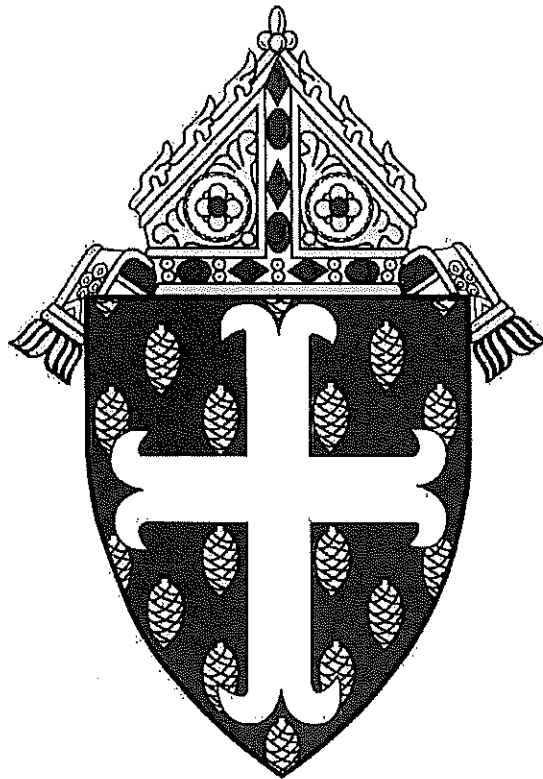


# Diocese of Portland



## Code of Ethics

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*(The Feast of the Exaltation of the Holy Cross)*

# Table of Contents

- I. Principles of Ethics and Integrity in Ministry: Code of Ethics**
- II. General Definitions**
- III. Diocesan Standards**
- IV. Guidelines for Ethical and Moral Behavior**
  - A. Diocesan Standards
  - B. Guidelines for Professionalism
  - C. Guidelines for Counseling Relationships
  - D. Confidentiality
  - E. Conflicts of Interest
  - F. Protocol for Handling Reports of Misconduct: In Cases of Immoral or Unethical Misconduct by Church Personnel
- V. Guidelines for Working with Minors\*\*\***
  - A. General Guidelines for Church-Related Activities
  - B. Physical Contact with Minors
  - C. Vetting of Church Personnel Working with Minors
  - D. Training for Church Personnel Working with Minors
  - E. Supervision of Programs that Involve Minors
  - F. Protocol for Handling Reports of Misconduct: In Cases of Abuse/Neglect of Minors
- VI. Diocesan Response to Reports of Sexual Abuse of Minors**
  - A. Care of the One Who Brings Allegations of Misconduct by Church Personnel
  - B. Promoting Public Safety
  - C. Due Process Rights of the Accused
  - D. Care of the Accused
  - E. Care of the Affected Parish Community
  - F. Diocesan Review Board
  - G. Conclusion

## **Appendix A**

### **Contact List for Making Reports of Suspected Sexual Abuse of Minors**

## **Appendix B**

### **Acknowledgement Form**

\*\*\*Pursuant to the Congregation for the Doctrine of the Faith's *Revised Norms on Dealing with Clerical Sex Abuse of Minors and Other Grave Offenses* ([www.vatican.va/resources/resources\\_norme\\_en.html](http://www.vatican.va/resources/resources_norme_en.html)), the word "minor" or "minors" in this document is also meant to include a person over 18 years of age who habitually lacks the use of reason (Art. 6), and, thus, is to be considered equivalent to a "minor."

## **I. Principles of Ethics and Integrity in Ministry: Code of Ethics**

Relationships among people are the foundation of Christian ministry and are central to Church life. Defining healthy and safe relationships is not meant, in any way, to undermine the strength and importance of personal contact in the ministerial role. Rather, it is to assist all who fulfill the many roles that create the living Church to demonstrate their love and compassion for children and adults in the most sincere and genuine relationships.

It is with the intention that relationships in ministry be experienced at all times as charitable and safe; therefore, the following Code of Ethics ("Code") has been adopted by the Diocese of Portland. All public and private conduct of Church Personnel can inspire and motivate people or it can undermine the faith of people. Church Personnel must, at all times, be aware of the responsibilities that accompany their work. They must also know that God's goodness and grace support them in their ministry.

**All Church Personnel are asked to carefully consider each standard in the Code before agreeing to adhere to these standards and continue in service to the Diocese.** Responsibility for conforming to and complying with the Code rests with the individual. Church Personnel who disregard the Code will be subject to corrective action. Corrective action may take various forms—from a verbal reproach to removal from their ministry—depending on the specific nature and circumstances of the offense.

**Note:** There are Catholic entities that conduct activities in the State of Maine but are separate and independent from the Diocese of Portland. The Bishop neither owns nor has control over these types of entities or their activities; therefore, they are not covered by this Code. These include, but are not limited to:

- Catholic hospitals and their affiliates (Mercy Hospital, St. Joseph Healthcare, St. Mary's Regional Medical Center, etc.)
- Cheverus High School and Mount Merici Academy
- Religious Institutes
- Saint Joseph's College

Other Catholic entities are related to/affiliated with the Diocese of Portland, but are not governed directly by the Bishop of Portland. The Bishop does not directly control these types of entities or their activities; therefore, they are not covered by this Code. These entities are bound by their own policies. These include, but are not limited to:

- Catholic Charities Maine
- Catholic Foundation of Maine
- Diocesan Housing (i.e., Deering Pavilion, Roncalli Apartments, Seton Village, St. Francis Apartments, etc.)
- St. Joseph's Rehabilitation & Residence and St. Martin de Porres Residence

When a Catholic scout troop is sponsored by a parish:

- all of the requirements for the Protecting God's Children training apply to the adult leaders and volunteers.

