and lawful use of Communication Assets. Personal use of Communication Assets is a privilege that may be revoked at any time. Accessing, downloading, possessing or transmitting Child Pornography is absolutely prohibited. All employees are obligated by law to immediately notify the authorities of a violation of the Child Pornography laws.
- 12.3.2 Communication of Confidential Material. Unless expressly authorized to do so, a User is prohibited from reproducing, copying, sending, transmitting, or otherwise distributing proprietary information, data, or other confidential information belonging to a Diocesan Entity. Unauthorized reproduction or dissemination of such material may result in severe disciplinary action, including possible termination of employment, as well as substantial civil and criminal penalties under state and federal laws.
- 12.3.3 Confidential and Proprietary Information. Church personnel are prohibited from disclosing via the Internet information that is understood to be held in confidence by the Diocese of Victoria or its affiliates.
- 12.3.4 Employees, clerics and volunteers are prohibited from disclosing via the Internet any information that is proprietary or confidential to the Diocese of Victoria or its affiliates, except by explicit permission of the appropriate authority.
- 12.3.5 Inappropriate Language and Images. The Diocese of Victoria and its affiliates will not tolerate employees, clerics, or volunteers posting obscene, harassing, offensive, derogatory, defamatory or otherwise potentially scandalous comments, links and/or images which reflect discredit or cause embarrassment to the Diocese of Victoria or its affiliates, employees, vendors, partners, agencies, schools and others. Any activity via Social Media or other Electronic Communication that contains any of the above and/or reflects negatively on the Diocese of Victoria or its affiliates, employees, vendors, partners, agencies, schools, or others is prohibited.
- 12.3.6 Right to Review. The Diocese of Victoria and its affiliates reserve the right to review the personal website of any church personnel, if there are reasonable grounds for believing that this diocesan policy is being violated.
- 12.3.7 Protection of Children. Church personnel of the Diocese of Victoria and its affiliates will comply with all aspects of the diocesan safe environment policy. Employees, clerics, and volunteers are forbidden to post or distribute personal identifiable information, including photos and/or video, of any child under the age of eighteen without verifiable consent of a parent or guardian. Personal identifiable information includes but not limited to: full name, photos, home address, email address, telephone number or any information that would allow someone to identify or contact a child. Verifiable consent can take the form of a

release/permission form. The Diocese of Victoria and its affiliates will review alleged violations of the *Children's Online Privacy Protection Act*, and the *Safe Environment Policy* of the Diocese of Victoria, on a case-by-case basis.

- 12.3.8 When Communicating with Children Using Social Media or Other Electronic Communication: There must be at least two adults with administrative rights for each Social Media account used for ministry communication. Personal Social Media accounts must not be used for ministry communication.
- 12.3.9 The primary purpose of such communication shall be for providing information related to a ministry or event and not for socialization or other personal interaction. Counseling of children through such communication methods is not permitted.
- 12.3.10 Written Parental/Guardian permission to communicate via social media or other electronic communications with a minor must be obtained. Parents must be notified of the methods of communication which are used in each particular ministry and must be granted access in such communications.
- 12.3.11 Social Media/Network or other electronic communication may not be used to communicate with children who have not reached the 6th grade, but instead should be directed to their parents. In all instances, copies of correspondence(s) with a minor must be sent to the parent/guardian.
- 12.3.12 When using a ministry Social Media account, adults must not initiate "friend" requests with children, but may accept "friend" requests from children who are involved in the particular ministry.
- 12.3.13 When children form their own Social Media groups, adults should not join these groups.
- 12.3.14 As a general rule, neither personal nor ministry Social Media accounts should be used to contact children individually. If children contact particular adults engaged in ministry (other than a "friend" request), the ministry account should be used to reply by sending a group message (i.e., when the personal contact was for information relevant to all in the group).
- 12.3.15 Acceptable hours for parish/school related communication with children via other electronic communications shall be between 7:00 a.m. and 9:00 p.m. Communication outside of the acceptable hours may be used only in emergency situations or to communicate time sensitive information related to the ministry or ministry related event.
- 12.3.16 Online "chatting" with children is not permitted.

