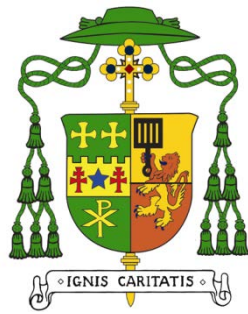




Diocese of Greensburg

Code of Pastoral Conduct

Issued September 30, 2012



Lawrence

Bishop Of Greensburg

The pastoral care of souls is one of the highest priorities of every Bishop. This fundamental mandate comes directly from Christ himself. As St. Paul writes in his letter to the Philippians; *“If there is any encouragement in Christ, any solace in love, any participation in the Spirit, any compassion and mercy, complete my joy by being of the same mind, with the same love, united in heart, thinking one thing. Do nothing out of selfishness or out of vainglory; rather, humbly regard others as more important than yourselves, each looking out not for his own interests, but [also] everyone for those of others.* (Philippians 2:1-4) Never is this truer than when I reflect on the responsibility for the pastoral care of the flock entrusted to me and that I share with you, the priests, deacons, men and women religious and laity of the Diocese of Greensburg. The sacred trust that is granted to us to provide holy and healthy ministry to the flock should never be broken.

The protection of those to whom we minister has long been a concern of the Diocese of Greensburg. In 1985 the document *A Policy of the Diocese of Greensburg for Clergy Sexual Misconduct* was promulgated in the Diocese of Greensburg. This policy was reviewed and revised in February of 2002. Additionally the Diocese of Greensburg implemented a *Minor Protection Policy* in 2007 which was revised in 2008. For many years these policies have effectively governed our conduct and interactions with all those we serve. Besides providing clear boundaries for general ministerial conduct these policies focus particularly on boundaries in ministry related to both youth and vulnerable adults. Nationally the revised *Charter for the Protection of Children and Young People* was developed by the Ad Hoc Committee for Sexual Abuse of the United States Conference of Catholic Bishops (USCCB). It was approved by the full body of U.S. Catholic bishops at its June 2005 General Meeting, and this second revision was approved at the June 2011 General Meeting.

As the Diocesan Bishop, it is my responsibility to ensure that all of those who serve in the name of the Church do so in a manner that is compliant with all diocesan policies and the National Charter. This *Code of Pastoral Conduct* is designed to be a companion to the guidelines of the

National Charter and to replace both the *Minor Protection Policy* and the *Policy of the Diocese of Greensburg for Clergy Sexual Misconduct*.

The *Code of Pastoral Conduct* for the Diocese of Greensburg clearly sets forth standards and expectations for all those who act in the name of the Diocese. This document applies to all bishops, priests, deacons, religious and lay members of the Christian faithful who assist in providing pastoral care in the diocese. Although this code cannot cover every aspect of every circumstance that one may encounter in the course of Church related work it should be seen as a concise enumeration of expected public and private behavioral standards for those working or volunteering in the parishes, schools and other entities within the Diocese of Greensburg.

As Bishop of the Diocese of Greensburg I am always grateful to God for the magnificent work you do in serving His people. I know that you join me in making every effort to ensure that everyone who approaches the Church is treated with respect and dignity. I ask you to see this Code of Pastoral Conduct as a helpful instrument that will protect both you and those you serve as you go about our shared mission of bringing the love of God to all in our care.

**Code of Pastoral Conduct
for Church Personnel of the Diocese of Greensburg**

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*For purposes of this *Code of Pastoral Conduct*, the term “Church personnel” includes any person who performs tasks for the Church under the auspices of the Diocese of Greensburg or one of its parishes or schools. This includes Bishops, Priests, Deacons, Seminarians, Religious Personnel, Pastoral Ministers, Spiritual Counselors, Administrators, Lay Employees, and Contract Employees who are employed by the Diocese of Greensburg or any of its parishes or schools together with those Lay Volunteers who provide services to/for the Diocese of Greensburg or any parish or school within the Diocese.

This Code of Pastoral Conduct is based on a model dated March 17, 2003 and provided by the National Catholic Risk Retention Group, Inc. The Diocese of Greensburg expresses its sincere gratitude to the National Catholic Risk Retention Group, Inc. for its work in providing a model and its willingness to allow that model to be used as a basis for this Code. The Diocese of Greensburg reserves the right to modify or amend The Code of Pastoral Conduct at any time.

I. Preamble

All Church personnel including, but not limited to: Priests, Deacons, Seminarians, Religious Personnel, Pastoral Ministers, Spiritual Counselors, Administrators, Lay Employees, Lay Volunteers and Contract Employees in our parishes, schools, programs and organizations must uphold Christian values and conduct. Parents are also encouraged to take an active interest in any and all services and programs in which their children are involved in the Diocese. This Code of Pastoral Conduct provides a set of standards for conduct either in providing or in supporting the pastoral care of the Christian faithful and all others. The Code does not present an exhaustive list of expectations, standards, or requirements. Rather, this Code accompanies the Universal Law of the Church, civil law, and diocesan policies. Church personnel are to be aware of and committed to all of these norms that govern pastoral conduct. For the purpose of this document, Priests, Deacons, Seminarians, Religious Personnel, Pastoral Ministers, Spiritual Counselors, Administrators, Lay Employees, Lay Volunteers and Contract Employees will be referred to from this point forward as Personnel.