When a Catholic scout troop is NOT sponsored by a parish but is merely using the parish or school facilities:

- the requirements for the Protecting God's Children training would not apply, rather, the scout guidelines would prevail.

## II. General Definitions

### 1. Church Personnel

- All diocesan clergy
- All religious or laity employed by the Diocese, or its parishes, schools, cemeteries, etc., on a full-time, part-time, temporary, or seasonal basis.
- All seminarians and those enrolled in the Permanent Diaconate Formation Program.
- All those who contract their services to the Diocese and have regular contact with minors, such as counselors, music ministers, etc.
- All volunteers, that is, any person who performs a Church-related service of his/her own free will on a regular and continual basis (e.g. catechists, coaches, youth ministers, Extraordinary Ministers of Holy Communion, sacristans and others who work with minors).

### 2. A minor\*\*\* is defined as anyone under the age of 18.

\*\*\*Pursuant to the Congregation for the Doctrine of the Faith's *Revised Norms on Dealing with Clerical Sex Abuse of Minors and Other Grave Offenses* ([www.vatican.va/resources/resources\\_norme\\_en.html](http://www.vatican.va/resources/resources_norme_en.html)), the word "minor" or "minors" in this document is also meant to include a person over 18 years of age who habitually lacks the use of reason (Art. 6 of *Revised Norms*) and, thus, is to be considered equivalent to a "minor."

3. Physical abuse is a non-accidental injury that is intentionally inflicted upon another person or persons.
4. Sexual abuse of a minor includes sexual molestation or sexual exploitation and other behaviors by which an adult uses a minor as an object of sexual gratification, including the acquisition, possession, or distribution of pornographic images of minors, by whatever means or using whatever technology.
5. Emotional abuse is behavior that causes observable and material impairment in a person's psychological well-being.
6. Immediate family, as used in this document, refers to parents, sons, daughters, stepchildren, grandparents, grandchildren, siblings, aunts, uncles, nieces, nephews, legal guardians, and legal custodians.

### III. Diocesan Standards

The following fundamental principles are derived from our Church teachings and traditions and will apply to the behavior of all Church Personnel:

- Church Personnel will strive to exhibit the highest Christian ethical standards and personal integrity in their day-to-day work and personal lives, supporting the teachings, disciplines and traditions of the Catholic Church.
- Church Personnel will strive to conduct themselves in a professional and respectful manner in both church and work environments, avoiding any flagrant or public misconduct.
- Church Personnel will respect the integrity of all individuals and protect the confidentiality and privacy of all information to which they have access.
- Church Personnel will not take unfair advantage of a pastoral relationship for their own benefit.
- Church Personnel will not physically, sexually, or emotionally abuse anyone.
- Church Personnel will set clear and appropriate boundaries by always ensuring that there are at least two adults present at programs or activities for minors.
- Church Personnel will not neglect a minor who is in their care.
- Church Personnel must share concerns about inappropriate behavior by other Church Personnel with the other's pastor/parish coordinator, their administrator, their principal, or in cases where the behavior directly involves these people, with the Moderator of the Curia (see Section IV.F).
- Church Personnel are mandated by law to report (cf. Maine Criminal Statutes Title 22, Chapter 1071, Section 11-A) any suspected abuse or neglect of a minor by Church Personnel, except for information obtained in sacramental confession or certain information (as described in Section V.F), to the Office of Professional Responsibility. The Office of the Professional Responsibility will cause a report to be made to the proper authorities in the case of any allegation of abuse of a minor.
- All Church Personnel receiving information regarding suspected abuse of a minor by individuals other than Church Personnel will immediately report this to the Department of Health and Human Services and to law enforcement authorities. **See Appendix B for a list of contacts.**

## **IV. Guidelines for Ethical and Moral Behavior**

### **A. Diocesan Standards**

1. Church Personnel enjoy a public trust and confidence. It is essential that Church Personnel view their own actions and intentions objectively to ensure that no observer would have grounds to believe that irregularity in conduct exists. All Church Personnel have a responsibility to strive to uphold the standards of the Catholic Church in their day-to-day work and by displaying integrity in their personal lives. Therefore, Church Personnel should not be actively engaging in conduct that is immoral or unethical, including, but not limited to:
  - a. Rejecting formally the teachings of the Catholic Church or the Christian way of life.
  - b. Exhibiting actions that are disruptive to ministry and public worship, including engaging in any type of criminal conduct.
  - c. Procuring or participating in abortion or euthanasia.
  - d. Possessing or downloading of pornographic materials. Possession of child pornography is a criminal offense and will be reported to law enforcement authorities.
  - e. Engaging in adultery, flagrant promiscuity or illicit co-habitation.
  - f. Abusing alcohol, drugs, or gambling.
  - g. Misappropriating Church funds or assets.
  - h. Engaging in bullying, harassment, or any threatening behavior, including on social media or online platforms.
2. Church Personnel should not harm the reputation of others through:
  - a. Disclosing the faults or failings of others to persons who have no cause to know them.
  - b. Making false allegations against another.
  - c. Disclosing confidential information that could cause an individual to suffer embarrassment, humiliation, or public ridicule of any kind, except in cases of mandated reporting as stated in Section V.F.

### **B. Guidelines for Professional Behavior**

Unprofessional behavior is any conduct that does not conform to approved standards of social or professional behavior.

1. Church Personnel are not to engage in physical, psychological, written or verbal abuse of others, including on social media and online platforms, and will not tolerate such behavior by anyone.
2. Church Personnel are to provide a professional work environment that is free from physical, psychological, written, or verbal abuse.