13. Enforcement

- The Diocese of Victoria, its affiliates and their respective administrators intend to enforce the policy set forth here and expect church/school personnel to comply. Failure to comply with any of the provisions of the Social Media Policy will be grounds for discipline, up to and including termination, for an employee or cleric, or removal from position, if a volunteer.
- The Diocese of Victoria and its affiliates reserve the right to make changes to this policy at any time and at its sole discretion, and interpret and administer the policy in light of changing circumstances and events.
- Employees and volunteers acting as an agent for the church/school should only use parish/school provided e-mails/social media to disseminate parish or school related information. The diocese discourages the forwarding of emails to Gmail, Yahoo, AOL, Ipads, etc.

Diocesan Code of Conduct Agreement For All Volunteers/Employees/Others

As an individual working with the children, youth and vulnerable adults, I promise to strictly follow the rules and guidelines in this Code of Conduct as a condition of my providing services to the children, youth and vulnerable adults of our parishes and schools in the Diocese of Victoria.

As a volunteer/employee/other, I will:

- Treat everyone with respect, loyalty, patience, integrity, courtesy, dignity, and consideration.
- Avoid situations where I am alone with children, youth and/or vulnerable adults at church/school activities **whether the event is held on church/school grounds or at other locations.**
- Use positive reinforcement rather than criticism, competition, or comparison when working with children, youth or vulnerable adults.
- Refuse to accept expensive gifts from children, youth and/or vulnerable adults or their parents/guardian without prior written approval from the pastor or administrator.
- Refrain from giving expensive gifts to children, youth and/or vulnerable adults without prior written approval from the parents or guardian and the pastor or administrator.
- Report suspected/known abuse:
 - To the Texas Department of Family and Protective Services at 1-800-252-5400 or online at www.txabusehotline.org . *If person is in immediate danger, call 911.*
 - **If Church Personnel Is Involved In Alleged Abuse: Step One**— Contact Civil Authorities.
Step Two— Contact one of the following: *Coordinator of Pastoral Care and Outreach*, Vicki L. Pyatt, LMSW, at (361) 827-7186 or email pastoralcare@victoriadiocese.org; *Bishop or Chancellor of the Diocese of Victoria* at (361) 573-0828 and *Written Allegations Should Be Sent To: Office of the Bishop, P. O. Box 4070, Victoria, Texas 77903, Mark as "Personal and Confidential"*. I understand that failure to report suspected or known abuse is against civil law in the state of Texas.
- Cooperate fully in any investigation of abuse.
- Report all suspected or known possession, access or distribution of child pornography to the proper authorities.

As a volunteer/employee/other, I will not:

- Use, possess, or be under the influence of alcohol at any time while volunteering.
- Use, possess, or be under the influence of illegal drugs at any time.
- Pose any health risk to children, youth and/or vulnerable adults (i.e., no fevers or other contagious situations).
- Strike, spank, shake, or slap children, youth and/or vulnerable adults.
- Humiliate, ridicule, threaten, or degrade children, youth and/or vulnerable adults.
- Touch a child, youth and/or vulnerable adult in a sexual or other inappropriate manner.
- Use any discipline that frightens or humiliates children, youth and/or vulnerable adults.
- Use profanity in the presence of children, youth and/or vulnerable adults.
- **Create, transmit, display, download, distribute, possess or intentionally access any obscene, harassing, offensive, sexually explicit, unprofessional messages or materials through a computer or other technological means either online, in person or by text messaging.**
- **Lure, entice or groom children, youth and /or vulnerable adults for illegal, immoral or unethical purposes.**
- Access, possess or distribute child pornography.