This Code of Pastoral Conduct replaces the February 2002 “Policy of the Diocese of Greensburg for Clergy Sexual Misconduct,” as well as the “Minor Protection Policy” of the Diocese of Greensburg.

ADDITIONAL DEFINITIONS:

A **Minor** is defined as a person under the age of 18.

A **Young Adult** is defined as a person age 18-20. Both a **Minor** and a **Young Adult** are defined as **Youth**.

An **Adult** is defined as a person age 21 or older.

A **Vulnerable Adult** is defined for the purpose of this document as any person over the age of eighteen (18), who, by reason of some mental infirmity has such diminished reasoning or cognitive capabilities that they may be considered the equivalent of a minor child.

Allegation: A first person accusation of sexual abuse of a minor brought against church personnel; past or present, living or deceased, which is reported to the Bishops Delegate through any form of communication including any that are anonymous.

Report: A third party accusation of sexual abuse of a minor brought against church personnel; past or present, living or deceased, which is reported to the Bishops Delegate through any form of communication including any that are anonymous.

False Allegation/Report: An allegation or report that was proven to be untruthful and fabricated.

Implausible: Any allegation or report that could not possibly have occurred under the given circumstances (e.g., an accusation is made against church personnel who was deceased at the time of the alleged offense). Erroneous information does not necessarily make an allegation/report implausible (e.g., the church personnel arrived at the parish a year after the alleged abuse, but all of the other facts of the case are credible and the alleged victim might have mistaken the date).

Sexual Abuse or Exploitation: (Legal Definition, Pa. C.S. ss 6303) The employment, use, persuasion, inducement, enticement or coercion of any child to engage in or assist any other person to engage in any sexually explicit conduct, or any simulation of any sexually explicit conduct, for the purpose of producing any visual depiction, including photographing, videotaping, computer depicting or filming, of any sexually explicit conduct or the rape, sexual assault, involuntary deviate sexual intercourse, aggravated indecent assault, molestation, incest, indecent exposure, prostitution, statutory sexual assault, or other forms of sexual exploitation of children.

Child Abuse: (Legal Definition, Pa. C.S. ss 6303) The term "Child Abuse" shall mean any of the following:

- (i) Any recent act or failure to act by a perpetrator which causes non accidental serious physical injury to a child less than 18 years of age.
- (ii) An act or failure to act by a perpetrator which causes non accidental serious mental injury to or sexual abuse or sexual exploitation of a child less than 18 years of age.
- (iii) Any recent act, failure to act or series of such acts or failures to act by a perpetrator which creates an imminent risk of serious physical injury to or sexual abuse or sexual exploitation of a child less than 18 years of age.
- (iv) Serious physical neglect by a perpetrator constituting a prolonged or repeated lack of supervision or failure to provide essentials of life, including adequate medical care, which endangers a child's life or development or impairs the child's functioning.

Child Pornography: Any written, printed, electronic, photographic or other depiction or description of a minor in a sexually explicit context or any material of any kind that is produced, created or displayed for the purpose of sexual gratification of adults through the exploitation of minors.

II. Responsibility

The public and private conduct of Church personnel can inspire and motivate people, but it can also scandalize and undermine people's faith. Church personnel are, at all times, to be aware of the responsibilities that accompany their work. They are to know also that God's goodness and grace support them in their ministry. Responsibility for adherence to the Code of Pastoral Conduct rests with the individual. Church personnel who disregard this Code of Pastoral Conduct will be subject to disciplinary action up to and possibly including dismissal. Corrective action may take various forms - from a verbal warning to removal from the ministry - depending on the specific nature and circumstances of the offense and the extent of the harm. (See Appendix for Procedures)

III. Pastoral Standards

1. Conduct for Pastoral Counseling and Spiritual Direction

Church personnel providing pastoral counseling or spiritual direction are to respect the rights and advance the welfare of each person.

Definitions:

The definition of Pastoral Counseling as defined by the *American Association of Pastoral Counseling*: Pastoral Counseling is a unique form of psychotherapy which uses spiritual resources as well as psychological understanding for healing and growth. It is provided by certified pastoral counselors, who are not only mental health professionals but who have also had in-depth religious and/or theological training.

The following is the definition of Professional Counseling as defined by the *American Counseling Association*: Professional counseling is the application of mental health, psychological or human development principles through cognitive, affective, behavioral or systemic intervention strategies that address wellness, personal growth, or career development, as well as pathology. (<http://counseling.org>)

The *Commonwealth of Pennsylvania* defines Counseling as: The application of principles and practices of counseling, mental health, and human development to evaluate and facilitate human growth and adjustment throughout the life span and to prevent and treat mental, emotional or behavioral disorders and associated stresses which interfere with mental health and normal human growth and development (PA Act 136, 1998).

The definition of Spiritual Direction is the help or guidance that a person (directee) seeks and another (director) gives over a period of time in the process of growing in a loving relationship with God. This process unfolds under the continual impulse, inspiration, and action of the Holy Spirit. Spiritual direction, therefore, involves three persons: the directee, the director, and the Holy Spirit. Spiritual direction is always done within the context of the Roman Catholic Church's understanding of Scripture, it is connected to the Church's Sacraments, and conducted by one who is aware of the teaching and guidelines that have protected and fostered a variety of spiritualities over the centuries of the Church's history.