3. Church Personnel are expected to refrain from acting in an unprofessional manner which includes, but is not limited to:
  - Physical or emotional abuse
  - Racial insults
  - Derogatory ethnic slurs
  - Sexual advances or touching
  - Sexual comments or sexual jokes
  - Requests for sexual favors
  - Display of offensive materials
  - Abuse of power
  - Bullying
  - Harassment

### **C. Guidelines for Counseling Relationships<sup>1</sup>**

Exploitation in the context of this counseling policy refers to Church Personnel taking unfair advantage of the counseling relationship for the benefit of the counselor.

Sexual exploitation is sexual contact between Church Personnel and the recipient of his or her counseling services, regardless of who initiates the contact.

1. Clergy, parish coordinators, pastoral associates, and members of religious institutes providing pastoral counseling or spiritual direction are generally not licensed as professional counselors and are expected to limit their counseling to spiritual, religious, moral, or pastoral matters.
2. Church Personnel are expected to remain within their competence in counseling situations and to refer matters to other professionals when appropriate.
3. Counselors are expected to avoid situations and conduct that are exploitive or are likely to give the appearance of exploitation.
4. Counselors are expected to avoid counseling situations and conduct that further their own personal, religious, political or business interests.
5. Church Personnel are expected to inform all parties of a potential or actual conflict of interest. Resolution of the issues must protect the person being counseled.
6. Counselors must never engage in sexual intimacies with the people they counsel. This includes nonconsensual and consensual contact, forced physical contact and sexually explicit conversations not related to counseling issues.
7. Counselors are not to engage in sexual intimacies with relatives, friends, or other individuals who are close to the client when there is a risk of exploitation or potential harm to the client. Church Personnel should presume that a potential exploitation or harm exists in such intimate relationships.
8. Counselors are fully responsible for setting and maintaining clear, appropriate boundaries in all counseling and counseling-related relationships.
9. Sessions are to be conducted in appropriate settings at appropriate times and are not to be held in places or at times that might cause confusion about the nature of the relationship for the person being counseled. For example, regular counseling sessions with minors should be scheduled when there is another adult readily available in the building. No sessions should be conducted in private living quarters.

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<sup>1</sup> "Counseling relationships" include pastoral counseling, spiritual direction, and other forms of counseling provided by competent professionals through Church affiliated organizations and services.

## **D. Confidentiality**

1. Information disclosed to Church Personnel during the course of counseling or other one-on-one inter-relationships shall be held in the strictest confidence possible. Disclosure will be made as permitted by canon and civil law and only as follows:
  - a. If there is clear and imminent danger to the client or to others, the counselor is to disclose the information necessary to protect the parties involved and to prevent harm.
  - b. Before disclosure is made, if feasible, the counselor will inform the person being counseled about the disclosure and the potential consequences.
  - c. If the counselor has reasonable cause to suspect the existence of child abuse, the counselor will "cause a report to be made" as specified in Sections IV.F and V.F.
2. If a counselor discovers, while counseling a minor, that there is a serious threat to the welfare of the minor and that communication of confidential information to a parent or legal guardian is essential to the child's health and well-being, the pastoral counselor or spiritual director will disclose only the information necessary to protect the health and well-being of the minor.
3. Counselors are expected to discuss the nature of confidentiality and its limitations with each person in counseling.
4. Any priest who hears the sacramental confession of someone who reveals information about past or present abuse of a minor shall strongly urge the penitent to report the abuse to the proper civil and Church authorities. However, in accordance with the norm of canon law (c.983), the sacramental seal of confession is inviolable; therefore, it is forbidden for a confessor to betray the confidence of a penitent. This is applicable whether the penitent is living or deceased.
5. Information about abuse of a minor is sometimes revealed during private spiritual direction or pastoral counseling.
  - a. If the victim is currently a minor, the information must be reported as described in Section V.F.
  - b. If during spiritual direction or pastoral counseling someone other than a victim reveals information about abuse of a minor, the spiritual director or pastoral counselor must report the abuse in accordance with this Code of Ethics.
  - c. If an adult victim of abuse reveals to a spiritual director or pastoral counselor that he/she was abused when a minor, he or she may request that information about the abuse be kept confidential. The spiritual director or pastoral counselor will urge the adult victim to make a report to the proper civil or Church authorities in keeping with Sections IV.F and V.F or to permit the spiritual director to make a report. However, in accordance with Maine law, and to avoid further victimization, the spiritual director or pastoral counselor will respect any request by the adult victim that the information be kept confidential.
  - d. If during spiritual direction or pastoral counseling someone other than the victim reveals information about the abuse of a minor who is now an adult, the information will not be deemed confidential and a report will be made to the Office of Professional Responsibility.



6. In teaching, delivering homilies and other public presentations, Church Personnel must never refer to specific situations, even anonymously, regarding information learned in counseling.

#### **E. Conflicts of Interest**

A conflict of interest exists when Church Personnel take advantage of relationships in order to further their own personal, religious, political or business interests.

1. Church Personnel are expected to avoid all situations that are likely to result in a conflict of interest. Even the appearance of a conflict of interest can call integrity and professional conduct into question.
2. If a conflict of interest exists or arises, Church Personnel will inform all parties.
3. Church Personnel are expected to establish and maintain clear, appropriate boundaries with anyone with whom they have a business, professional, or social relationship (e.g. parishioners, vendors, prospective employees, etc.).

#### **F. Protocol for Handling Reports of Misconduct: In Cases of Immoral or Unethical Misconduct by Church Personnel**

Though we all strive to uphold the standards of the Catholic Church in our day-to-day work and personal lives, we do not always succeed. Forgiveness and "Judge not..." are bedrock principles on which our faith is based. However, serious immoral and unethical conduct can weaken that bedrock and cause harm to the Church, the people of God. If serious immoral or unethical misconduct by Church Personnel is observed:

1. A report will be made to a pastor, administrator, parish coordinator, school principal, or the superintendent of schools.
2. If the reporter is not satisfied with the response of the pastor, administrator, parish coordinator, school principal, or the superintendent of schools, they can appeal to the Moderator of the Curia.
3. If the case of misconduct involves a pastor, administrator, parish coordinator or school principal, the report should be made to the Moderator of the Curia. If the case of misconduct involves a school principal, the report should also be made to the superintendent of schools.