I understand while I am working with children, youth and/or vulnerable adults, I am subject to a thorough background check including criminal history, sex abuse registry and driving record check. I also understand that these checks will be re-submitted automatically every three years or as deemed appropriate by the Pastor of the Parish, Principal of the School, Superintendent of Catholic Schools, Diocesan Youth Office, Office of Safe Environment and/or the Bishop. I further understand that any action inconsistent with this Code of Conduct or failure to take action mandated by this Code of Conduct may result in my removal as a volunteer/employee/other individual working with children, youth and/or vulnerable adults.

Policy Regarding Sexual Abuse of Minors

Article 1

Policy Statement

The Diocese of Victoria recognizes that sexual abuse of minors constitutes a breach of trust in human relationships and that it can have significant consequences for the victim and his/her family and for the church community at large. The Diocese of Victoria sets forth the following policy and procedure regarding sexual abuse of minors for the reasons stated above.

Article 2

Review Board Mission Statement and Procedures

Mission: It is the mission of the review board to serve the People of God in the Diocese of Victoria by assisting the bishop in his responsibilities for the protection of children and young people. The board is charged with advising the bishop in the work of the just, investigating and responding to allegations of sexual abuse, the prevention of further abuse, the healing of those who have been injured, and the rebuilding of a sense of trust among the faithful and larger community.

Membership: A review board of five persons, appointed by the bishop, will function as a confidential consultative body to assist him in discharging his responsibilities.

- 2.1 The bishop will appoint individuals as specified in the *Essential Norms for Diocesan Policies Dealing with Allegations of Sexual Abuse of Minors by Priests and Deacons* as approved December 8, 2002 (hereafter cited as “Essential Norms”).
- 2.2 The majority of the review board will be lay members who are not in the employ of the diocese, with at least one member being a priest, and at least one member having particular expertise in the area of sexual abuse of minors.
- 2.3 The members of the review board are to be appointed for a five-year term, which can be renewed at the discretion of the bishop.
- 2.4 The review board, in addition to other responsibilities indicated in “Essential Norms” and assigned to it by the bishop, will review allegations of sexual abuse of minors by priests or deacons that are brought to its attention.

General Responsibilities of the Review Board: The review board is responsible to the bishop providing consultation to him in his service to those who have been injured by sexual abuse, the alleged offenders, and the people of the diocese. The general responsibilities of the board are to:

1. provide consultation to the bishop in his assessment of the validity of allegations of sexual abuse of minors;
2. review the implementation and application of the Diocesan Policy for the Protection of Minors to assure compliance with the *Charter for the Protection of Children and Young People* and the *Essential Norms*;
3. assist the bishop and chancellor in the oversight of the victim outreach;
4. provide consultation to the bishop regarding an offender's suitability for ministry;
5. review with the bishop all programs, policies and procedures that relate to the *Charter* within the diocese;
6. offer advice on all aspects of cases of sexual abuse of minors, whether retrospectively or prospectively.

Board Duties: Review of allegations. The review board shall receive a comprehensive report from the diocesan investigator, selected by the bishop, and the victim assistance coordinator of all allegations of abuse of minors by priests or deacons. Victim and family inquiries to the board or board member will be directed to the victim assistance coordinator and the chancellor for pastoral outreach.

Consultation on allegations. The board shall provide consultation to the bishop regarding validity of allegations and suitability for ministry.

Policy compliance. For all allegations, the board shall advise whether the diocesan policy on sexual abuse was followed regarding the reporting to civil authorities, the outreach to the victims, the outreach to parish communities, and the appropriate action, in accord with Canon Law and prudent judgment, toward clergy alleged to have caused the abuse.

Policy Review. The board shall periodically review the diocesan policy on sexual abuse. A report of the recommendations for any changes in the policy shall be sent to the bishop.

Article 3

Victim Assistance Coordinators

- 3.1 The Diocese of Victoria has appointed two victims assistance coordinators for the immediate pastoral care of persons who allege sexual abuse by priests or deacons.
- 3.2 The victim assistance coordinator(s) will offer means of spiritual care and support to individuals and families of victims of abuse.