- 1.1 Church personnel are not to step beyond their competence in counseling or spiritual direction situations and are to refer those who seek their assistance to other professionals when appropriate.
- 1.2 Church personnel are to consider carefully the possible consequences before entering into a counseling or spiritual direction relationship with someone with whom they have a pre-existing relationship (i.e., employee, professional colleague, friend, or other pre-existing relationship). [See Section 7.2.2]
- 1.3 Church personnel are not to audiotape or videotape sessions.
- 1.4 Church personnel are never to engage in sexual intimacies with the persons they counsel or spiritually direct. This includes consensual and nonconsensual contact, forced physical contact, and inappropriate sexual comments.
- 1.5 Church personnel assume the full burden of responsibility for establishing and maintaining clear, appropriate boundaries in all counseling and counseling-related relationships or spiritual direction.
- 1.6 Physical contact of any kind (i.e., touching, hugging, and holding) between Church personnel and the persons they counsel or spiritually direct can be misconstrued and is to be avoided.
- 1.7 Either counseling or spiritual direction sessions are to be conducted in appropriate settings; e.g., the parish office at appropriate times. Every effort should be made to conduct sessions during normal business hours when other staff are present in the office.
 - 1.7.1 No sessions are ever to be conducted in private living quarters.
 - 1.7.2 Sessions are not to be held at places or times that would tend to cause confusion about the nature of the relationship for the person being counseled or spiritually directed.
- 1.8 Church personnel providing pastoral counseling or spiritual direction are to maintain a log of the times and places of sessions with each person being counseled or directed. These sessions should be clearly defined with a set time for the meeting to begin and end. If the Sacrament of Reconciliation is requested it should be clearly separated from the pastoral counseling or spiritual direction session and, **except in an emergency situation, it should take place in the church confessional since the Universal Law of the Church states that Sacrament of Reconciliation should not be heard outside**

of the confessional. The counselor could also recommend that the person being counseled take advantage of regularly scheduled confession times in the parish. This recommendation might more clearly separate the distinction between the Sacrament of Reconciliation and either pastoral counseling or spiritual direction.

1.9 Except when civil law explicitly permits certain persons (e.g. licensed social workers) to counsel minors without parental consent, a minor may receive scheduled individual instruction or counseling from church personnel only with the consent of the minor's parent or guardian and if the church personnel meets the criteria for capacity to counsel as listed in section 1 of this document.

2. Confidentiality

Any obligations related to confidentiality which are listed below are independent of the confidentiality of the confessional. A priest may never disclose anything revealed in the Sacrament of Confession, not even with the penitent's permission. Further, all others who in any way (e.g., inadvertent overhearing) have information received through the confessional are obliged to that same secrecy. (Canon 983)

Information disclosed to Church personnel during the course of counseling, advising, or spiritual direction is to be held in the strictest confidence possible.

2.1 Information obtained in the course of individual or group sessions is to be confidential, except for compelling professional reasons or as required by law.

2.1.1 If there is clear and imminent danger to the client or to others, Church personnel may disclose only the information necessary to protect the parties affected and to prevent harm.

2.1.2 Before disclosure is made, if feasible, Church personnel are to inform the person being counseled about the disclosure and the potential consequences.

2.2 Church personnel are to discuss the nature of confidentiality and its limitations with each person in counseling.

2.3 Church personnel are to keep minimal records of the content of sessions.

2.4 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.

2.5 While counseling a minor (i.e., anyone under the age of 18) in a formal setting, if Church personnel discover 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, Church personnel are to:

- Attempt to secure written consent from the minor for the specific disclosure.
- Disclose only the information necessary to protect the health and well-being of the minor if consent is not given.
- Consultation with the appropriate Church authority such as one's immediate supervisor is required before disclosure.

The Pennsylvania “Duty to Warn” Law

The Pennsylvania Supreme Court has ruled that a mental health professional, under certain limited circumstances, owes a duty to warn a third party of threats of harm made by patients. (*Emerich v. Philadelphia Ctr. For Human Dev.*, 720 A.2d 1032 (Pa. Sup. Ct. 1998). The court decided that a mental health professional has a duty to warn third parties if there was an immediate, known and serious risk of potentially lethal harm where (1) there is a specific and immediate threat of serious bodily injury that has been communicated to the mental health professional and (2) the threat was made against a specific and readily identifiable victim.

Persuaded that mental health professionals are best-trained to detect, identify, evaluate and deal with threats and violent behavior, the court found that mental health professionals are in a uniquely good situation to predict violent behavior before it occurs, particularly when a specific threat has been made. The court also noted that the State Board of Psychology recognizes an exception to therapist-patient confidentiality in the case of a serious threat of harm to an identified or readily identifiable person.

3. Conduct With Youth

Church personnel working with youth are to maintain an open and trustworthy relationship between youth and adult supervisors.

3.1 Church personnel are to be aware of their own and others’ vulnerability when working alone with youth. Church personnel are to use a team approach to managing youth activities.