## V. Guidelines for Working with Minors

Abuse of minors is contrary to the teachings of the Church and is a crime. Accordingly, the Diocese of Portland has adopted the following child abuse education and prevention policies. These guidelines address conduct expected of Church Personnel, whether paid or volunteer, while dealing with minors. They are intended to prevent situations where abuse can occur. As such, these guidelines do not apply to persons in dealings with their own family members, although individuals are encouraged to apply them to their personal lives where appropriate. Seeking to further Christ's mission to the young, the Diocese has adopted the following guidelines:

### A. General Guidelines for Church-Related Activities

1. In all situations, Church Personnel are fully responsible for setting and maintaining clear and appropriate boundaries as described throughout this Code of Ethics.
2. When releasing minors from one's supervision to another person's custody, they are to be released only to parents, legal guardians or others for whom approval from a parent or legal guardian has been obtained in writing. If unsure, consult supervisors before releasing the minor.
3. Overnights sponsored by a parish, its school, or diocesan departments are allowed for any child who has graduated from the eighth grade. (**Note:** appropriate age parameters may be set relative to a particular program or event as long as they do not conflict with the aforementioned policy).
4. Uncontrollable or unusual behavior of minors is to be reported to parents or legal guardians and to supervisors.
5. Possession or use of illegal drugs is prohibited.
6. Use of or impairment by alcohol or drugs when working with minors is prohibited.
7. When transporting minors by motor vehicle:
  - a. Written permission from a parent or guardian is required.
  - b. Drivers must be at least 21 years of age.
  - c. If the minor is alone, bring another adult whenever possible, or as a last resort, contact the parent/guardian and inform them that you are transporting the minor home, giving them the time and your current location.
8. Church Personnel are prohibited from speaking in ways that are shaming, derogatory, demeaning or humiliating. In addition, Church Personnel will not use vulgarity.
9. Conversations with minors must not include content of a sexual nature, except for discussions and lessons that are part of an approved curriculum or counseling during the sacrament of reconciliation. These lessons or counseling sessions must conform to the teachings of the Church on the topic.
10. Discussing one's own sexual orientation, preferences or activities with minors is prohibited. However, discussing celibacy in the context of the priestly or religious life is appropriate.
11. Being nude or dressed immodestly is prohibited.
12. Morally inappropriate materials (i.e., magazines, cards, videos, films, website materials, computer files, clothing, etc.) are prohibited from being on Church property or being shown or distributed to minors.

13. Possession of pornographic material is prohibited. Possession of child pornography is a criminal activity that will be reported to law enforcement authorities.
14. Sharing the same beds or sleeping bags with minors is always prohibited. Sleeping in the same rooms or tents with minors is prohibited, unless they are members of one's immediate family. If emergency situations or other circumstances require that adults sleep in the same room or tent, there should be two or more adults.
15. No minor, unaccompanied by an immediate family member, should stay overnight in any Diocesan-owned or administered house used as the residence of priests, deacons or religious, except for members of the family of the priest, deacon or religious. In the case of priests or deacons with children, guests of the children are permitted to stay overnight as long as said guests have the permission of their parents and both the cleric and his spouse are always present. This applies regardless of whether or not any Church-sponsored activity is involved.

## **B. Physical Contact with Minors**

The Diocese of Portland has implemented a physical contact policy intended to promote a positive, nurturing environment for our children and youth while preventing harm. The following rules address conduct expected of Church Personnel, whether paid or volunteer, when dealing with minors as part of church-related activities, rather than in family settings:

1. Corporal punishment such as spanking, slapping, pinching, hitting, etc. is prohibited.
2. Church Personnel may use reasonable physical contact when necessary to restrain, to defuse an altercation, to separate combatants, or in self-defense, in keeping with best practices.
3. Appropriate affection between Church Personnel and minors is often important for a child's development and is a positive part of Church life and ministry. The following forms of affection are regarded as appropriate examples for most Church-sponsored and affiliated programs:
  - Normal hugs
  - Side, or shoulder-to-shoulder hugs
  - Pats on the shoulder or back
  - Handshakes
  - "High-Fives," fist bumps, and hand slapping
  - Verbal praise
  - Non-lingering touching of hands, faces, shoulders and arms of minors
  - Holding hands while walking with small children or during prayer
  - Pats on the head when culturally appropriate (i.e., this gesture should typically be avoided in some Asian or Muslim communities)
4. The following are examples of contact that are **not** to be used in Church-sponsored and affiliated programs:
  - Inappropriate or lengthy hugs or embraces
  - Kisses on the mouth
  - Holding minors, above the approximate age of five, on one's lap (**Note:** the holding of a minor in one's lap should only be done in the context of consoling an obviously distressed child.)
  - Touching buttocks, genital areas or girl's chests
  - Showing physical displays of affection in isolated areas of the premises such as bedrooms, closets, staff-only areas or other private rooms

- Sleeping in/sharing the same bed
- Touching knees or legs as a show of affection
- Wrestling, except for legitimate sports coaching, in which case another adult should be present
- Tickling
- Piggyback rides
- Any type of massage given by minor to adult or by adult to minor
- Any display of unwanted affection
- Compliments that relate to sexual attractiveness or sexual development

### C. Vetting of Church Personnel Working with Minors

Unless otherwise indicated, vetting will be completed by a representative of the Office of Safe Environment of the Diocese of Portland for the following:

1. All clergy, religious or laity employed by the Diocese or its parishes, schools, cemeteries, etc., on a full-time, part-time, temporary or seasonal basis.
2. All volunteers who are serving in a position as described in II.1. or who are volunteering in a position that is a "paid" position anywhere in the Diocese (e.g., sextons, sacristans, custodians and administrators).
3. All seminarians and those enrolled in the Permanent Diaconate Formation Program.
4. All those who contract their services to the Diocese and have regular contact with minors such as counselors, music ministers, etc.
5. All volunteers, that is, any person who works regularly (more than once) with minors. This includes any person who performs or offers to perform a Church-related service of his/her own free will, on a regular (more than once) and continual basis, such as catechists, coaches, youth ministers, Extraordinary Ministers of Holy Communion (to the homebound only), etc.
6. Overnight Events: all volunteers who participate in any event involving minors which is sponsored by the diocese, its parishes, or its schools.
7. Vetting for all individuals listed in "Section V.C., 1-6" will include:
  - A standard application for new employees/volunteers.\*
  - The 1-page Department of Health & Human Services (DHHS) release form.\*
  - The 1-page Roman Catholic Diocese of Portland Background Check Authorization.
  - Reading and signing the Code of Ethics Acknowledgement (See Appendix C).
  - A face-to-face interview.
  - A check of recent references to be conducted by the parish/school.
  - A criminal background check. **Note:** The applicant may be accepted provisionally while awaiting the results of the background and reference check. Until these checks are completed, the applicant is not allowed to work alone with children.
  - Attendance, within three months of hire or volunteering, at a Virtus/Protecting God's Children training class.
  - A fingerprint check for all school employees. **Note:** The applicant may be accepted provisionally while awaiting the results of the fingerprint check.

\*Forms available at [www.portlanddiocese.org/protecting-gods-children](http://www.portlanddiocese.org/protecting-gods-children).

8. Volunteers for programs working with minors in parishes must normally have been a member of the parish for at least six months. After careful consultation, exceptions may be made for parents of minors in the specific programs in which their child or children are

participating or upon receipt of a waiver from the Director of Human Resources.

9. Criminal records checks will be conducted every fifth year, with the exception of motor vehicle checks which are conducted every three years, for Church Personnel employed or volunteering in positions involving minors. If a suspected incident of criminal behavior is reported to any Church Personnel involving any other Church Personnel, a criminal records check or DHHS check will be performed immediately and a report made to the Office of Professional Responsibility.
10. If a Pastor/Principal receives information regarding possible criminal behavior or history involving any of their employees or volunteers, regardless of their position, they will inform the Office of Professional Responsibility immediately.
11. Any individual known to have sexually abused a minor, or convicted of any sex crime, will not be accepted for employment, ministry, or volunteer assignments in the Diocese.
12. All applicants for the priesthood or permanent diaconate are required to participate in psychological screening and background checks to assess their fitness to exercise ministry and to work with minors.
13. By agreement of the USCCB (United States Conference of Catholic Bishops) and the Conference of Major Superiors of Men: When a cleric or religious is proposed for a new assignment, transfer, public ministry or residency in diocesan-owned or otherwise administered properties, the sending bishop or major superior will forward, and the Bishop of the Diocese of Portland will review beforehand, an accurate and complete description of the cleric's or religious' record, including whether there is anything in his background or service that would raise questions about his fitness for ministry.
14. Superiors of religious congregations (absent an agreement between the USCCB and the Leadership Council of Women Religious or the Council of Major Superiors of Women Religious), who propose a name of an individual for ministry in diocesan institutions or residency in diocesan-owned or otherwise administered properties, are required to state in writing to the Bishop of the Diocese of Portland that there is nothing in the person's history or behavior that would make her unsuitable to work with minors. The individual proposed for ministry is also required to complete all diocesan safe environment requirements (see Section V.C.7).
15. Pastors, parish coordinators, parochial vicars, administrators, or directors of diocesan institutions are not permitted to hire an extern cleric for full-time, part-time, or regular weekend ministry with the public without a letter from the cleric's bishop/superior to the Bishop of the Diocese of Portland.
16. Whenever any incardinated cleric in the Diocese of Portland is proposed for an assignment or transfer to another diocese, the Bishop will forward an accurate and complete description of the cleric's record to the ordinary/hierarchy in the new location, which is responsible for reviewing this information. The description will include any information about the transferring cleric's suitability to work with minors. This applies to all circumstances, including clergy offenders who take up residence in a community/institute to lead a life of prayer and penance.
17. Whenever an incardinated cleric who has committed an offense against minors in the Diocese of Portland moves out of the state/Diocese, or takes up residence in a community/institute to lead a life of prayer and penance, the record of the cleric will be forwarded to the ordinary/hierarchy in the new location.

#### **D. Training of Church Personnel Working with Minors**

Current and prospective Church Personnel will be required to participate in the “Protecting God’s Children” training program designed by The National Catholic Risk Retention Group, which addresses their role in protecting minors in the Diocese of Portland. This will be accomplished by:

- a. Attending a Virtus/Protecting God’s Children training session in the parish or Diocese within three months of becoming either an employee or volunteer. Training sessions will be conducted on an as-needed basis.
- b. Participating in ongoing, monthly Virtus internet-based training updates.