Article 4

Reporting and Investigation

The Diocese of Victoria will respond promptly (within 72 hours) to any allegations where there is reason to believe that sexual abuse of a minor has occurred. All reporting complies with the following procedures:

4.1 Civil Reporting Requirements

4.1.1 Any instance of known or suspected sexual abuse of a minor must be reported to the civil authorities within 48 hours. This report should be made to the Texas Department of Family and Protective Services at 1-800-252-5400.

- To report an incident involving the production, possession, distribution, or receipt of child pornography, file a report on the National Center for Missing & Exploited Children (NCMEC)'s website at www.cybertipline.com, or call **1-800-843-5678**. Your report will be forwarded to a law enforcement agency for investigation and action.

4.1.2 This suspected sexual abuse of a minor, if diocesan personnel are involved, must also be reported to the appropriate diocesan authority, specifically, the bishop of Victoria, the chancellor or their representative.

4.2 Internal Diocesan Procedures When Allegations Are Made Against a Lay Employee

4.2.1 Once an allegation is received in writing, the individual suspected of abuse will be immediately notified of the nature of the allegations. The employee will be placed on administrative leave with pay.

4.2.2 The individual suspected of abuse is to be directed to remain away from the location(s), which are the subject matter of the complaint until a resolution of the complaint is concluded. The person notifying the individual suspected of abuse will advise the person of his or her right to obtain his or her own attorney.

4.2.3 The Diocese of Victoria (DOV) will conduct its own investigation into the allegations. The person(s) conducting the investigation will be selected by the bishop of the Diocese of Victoria. If, in the opinion of the bishop, no internal person(s) is/are capable of conducting the investigation, it will be outsourced to the DOV Human Resources attorney.

4.2.4 If as a result of the internal investigation, it is determined that abuse has taken place, the accused employee will be terminated immediately. If the accused refuses to cooperate with the internal investigation, the accused will be terminated immediately.

- 4.2.5 If the allegation is not substantiated through the DOV internal investigation, the employee will be reinstated pending the outcome of the criminal justice system. However, if the criminal justice system concludes that the abuse occurred, the employee will be terminated.
- 4.2.6 If a lay employee or volunteer admits guilt, does not contest guilt, or there is a finding of guilt, he or she must be terminated immediately. The appropriate institutional authority shall notify the bishop in writing so that the employee's or volunteer's file may be properly noted and adequate safeguards taken in an effort to assure that the individual is not employed or utilized by the Diocese of Victoria in the future.
- 4.2.7 In instances where the individual suspected of abuse is not found guilty, a consultation by the appropriate institutional authority with the bishop or his delegate is to take place before considering possible restoration to duty.
- 4.2.8 The person designated to coordinate assistance to victims of sexual abuse and their families will offer means of spiritual care and support to these individuals.

4.3 Internal Diocesan Procedures When Allegations Are Made Against Priests and Deacons

- 4.3.1 The bishop of the Diocese of Victoria will be immediately notified.
- 4.3.2 The diocese will comply with all applicable civil laws with respect to the reporting of allegations of sexual abuse of minors to civil authorities and will cooperate in their investigation.
- 4.3.3 When an allegation of sexual abuse of a minor by a priest or a deacon is received, a preliminary investigation, conducted by the bishop or his designee, in keeping with canon law will be initiated and conducted promptly and objectively.
- 4.3.4 The accused will be encouraged to retain the assistance of civil and canonical counsel and will be promptly notified of the results of the investigation.
- 4.3.5 When there is sufficient evidence that sexual abuse of a minor has occurred; the Congregation for the Doctrine of the Faith shall be notified.
- 4.3.6 Likewise, when there is sufficient evidence of sexual abuse of a minor, the bishop shall then remove the accused from the sacred ministry or from any ecclesiastical office or function, impose or prohibit residence in a given place or territory, and prohibit public participation in the Most Holy Eucharist pending the outcome of the process.