3.2 Physical contact defined as appropriate affection between Church Personnel and minors is often important for a child's development and can be a positive part of church life and ministry. Some examples of **APPROPRIATE FORMS** of affection include, but are not limited to, the following:

- 3.2.1 Shoulder to shoulder hugs
- 3.2.2 Pats on the shoulder or back
- 3.2.3 Handshakes
- 3.2.4 "High-fives" and hand slapping
- 3.2.5 Verbal praise
- 3.2.6 Holding hands while walking with small children
- 3.2.7 Sitting beside small children
- 3.2.8 Holding hands during prayer
- 3.2.9 Pats on the head when culturally appropriate

- 3.3 Examples of **INAPPROPRIATE FORMS** of contact not to be used, includes but is not limited to the following:
- 3.3.1 Kisses on the mouth and inappropriate or lengthy hugs or embraces
 - 3.3.2 Holding minors, above the approximate age of 5 on one's lap
 - 3.3.3 Touching buttocks, genital areas, or breasts and touching knees, thighs or legs as a show of affection.
 - 3.3.4 Showing physical displays of affection in isolated areas of the premises such as bedrooms, closets, Employee Only areas, or other private-rooms.
 - 3.3.5 Sleeping in bed with a minor, youth or vulnerable adult.
 - 3.3.6 Wrestling with minors, youth or vulnerable adults except for legitimate sports coaching, in which case another adult should be present.
 - 3.3.7 Tickling and piggyback rides
 - 3.3.8 Any type of massage given by an adult to a minor, youth or vulnerable adult
 - 3.3.9 Any display of unwanted affection towards a minor, youth or vulnerable adult
 - 3.3.10 Actions that include compliments relating to sexual attractiveness or sexual development
 - 3.3.11 Students who require assistance with correcting their attire (i.e. buttons, ties, shirts) should be physically assisted only if they are physically unable to correct their own attire and should be assisted in the presence of another adult.
- 3.4 The possession or use of illegal drugs is prohibited at all times.
- 3.5 The possession or use of alcohol when working with minors or vulnerable adults is prohibited.
- 3.6 The possession or use of firearms when working with minors or vulnerable adults is prohibited.
- 3.7 Minors are not to be provided with alcoholic beverages, tobacco, drugs or anything that is prohibited by law.
- 3.8 If any parish activity includes the **storage, sale** and/or **consumption** of alcohol the location of the alcohol should be clearly separated and controlled at all times from any minor children and vulnerable adults so that there is no opportunity for those minor children and/or vulnerable adults to have access to the alcohol.
- 3.9 **The Rule of Two:** Personnel must be aware of their own and others' vulnerability when working alone with minors and vulnerable adults. Use a team approach by ensuring that there are always two or more adults present when managing all activities where minors, youth and vulnerable adults are present. At least two adults must be present for any activity for minors sponsored by a parish, school or

institution of the diocese, with the exception of the Sacrament of Reconciliation and regular diocesan school classes conducted on the grounds of a parish, Catholic school or other diocesan institution.

3.10 At least 2 adults must be in a vehicle when transporting minors.

3.11 No minor may be disciplined corporally or corrected with abusive language.

3.12 Sexually inappropriate conversations with minors and other adults are prohibited. All human sexuality lessons and discussions should be part of an approved Diocesan curriculum or part of normal counseling. These lessons or counseling sessions will conform to the Church's teachings on the topic.

3.13 Church Personnel will not use vulgarity or profanity in the presence of minors.

3.14 Being nude in the presence of minors or other vulnerable adults is prohibited. Church Personnel must adhere to a proper dress code at all times. Personnel should consult with their supervisor regarding appropriate dress codes.

3.15 Taking sexually oriented or morally-inappropriate materials (magazines, calendars, cards, videos, films, website material, computer files, cell phone camera images, clothing or other items containing inappropriate materials) onto Diocesan property or showing them to minors is prohibited.

3.16 The use of any and all *personal* and/or *diocesan* social media and or electronic forms of communication between church personnel and minors which is not totally work related is always prohibited.

3.17 Church personnel are prohibited from creating a pattern of behavior or environment that a reasonable person would find shaming, threatening, frightening, derogatory, demeaning, or humiliating.

3.18 Church personnel are not to share private, overnight accommodations with individual young people. This includes, but is not limited to, accommodations in any or any other place where there is no other adult supervision present.

3.19 In rare, emergency situations, when accommodation is necessary for the health and well-being of the youth, Church personnel are to take extraordinary care to protect all parties from the appearance of impropriety and from all risk of harm. A team approach to managing emergency situations is to be used.

3.20 Clergy and Religious shall not invite or allow a minor, youth or vulnerable adult unaccompanied by one of their adult immediate family members to visit or stay overnight in any premises used as the residence for priests, religious, or other Church personnel except for members of the Clergy or Religious personnel's family. Clergy should not permit minors, youth or vulnerable adults to stay overnight nor allow them into a cleric's private accommodations at anytime.

3.21 All church personnel must obtain the consent of a minor, youth or vulnerable adult's parent or guardian before inviting or allowing the minor, youth or vulnerable adult to visit in the church personnel's home. In the event that the adult has little or no advance notice of the visit and another adult is present, this consent is not required, but the parent or guardian is to be notified at the earliest possible time.

3.22 A minor or vulnerable adult may participate in an organized program sponsored by a parish or institution of the diocese only with the written consent of the minor's parent or guardian. Such consent

should provide for emergency care of the minor as warranted by the program or activity.

4. Sexual Conduct

Church personnel are not to exploit the trust placed in them by the faith community for sexual gain or intimacy.

4.1 Church personnel who are committed to a celibate lifestyle are called to be an example of celibate chastity in all relationships at all times.