#### **E. Supervision of Programs that Involve Minors**

The primary standard being implemented herein is the presence of multiple adults (at least two) at all church related programs and activities for minors. This standard does not apply to the sacrament of reconciliation or to situations where an individual is seeking unscheduled and immediate pastoral care. The goal of this standard is to protect both minors and the adults who work with them from opportunities for abuse or false accusations, respectively. In this light:

1. Programs or activities for minors, whether on or off church property, must always have at least two adults present.
  - a. Where multiple religious education classes, school classes, or other group meetings are being conducted at the same time and in the same building, the second adult need not be present in the classroom. In this case, the second adult can be the other teacher/adult leader in the other classrooms.
  - b. If there is a single class or activity being conducted, a second adult must be present or reasonably accessible within the same building.
  - c. If a teacher is working one-on-one with a student, the classroom door must be left open; a second adult must be present or reasonably accessible within the same building.
  - d. If a scheduled class or activity is the only session being conducted at a particular time, and a second adult is not present or reasonably accessible within the same building or one cannot readily be obtained to fulfill that role, the session must be cancelled and the parents/guardians notified to pick up their children.
2. Parents are encouraged to be a part of any and all services and programs in which their children are involved in the Diocese of Portland. Parents have an open invitation to observe programs and activities in which their children are involved. However, parents who desire to participate in or have continuous, ongoing contact with their child’s programs in the Church will be required to complete the volunteer application process and participate in the Virtus/Protecting God’s Children training.
3. Church Personnel under the age of 21 must:
  - a. Work under the direction of a supervisor who is at least 21 years of age, and
  - b. Have completed the Virtus/Protecting God’s Children training.
4. Pastors and principals, or their equivalent, must be aware of all programs for minors that are sponsored by a parish, school, or institution.

5. Pastors and principals, or their equivalent, must approve new programs for minors before they begin.
6. The above rules apply for all overnight camping, overnight retreats, overnight trips, or other scheduled and approved events of this nature. In these cases, male and female minors will be segregated and adult chaperones will be segregated. Under no circumstances will a single minor stay by themselves in a room or tent. Curfews must be imposed and bed checks must be performed by male and female chaperones, females checking females and males checking males (**Note:** for age requirements, see Section V.A.3.).
7. If adults must stay in the same facility, room, or tent with a minor, multiple adults must be present in the facility.
8. For transportation requirements, see Section V.A.7.

#### **F. Protocol for Handling Reports of Misconduct: In Cases of Abuse/Neglect of Minors**

As part of its commitment to living the Word of God, the Diocese of Portland renews its commitment to integrity in ministry, to living Christian values in our daily work, to protecting children from abuse, and to providing pastoral care for the victims of abuse and their families, to those who have abused, and to the communities of faith affected by revelations of abuse.

The state of Maine considers the following individuals, among others, to be Mandated Reporters in cases of suspected abuse or neglect of a minor (Maine Criminal Statutes, Title 22, Chapter 1071, Section 11-A):

- A clergy member acquiring the information as a result of clerical professional work except for information received during sacramental confession.
- Any person affiliated with a church or religious institution that serves in an administrative capacity or has otherwise assumed a position of trust or responsibility to the members of that church or religious institution, while acting in that capacity, regardless of whether the person receives compensation.
- A teacher, a school official, a school bus driver or a school bus attendant.

The Diocese of Portland will report, or cause a report to be made, of every suspected case of abuse or neglect of a minor, by Church Personnel, to the public authorities to the full extent of the law.

- The Office of Professional Responsibility forwards all such reports of abuse of minors to Diocesan legal counsel for the making of an official report to public authorities. There are no exceptions.
  - Diocesan legal counsel will promptly report all allegations of abuse of minors to appropriate public authorities as required by law. There are no exceptions.
1. All Church Personnel receiving information regarding suspected abuse of a minor by other Church Personnel will report it immediately to the Office of Professional Responsibility. There is only one exception to this reporting requirement: communications received by clergy during sacramental confession. Information received by clergy while acting as a spiritual director or pastoral counselor to a minor must be reported to the Office of Professional Responsibility as directed above.
  2. All Church Personnel receiving information regarding suspected abuse of a minor by individuals other than Church Personnel will report it immediately to the Department of Health & Human Services and to local law enforcement. **See Appendix B for a list of contacts.**

3. In the case of suspected abuse of a minor by Church Personnel, individuals who are mandated reporters can fulfill their legal reporting requirements by reporting to the Office of Professional Responsibility, which will then “cause a report to be made” to public authorities in conjunction with legal counsel. Those with mandated reporting obligations may also choose to make a report directly to public authorities, as well as informing the Office of Professional Responsibility.
4. Maine law provides immunity from civil or criminal liability for the act of reporting or participating in an investigation or proceeding concerning child abuse when the actions are taken in good faith and without actual knowledge that the allegations are false.
5. If the accused is a member of a religious community, the person’s superior shall be notified by the Moderator of the Curia, the Delegate/Vicar for Religious or the Chancellor.
6. If a mandated reporter fails to report or causes a report not to be made, they are in violation of Maine Criminal Statute Title 22, Section 4009. A person who knowingly violates a provision of this chapter commits a civil violation.
7. In the case of suspected abuse of a minor by church Personnel, the Office of Professional Responsibility will inform the victim that a report of any abuse will be made to public authorities and, in every case, advise and support a victim’s right to make a report themselves.
8. All allegations of sexual abuse of a minor by a member of the clergy, a lay employee or a volunteer will be investigated by the Office of Professional Responsibility and referred to the Diocesan Review Board.

All allegations of sexual abuse of a minor by a lay employee will also be referred to the Director of Human Resources.



## **VI. Diocesan Response to Reports of Sexual Abuse of Minors**

**Note:** In cases of sexual abuse by clergy, the “Code of Canon Law” and the current *Essential Norms for Diocesan/Eparchial Policies Dealing with Allegations of Sexual Abuse of Minors by Priests or Deacons* are the foundation for the material presented in this section.