- 4.3.7 The alleged offender may be requested to seek and comply with an appropriate medical and psychological evaluation at a facility mutually acceptable to the Diocese of Victoria and the accused.
- 4.3.8 When a process of imposition of canonical penalties is called for as a result of the outcome of the primary investigation of 4.3.3 above and the response from the Congregation for the Doctrine of Faith, the procedures of canon law will be observed, in accord with the provisions of “Essential Norms”, No. 8.
- 4.3.9 The offending priest or deacon will be removed permanently from ecclesiastical ministry when even a single act of sexual abuse by said priest or deacon has been admitted or established, in accord with canon law.
- 4.3.10 All applicable state and federal laws will be followed in regards to access, possession and distribution of child pornography.
- 4.3.11 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 without the approval of the bishop.
- 4.3.11.1 Before a priest or deacon can be transferred for residence to another diocese or religious province, his bishop or religious ordinary shall forward, in a confidential manner, to the local bishop, or religious ordinary of the proposed place of residence all information concerning any 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.
- 4.3.11.2 Every bishop or religious ordinary who receives a priest or deacon from outside his jurisdiction will obtain the necessary information regarding any past act of sexual abuse of a minor by the priest or deacon in question.
- 4.3.12 Care will always be taken to protect the rights of all parties involved, particularly the rights of the person alleging sexual abuse and of the person against whom the charge has been made.
- 4.3.13 When an accusation has proved to be unfounded, the bishop and/or his designee will take reasonable steps to restore the good name of the person falsely accused.
- 4.3.14 If the individual is a member of a religious congregation, the president, provincial superior, or general superior will be contacted.

4.4 Internal Diocesan Procedures When Allegations Are Made Against a Lay Volunteer

- 4.4.1 As soon as an allegation is received in writing the volunteer will be suspended pending an investigation. If it is determined that the allegation is not credible, either through an internal investigation or through the criminal justice system, the volunteer may be reinstated, with the bishop's approval. The bishop will determine if an internal investigation is to be conducted. If through the criminal justice system, no finding of guilt is made, the volunteer, with the Bishop's approval, may continue to serve in his/her position with the DOV.
- 4.4.2 If a lay volunteer admits guilt, does not contest guilt, or there is a finding of guilt, he or she will be terminated immediately. The appropriate institutional authority shall notify the bishop in writing so that the volunteer's file may be properly noted and adequate safeguards taken in an effort to assure that the individual is not employed or utilized by the Diocese of Victoria in the future.

Article 5

Education and Safe Environment

5.1 Application Process and Screening

- 5.1.1 All applicants for church personnel positions, whether for employment or volunteer service, are required to complete a standard application process that includes the release of information to conduct background checks.
- 5.1.2 The diocese will perform a criminal records check for the state of Texas and any other state the applicant has resided in the past five years.
- 5.1.3 This process is to be completed and background check clearance must be obtained before the beginning date of conditional employment or volunteer service.

5.2 Education for Child Protection

- 5.2.1 A diocesan educational and training program will be developed to include personal safety that conforms to Catholic teachings
- 5.2.2 Church personnel of the Diocese of Victoria are required to attend an orientation program at which the *Code of Pastoral Conduct* and the *Policy: Sexual Abuse of Minors* are presented, reviewed, and explained.

5.2.3 Church personnel of the Diocese of Victoria will be required to attend periodic education sessions pertaining to various aspects of sexual abuse and/or personal safety. Verification of attendance will be kept in their personnel files with the Diocese of Victoria.

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

Article 6

Release of Information

- 6.1 The Diocese of Victoria will not enter into confidential agreements except for grave and substantial reasons brought forward by the victim/ survivor and noted in the text of the agreement.
- 6.2 Only the bishop or his designee will respond to any news or other media inquiries regarding specific allegations of sexual abuse of a minor by church personnel.
- 6.3 Decisions regarding any public statement(s) or the release of any information must be made on a case-by-case basis.
- 6.4 In any case, the designated spokesperson will adhere to the diocesan commitment in dealing with alleged incidents of sexual abuse of a minor in a responsibly open manner, still respecting the sensitivity, privacy and confidentiality of the victim and the accused party.