4.2 Church personnel who provide pastoral counseling or spiritual direction services are to avoid developing inappropriately intimate relationships with anyone whom they counsel. Church personnel are to behave in a professional manner at all times.

4.3 No Church personnel may exploit another person for sexual purposes.

4.4 Allegations of sexual abuse involving a minor are to be taken seriously and reported immediately to Child Line at 800-932-0313 **and** to the Bishop's Delegate at 724-837-0901 ex. 1221.

4.5 Allegations of sexual misconduct (i.e., sexual abuse, sexual exploitation or sexual harassment) involving adults are also to be taken seriously and are to be reported to the Bishop's Delegate at 724-837-0901 ex. 1221. These allegations may also be reported to the District Attorney of the appropriate county of the Diocese.

4.6 The policies of the Diocese regarding sexual misconduct and sexual abuse are to be followed to protect the rights of all involved.

4.7 Church personnel are to review and know the contents of the child abuse regulations and reporting requirements for the state of Pennsylvania and are to follow those mandates.

4.8 Clergy of the Diocese of Greensburg and Clergy serving in the Diocese of Greensburg are required to follow all rules and regulations contained in this document.

5. Harassment

5.1 Church personnel are not to engage in physical, psychological, written, electronic or verbal harassment of staff, volunteers, or parishioners and are not to tolerate such harassment by other Church staff or volunteers. (Merely calling people to fulfill the legitimate expectations of their position is not, in and of itself, harassment.)

5.2 Church personnel are to provide a professional work environment that is free from physical, psychological, written, electronic or verbal intimidation or harassment.

5.3 Harassment encompasses a broad range of physical, psychological, written, electronic 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; and/or,
- Display of offensive materials.

5.4 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.

5.5 Allegations of harassment are to be taken seriously and reported immediately to the appropriate Church authority such as the pastor, principal, or the Vicar General, his designate, or the Superintendent of Catholic Schools (for school related matters).

5.6 Diocesan policies are to be followed to protect the rights of all involved.

6. Records and Information

Confidentiality is to be maintained in creating, storing, accessing, transferring, and disposing of all Church records in both paper and electronic form.

6.1 Sacramental records are to be regarded as confidential. Great care is to be taken to preserve the anonymity of individuals when compiling and publishing statistical information from these records.

6.2 Access to sacramental records is restricted for 100 years from the date of the creation of the record. After 100 years, access to the information in the sacramental record (but not the record itself) can only be provided in accord with diocesan policy.

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

6.2.2 Only Church personnel who are authorized to access the records and supervise their use are to handle requests for more recent records.

6.3 Parish financial records are confidential. The financial information is made available to the Parish Finance Council and, in summary form, to the Parish on a yearly basis. All Diocesan Financial Policies are to be observed. Contact the Diocesan Vicar General's Office upon receipt of any request for release of financial records before taking any action on the request.

6.4 Individual contribution records are to be regarded as private and to be maintained in strictest confidence.

6.5 For individual diocesan offices such as Catholic Charities or Catholic Schools the appropriate diocesan, canonical and civil laws regarding confidentiality and the release of records are to be followed.

7. Conflicts of Interest

Church personnel are to 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 Church personnel are to disclose to the appropriate Church authority (such as one's immediate supervisor) all relevant factors that potentially could create a conflict of interest.

7.2 Church personnel are to inform all parties when a real or potential conflict of interest arises. Resolution of the issues is to protect the person receiving ministry services.

7.2.1 No Church personnel is to take advantage of anyone to whom they are providing services in order to further their personal, political, or business interests.

7.2.2 Church personnel are not to provide counseling services to anyone with whom they have a business, professional, or social relationship. The counselor is to establish and maintain clear, appropriate boundaries. When this is unavoidable, the client is to be protected in the following ways:

- Clarify with all parties the nature of each relationship,
- Anticipate any conflict of interest,
- Take appropriate actions to eliminate the conflict,
- Document the process.

7.2.3 When providing pastoral counseling or spiritual direction to two or more people who have a pre-existing personal or business relationship, Church personnel who:

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

7.3 Conflicts of interest may also arise when Church personnel's independent judgment is impaired by:

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

In these circumstances, Church personnel are to advise the parties that he or she can no longer provide services and refer them to another competent individual qualified to provide assistance.

8. Reporting Misconduct

Church personnel have a duty to report their own ethical or professional misconduct and the misconduct of others.

8.1 Church personnel are to hold each other accountable for maintaining the highest ethical and professional standards. When there is an indication of illegal actions by Church personnel, Church personnel are to notify the proper civil authorities immediately as well as the parish or Diocesan Office.

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 principles, Church personnel are to consult with the appropriate Church authority (such as one's immediate supervisor).

8.3 When it appears that a member of Church personnel has violated this Code of Pastoral Conduct or other religious, moral, or ethical principles, report the issue to the appropriate Church authority (such as one's immediate supervisor).

8.4 The obligation of Church personnel to report client misconduct is subject to the duty of confidentiality. However, any agreement or duty to maintain confidentiality is to 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 2.5.

8.5 If an accusation of sexual misconduct is made against any church personnel who is not a cleric then the procedures described in section 11.4 entitled *Responses to Complaints of Clerical Sexual Misconduct* will also be followed. Appropriate adjustment will be made based on the person's particular job or position.