### **A. Care of the One Who Brings Allegations of Misconduct by Church Personnel**

Care of those who suffer is at the very core of Christianity. The Diocese is committed to the following steps to further that care:

1. If the allegation is found to be substantiated, the Diocese will apologize to the victim on behalf of the Church, regardless of whether or not the Diocese could be held responsible.
2. The Diocese will offer to assist with uninsured counseling costs of the individual. This counseling will be with a licensed therapist of the individual's choice, for a recognized form of therapy for the abuse reported. This offer will be immediate, regardless of:
  - a. whether the individual is in the process of asserting a lawsuit or a claim for damages against the Diocese;
  - b. whether the individual can or could prove a case; and
  - c. any defenses the Diocese might have to any legal claim against said lawsuit.
3. The Diocese will inform the individual that a report of any abuse of minors will be made to public authorities and, in every case, advise and support the individual's right to do the same.
4. As part of the response by the Diocese to reports it has received, the following actions will be taken in the described situations:
  - a. If the report is made to the Diocese by a third party, that person is to encourage the person they believe was abused to come forward.
  - b. If the reported victim is not identified, the Diocese will attempt to identify and reach out to the individual.
  - c. The Diocese will inquire of the reported victim as to the identity of any other possible victims.
5. The Victims Assistance Coordinator appointed by the Bishop will offer to provide prompt and continuing pastoral support to all reported victims and their families.
6. The Office of the Bishop will advise the victim of action taken.
7. The reported victim will be offered the opportunity to meet with the Bishop or his designated representative.
8. The Diocese will not enter into confidentiality agreements except for grave and substantial reasons brought forward by the victim/survivor and will be noted in the text of the agreement.
9. Settlement agreements with the plaintiffs will not be negotiated nor agreed to until the complaint has been investigated by the proper authorities. This policy is to ensure that any settlement made is warranted, fair, and just.

## **B. Promoting Public Safety**

The Diocese will take steps to protect the public in addition to reporting suspected abuse of a minor to public authorities. The steps to be taken will depend upon the nature of the allegation and the available evidence. The decision as to which steps to be taken will require a balancing of the need to protect the public and the due process rights of the person accused. In dealing with allegations against clerics or religious, the appropriate provisions of canon law will be followed.

1. The allegations will be investigated under the direction of the Office of Professional Responsibility and actions taken will be reviewed by the Diocesan Review Board.
2. If, after or during, the preliminary investigation:
  - a. the allegation is supported by a semblance of truth to justify immediate restriction from all ministries, and the person accused is subject to the Bishop's authority, the person accused will be restricted during the investigation, in accord with canon law. Restrictions will be in writing.
  - b. the allegation is **not** supported by a semblance of truth for immediate removal, the investigation will move forward and the Bishop, in consultation with the Diocesan Review Board, may elect to apply such steps or restrictions as he deems appropriate, in keeping with canon law. Restrictions will be in writing.
3. In addition, a notification will be made to the Parish/School and a press release will be issued depending on the nature of the situation.
4. Restrictions from ministry may include, but are not limited to:
  - a. No contact with the reported victim;
  - b. A psychological evaluation of the person accused will be strongly advised;
  - c. No residence at or near the location of the alleged abuse;
  - d. Ongoing spiritual and psychological counseling will be strongly advised;
  - e. No unsupervised contact with minors. In the case of laity, excluding religious, this restriction applies to places of work or volunteer activities within the diocese; and
  - f. In the case of clergy and religious, a monitor may be appointed to ensure compliance with any restrictions.
5. Permanent removal of persons found to have abused minors.
  - a. Any person found to have sexually abused a minor shall be permanently barred from employment by the Diocese or from any volunteer position.
  - b. In the case of clergy, the proper canonical process will be followed and the matter referred to the Congregation for the Doctrine of Faith.
  - c. In the case of clergy, to the extent permitted by canon law, the person will be permanently prohibited from public ministry, from wearing clerical garb, or from presenting himself publicly as a cleric. He also may be dismissed from the clerical state or assigned to a life of prayer and penance.

6. Lifting of restrictions and return to ministry or employment.

A person suspended or temporarily removed from ministry or subject to restrictions pursuant to this protocol may be returned to ministry or have the restrictions removed only after the following conditions have been satisfied:

- a. The Office of Professional Responsibility has completed its investigation.
- b. Law enforcement officials have been consulted by the investigator to determine their findings, if applicable.
- c. The Diocesan Review Board has been consulted.
- d. The Bishop has determined that the charges have not been substantiated.
- e. The persons involved in the action have been notified.

**C. Due Process Rights of the Accused**

While protection of children is always of paramount importance, the Diocese recognizes that not all accusations are accurate and that it is also important to protect the rights of any who may be accused. A person accused may have certain rights under canon law and civil law, and may have a right to challenge or overturn action taken by the Diocese in keeping with this protocol. To protect those rights, the Diocese will take the following steps:

1. The person accused will be advised that anything he/she says may be used against him/her and that there is no expectation of confidentiality.
2. The person accused will be informed that he/she has a right to consult a lawyer; in the case of clergy, he has the right to a lawyer supplied by the Diocese.
3. Others, not normally entitled to a canon lawyer, may choose to be represented by one at their own expense.
4. In all actions, the Diocese shall attempt to balance the need to avoid unfairly damaging the reputation of the accused with the need for protecting the public.
5. Under canon law, no person may be permanently removed from ecclesiastical office or subject to other canonical penalties without certain due process rights. These rights include:
  - a. being informed of the charges;
  - b. having a canon lawyer;
  - c. having the charges proven to a moral certainty; permanent action cannot be taken on the grounds of suspicion alone;
  - d. having a canonical trial; and
  - e. having an appeal.
6. No action taken voluntarily by the person accused has the effect of a canonical penalty.