9. Administration

Employers and supervisors are to treat Church personnel justly in the day-to-day administrative operations of their ministries.

9.1 Personnel and other administrative decisions made by Church personnel are to meet civil and canon law obligations and also reflect Catholic social teachings and this Code of Pastoral Conduct.

9.2 Church personnel are not to use their position to exercise unreasonable or inappropriate power and authority.

10. Church Personnel Well-being

Church personnel have the duty to be responsible for their own spiritual, physical, mental, and emotional health.

10.1 Church personnel are to be aware of warning signs that indicate potential problems with their own spiritual, physical, mental, and/or emotional health.

10.2 Church personnel are to seek help immediately whenever they notice behavioral or emotional warning signs in their own professional and/or personal lives.

10.3 Church personnel are to address their own spiritual needs by regular participation in the spiritual life of the Church and by participating in activities of spiritual development such as times of recollection and retreat, spiritual direction, and the like.

11. Clergy Sexual Misconduct

This section of the Diocesan Code of Pastoral Conduct concerns allegations that a cleric has engaged in sexual misconduct which is contrary to Christian morals and principles and replaces the February 2002 diocesan policy: *Sexual Misconduct by Clergy of the Diocese of Greensburg*. This policy also applies to extern clergy as well. The Church expects its clergy to live chaste and moral lives. Sexual activity is contrary to the celibate lifestyle. It abuses the power and authority of the pastoral role of those who work for and serve the Church. It also has the potential for causing considerable harm to all those involved, as well as to the Church and the credibility of its clergy. Because of the nature of the cleric's role in the Church and within a parish community, there is a sacred trust established between the clergy and parishioners. This trust is essential for his effectiveness as a cleric. Therefore, all diocesan and extern clergy must comply with the procedures outlined in this section of the document.

11.1 The Bishop's Delegate is a priest of the diocese, appointed by the diocesan bishop, and is in charge of all investigations in regard to clergy sexual misconduct and subsequent interventions. The delegate will oversee the investigative process and prepare the materials for presentation and recommendations to the Review Board. The delegate will also communicate to the vicar general and the diocesan bishop the Board's recommendations. It is the responsibility of the delegate to recommend to the diocesan bishop those who will assist the delegate in conducting the investigation. The delegate also works in conjunction with the following:

- The vicar general of the Diocese of Greensburg;
- civil authorities to inform them as the civil law requires for the good of the community and the public at large;
- legal counsel for the Diocese of Greensburg;
- the insurer of the Diocese of Greensburg that an incident judged to be valid has taken place;
- the victim assistance coordinator of the Diocese of Greensburg;
- and the Managing Director of the Office of Communications.

11.2 The Review Board serves as a review body for the report and recommendations of the delegate in cases of sexual misconduct. It may ratify or reject the reports and recommendations it receives and/or offer its own judgments to the diocesan bishop. The Board may also advise and give recommendations regarding the diocesan pastoral response to victims and its plan for the affected parish or institution. The Board's role is advisory to the diocesan bishop. The diocesan bishop appoints members of the Board for a term of five (5) years. Membership will include clergy and laymen and women with a range of professional expertise and experience to provide the diocesan bishop advice and recommendations.

11.3 The Pastoral Care Team is comprised of diocesan representatives, clerical or lay, and mental health professionals whose expertise will offer guidance and support to hurting families, to parishes or church institutions affected by public allegations of sexual misconduct by a cleric. Appropriate pastoral care will also be given to the accused. The Pastoral Care Team is intended to facilitate the provision of

appropriate spiritual and psychological help as needed. Its members are appointed by the diocesan bishop for a five (5) year term.

11.4 Responses to Complaints of Clerical Sexual Misconduct

11.4.1 Level One: When a “Level One” complaint of sexual misconduct is lodged against a cleric, the delegate must be notified immediately, and he will implement the steps presented in this policy. During this process, the cleric is placed on an administrative leave of absence and advised of his civil and canonical rights. The delegate will commence the interview process with those making the allegation and the accused. The cleric will be advised of his civil and canonical rights including the right to have an advisor or attorney present for the interview. The substance and the source of the allegation will be shared with the cleric against whom the complaint is lodged. If the cleric is from another diocese or is a member of a religious community on assignment within the Diocese of Greensburg the delegate will implement the steps presented in this policy and also immediately review the ongoing diocesan process and the allegations made with the cleric's religious superior or to the diocesan bishop where the accused diocesan priest is incardinated. When completed, then the delegate will collate the notes and the written summary of the interviews prepared by the independent investigator. After reviewing the above mentioned reports regarding both the complainant and the accused cleric the delegate will present the complete results to the Review Board. The Review Board will examine the recommendations and make an independent recommendation as to whether or not to pursue the matter further. The recommendations of the Review Board are then submitted to the vicar general and the diocesan bishop for his decision on the disposition of the case. If the diocesan bishop's decision is not to pursue the case, then the parties will be informed of the decision and the matter will not be pursued further. Appropriate steps will be taken to repair any damage to the cleric's reputation.

11.4.2 If the cleric is from another diocese or is a member of a religious community residing in the diocese but not on assignment within the Diocese of Greensburg the delegate will immediately contact either the religious superior of the cleric or the diocesan bishop of the diocese in which the cleric is incardinated, respectively, and report the allegations made to the cleric's superior. It is expected that the appropriate religious community or diocese will continue the investigation from that point. If appropriate, proper civil authorities will be notified as dictated by civil law.

11.4.3 Level Two: If the diocesan bishop decides there are reasonable warrants for the credibility of the allegations, the investigation will be advanced. This is now a “Level Two” response. At the time of the investigation, the following steps will be taken:

- The delegate will notify the pastoral care team to provide appropriate spiritual and psychological help to the alleged victim, families, parish, and the accused.
- The delegate informs the managing director of the Office of Communications.
- During this process, the cleric remains on administrative leave of absence while maintaining his office salary and benefits and he is advised of his civil and canonical rights.
- The cleric is required to undergo, as soon as possible, a complete medical and psychological assessment at a facility selected by the diocese. The cleric is to grant

permission that the results of this assessment be shared by the treatment facility with the diocese.

- Restrictions may be placed on the ministry of the cleric such as, but not limited to: prohibition from performing any public celebration of the sacraments or sacramentals; prohibition from wearing clerical attire; prohibition concerning living in a certain place or territory; and revocation of faculties.

The delegate will present a full report of the investigation, including the results of the psychological assessment, and any further pertinent information to the Review Board. The Review Board will offer its own independent recommendation for the disposition of the case to the vicar general and the diocesan bishop. However, if after further investigation it is discovered that the allegation is not true then appropriate steps will be taken to repair any damage to the cleric's reputation.

11.4.4 If the allegation reaches “**Level Three**” that means it has been substantiated. The following parties will be appropriately addressed to help overcome the effects of this misconduct and to assure no future incidents of such behavior.

- Victims - A person (or persons) who have been affected by the misconduct of a cleric will be offered appropriate support by the bishop’s delegate, including assistance for counseling and spiritual help.
- The affected parish or institution - The bishop’s delegate will offer an outreach program to the parish or community that is directly affected by the cleric's misconduct through the help of the Pastoral Care Team constituted for this purpose by the diocesan bishop.
- Cleric - After the allegation is substantiated, a decision will be made concerning the cleric's future. The decision, ordinarily, would not permit the cleric to return to public ministry. It may include, but is not limited to:
 1. Revocation of faculties.
 2. Assignment to a residency treatment program.
 3. Withdrawal of diocesan assignment.
 4. Restrictions on the type of ministry the cleric can perform.
 5. Invitation for the cleric to resign from ministry in order to petition for a dispensation from all obligations arising from the clerical state.
 6. Initiation of a canonical process for removal from ministry.
- Civil Authorities - The diocese will cooperate with civil authorities in whatever way required.

12. Employment and or Volunteer Related Requirements

12.1. Each applicant for employment or volunteer in a position who has contact with a minor, youth or vulnerable adult in the parishes and institutions of the diocese must supply personal information adequate to assess his or her suitability for contact with minors, youth or vulnerable adults. Each applicant must complete and sign the official employment application or volunteer employment application and background investigation release form.

12.2. Each applicant for full or part-time employment who has contact with minors, youth or vulnerable adults in the parishes and institutions of the diocese must submit the following documentation and training certification:

- PA State Criminal Record Check
- PA Child Abuse History Clearance form
- Virtus© training or any other diocesan approved training
- FBI Fingerprint Based Criminal History Background Check (as required by job position)
- PA Act 24 (as required by job position)

12.3 Each applicant for a *regular* volunteer position, who has resided in Pennsylvania for less than two years, must also submit the following documentation and training certification:

- Virtus© training or any other diocesan approved training
- PA State Criminal Record Check
- PA Child Abuse History Clearance form

12.4 The Pennsylvania Provisional Services Law allows for an applicant for full or part-time employment or a volunteer for a position to be hired or accepted on a 30-day provisional basis. The Diocese of Greensburg does not ascribe to this practice. The Diocese requires that all documentation be in place prior to the applicant being offered a position in the Diocese.

13. Preventive Intervention

13.1 Church Personnel who come in contact with minors in the course of fulfilling their responsibilities as assigned are considered to be mandated reporters under the Pennsylvania Minor Protective Services Law.

13.2 Mandated reporters, who come in contact with suspected abuse or neglect, must follow the provisions as outlined in the Minor Protective Services Law.

13.3 Parishes and departments should follow the established procedure for reporting suspected abuse or neglect.

13.4 Church Personnel who observe any person behaving in a manner which may pose a potential risk to a minor is to report the matter in confidence to the proper superior or supervisor without delay.

13.5 The proper superior or supervisor is to deal expeditiously with any situation of potential risk brought to his or her attention. If a serious potential risk is not resolved satisfactorily, the superior or supervisor may take appropriate action with due regard for personnel policies.

13.6 A parent, guardian or any adult who observes a cleric, employee or volunteer behaving in a manner which may pose a potential risk to a minor is advised to call the matter to the attention of that adult. This may involve calling attention to circumstances which are inappropriate, even though not in themselves abusive, or reminding the person of particular provisions of this policy, or challenging the person when guilty of affronts to a minor. If the behavior is not rectified, the matter should be reported to the proper superior or supervisor without delay

13.7 Any adult should not hesitate in reporting concerns confidentially to the proper superior or supervisor, when warranted.

13.8 Pastors, principals, directors of religious education and other administrators are to assure that the policies of schools, religious education programs, athletic and scouting groups, and the like provide for the implementation of the policies listed above, including the definition of responsibility for enforcement.

13.9 Employees, volunteers, or other members of the work force in positions which have contact with minors and young adults in the parishes and institutions of the diocese are required to attend the Protecting God's Children awareness sessions e.g. Virtus© or any other diocesan approved training to be permitted to work or continue to work. Ideally, such training should be completed before a person assumes his/her position. However, if an individual does not attend an awareness session within a reasonable time period (six months), he/she will relinquish their position and not be permitted to work until such time as they have completed this training.

13.10 Once obtained background clearances are valid as long as there is continuous employment in a parish, school or office of the Diocese of Greensburg unless the job position requires a more frequent renewal of the clearance.

13.11 All church personnel as described in this Code of Conduct must submit two signed copies of the *Acknowledgement of Receipt of the Code of Pastoral Conduct*. Upon receipt the diocese will sign and return an original copy to the church personnel.

14. Review and Update Expectations

The diocesan bishop will see that the Code of Pastoral Conduct is periodically reviewed and updated.

The above provisions are hereby promulgated as Diocesan Policy effective September 30, 2012. Any practice or policy to the contrary is, therefore, invalid and abrogated.

Given at the Pastoral Center in Greensburg, Pennsylvania this 17th day of September A.D., 2012.

+ Lawrence E. Brandt

The Most Reverend Lawrence E. Brandt, JCD, PhD
Bishop of Greensburg

Larry J. Kulick

The Very Reverend Larry J. Kulick, JCL
Chancellor

Appendix

Procedural Guidelines for Instances when an Alleged Violation of the Code of Pastoral Conduct has Occurred

- A. When the immediate supervisor of a Church personnel employee or volunteer who is not a cleric receives information that an employee or volunteer's conduct constitutes an alleged violation of the Code of Pastoral Conduct, the immediate supervisor must immediately inform the bishop's delegate and proper legal authorities if appropriate. (Cf. section 8.5 and section 11 of the Code of Pastoral Conduct)

- B. If an individual has or receives information that a cleric's conduct constitutes an alleged violation of the Code of Pastoral Conduct, he or she should immediately inform the bishop's delegate. If the a member of the clergy commits an alleged violation of the Code of Pastoral Conduct, is complicit in it, or is involved in any way; the matter will be handled by the bishop's delegate in accord with universal Church law and the policies of the Diocese of Greensburg. (Cf. section 11 of the Code of Pastoral Conduct)

- C. Upon receipt of information regarding a violation of the Code, the Bishop's Delegate will undertake appropriate action. The proper ecclesiastical authority either investigates the facts or delegates an appropriate person to undertake the investigation. When the investigation begins a written file is to be established. The investigation should include an interview with the victim. The investigation should also include an interview with the person who has committed the alleged violation; an interview with the person who reported the violation; if not the victim, and an interview with any witnesses that have been identified by either the alleged victim of the violation or the alleged perpetrator. In a parish the pastor will act in consultation with the Bishop's Delegate.

- D. A suitable course of corrective action based on the analysis of and conclusions about the facts will be taken.

- E. If the person harmed by the alleged violation or the person accused believes that the procedures followed or the facts gathered in the investigation, which resulted in a determination, were faulty or incomplete, he or she may appeal the determination by utilizing the due process procedures of the Diocese of Greensburg, its offices and departments.

Diocese of Greensburg
Acknowledgement of Receipt of the Code of Pastoral Conduct
(Diocesan Copy)

In accord with my role as Church personnel, and in witness to the Gospel of Jesus Christ, I will conduct myself with integrity, acting in a manner that is consistent with the discipline and teachings of the Catholic Church. I will guide my behavior by civil and canon law, by the policies of the Diocese of Greensburg and by the Code of Pastoral Conduct by...

1. Respecting the rights of each person and advancing his or her welfare during the course of counseling, advising or spiritual direction.
2. Holding in the strictest confidence information disclosed during the course of counseling, advising or spiritual direction.
3. Maintaining an open and trustworthy relationship when working with youth, free from inappropriate behavior that would put them at risk.
4. Honoring the trust placed in Church personnel by not exploiting others for sexual gain or intimacy.
5. Providing a professional work environment that is free from physical, psychological, written or verbal intimidation or harassment.
6. Maintaining confidentiality in creating, storing, accessing, transferring and disposing of Church records.
7. Avoiding situations that might present a conflict of interest.
8. Reporting to proper authorities my own ethical or professional misconduct and the misconduct of others.
9. Treating Church personnel justly in the day-to-day operations of work and ministry.
10. Being responsible for my own spiritual, physical, mental, and emotional health.

I HAVE CAREFULLY READ, UNDERSTAND, AND HEREBY COMMIT TO CONDUCTING MYSELF IN ACCORD WITH THE DIOCESAN CODE OF PASTORAL CONDUCT.

(Name)

(Pastor/Supervisor Name)

(Position)

(Director of the Office of Human Resources)

(Parish/School/Diocesan Office)

(Date)

PLEASE RETURN THE ORIGINAL (DIOCESAN COPY) SIGNED IN BLUE INK TO THE DIOCESE AND KEEP THE OTHER COPY FOR YOUR RECORDS.

Diocese of Greensburg
Acknowledgement of Receipt of the Code of Pastoral Conduct
(Personal Copy)

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(Name)

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