#### **D. Care of the Accused**

Our faith requires that persons accused be treated with justice, care and compassion. Jesus teaches us to condemn the sin while loving the sinner. Therefore:

1. The person accused will be promptly informed and given an opportunity to respond to the allegations. Verbal notification will be followed up in writing.
2. The Diocese will treat anyone accused with honesty and dignity. If accused:
  - a. Diocesan clergy will be offered ongoing spiritual and psychological counseling.
  - b. Employees will be offered counseling as provided in their medical insurance programs.
  - c. Employees not covered by insurance will be offered counseling.
  - d. Counseling for volunteers will be reviewed on a case-by-case basis.
3. Any person accused will be offered pastoral care.
4. After an allegation is made, no Bishop or priest involved in the investigation may hear the sacramental confession of the accused.
5. The Bishop's office will advise the accused of actions to be taken in writing.
6. If the accusations are deemed unsubstantiated or unfounded, every reasonable effort will be made to restore the reputation of the person wrongly accused.
7. Consistent with canon law, a diocesan priest permanently removed from ministry will be provided reasonable assistance in developing a new career.

#### **E. Care of the Affected Parish Community**

The healing of the affected parish community is of paramount importance. If it is necessary to advise a parish of the removal of one of the members of the parish community, the following steps will be taken, if applicable:

1. The Pastoral Council will be informed and invited to participate in designing a process to assist the parish.
2. The Bishop or his designated representative will visit the parish and make an appropriate announcement to the parish.
3. Whenever practicable, a crisis intervention team will be mobilized to assist the parish.
4. The Bishop or his designated representative will offer to meet with groups of concerned parishioners after the announcement.
5. A new pastor, parish coordinator, or administrator will be assigned as soon as possible.
6. The new pastor, parish coordinator, or administrator, as well as the Pastoral Council and parishioners, will be provided with the information, guidance, support mechanisms and professional support needed to help the affected parish community heal.

## **F. Diocesan Review Board**

The Diocesan Review Board (DRB) reports directly to the Bishop and functions as a confidential, consultative body to him in discharging his responsibilities. The DRB:

- a. Advises the Bishop in his assessment of allegations of sexual abuse of minors and in his determination of suitability for ministry, continued employment or volunteer service.
  - b. Consists of up to seven members, at least five of whom are Catholic and in full communion with the Church. All members will be people of outstanding integrity and good judgment, appointed for five-year terms (renewable once). Membership on the DRB will include:
    - One experienced and respected priest serving in the Diocese.
    - One member who has particular expertise in the treatment of the sexual abuse of minors.
    - Lay members of integrity and good judgment who are not in the employ of the Diocese.
  - c. Establishes its own rules and procedures for operation, including the requirement of at least one meeting a year.
  - d. Has access to all pertinent information in the possession of the Diocese provided that all necessary releases have been secured.
  - e. Reviews allegations, retrospectively and prospectively, and advises the Bishop as to the credibility of complaints of abuse of a minor.
  - f. Reviews investigation reports and makes recommendations to the Bishop regarding the fitness for or return to ministry of any cleric, lay employee, or volunteer previously accused of misconduct.
1. The Bishop will appoint an administrative staff member to act as liaison to the DRB.
  2. All information collected during the investigation and deliberations of the DRB will be considered confidential and may only be disclosed in accordance with civil and/or canon law.

## **G. Conclusion**

1. These policies will be reviewed every five (5) years by the DRB.
2. Recommendations for revisions may be presented to the Bishop by the DRB at any time.
3. A copy of these policies shall be filed with the United States Conference of Catholic Bishops. The Diocese will file all amendments to these policies with the United State Conference of Catholic Bishops within 30 days of their acceptance by the Bishop.

## **Appendix A**

### **Contact List for Making Reports of Suspected Sexual Abuse of Minors**

Bishop Deeley encourages anyone who may have information about any case of sexual abuse of a minor by a church representative to contact the appropriate civil authorities listed below as well as the Office of Professional Responsibility for the Diocese of Portland.

#### **A. Abuse by Church Personnel**

Office of Professional Responsibility - 207-321-7836

#### **B. Abuse by Non-Church Personnel**

1. Department of Health & Human Services – 207-287-3707  
1-800-452-1999 (24-Hour Hotline)
2. District Attorney:
  - a. Androscoggin County – 207-753-2500 (Option 4)
  - b. Aroostook County – 207-756-0504
  - c. Cumberland County – 207-871-8384
  - d. Franklin County – 207-778-5890
  - e. Hancock County – 207-667-4621
  - f. Kennebec County – 207-623-1156
  - g. Knox County – 207-594-0424
  - h. Lincoln County – 207-882-7312
  - i. Oxford County – 207-743-8282
  - j. Penobscot County – 207-942-8552
  - k. Piscataquis County – 207-564-2181
  - l. Sagadahoc County – 207-443-8204
  - m. Somerset County – 207-474-2423
  - n. Waldo County – 207-338-2512
  - o. Washington County – 207-255-4425
  - p. York County – 207-324-8001

These contact numbers are accurate as of September 14, 2016, but are subject to change. Please assist the Diocese of Portland in its efforts to maintain the most updated contact information by notifying the director of the Office of Professional Responsibility of any changes at (207) 773-6471.

## Appendix B Acknowledgement Form

I, the undersigned, have read the Code of Ethics adopted by the Roman Catholic Diocese of Portland, effective 9/14/2016. I have had the opportunity to ask any questions and receive clarifications on the material contained therein. By checking the corresponding box, I voluntarily agree to abide by these policies and conduct myself in complete accordance with them.

- I will strive to exhibit the highest Christian ethical standards and personal integrity in my day-to-day work and personal life, supporting the teachings, disciplines and traditions of the Catholic Church.
- I will strive to conduct myself in a professional and respectful manner in both church and work environments, avoiding any flagrant or public misconduct.
- I will provide a professional work environment that is free from physical, psychological, sexual, written, or verbal abuse or harassment.
- I will respect the integrity of all individuals and protect the confidentiality and privacy of all information to which I have access.
- I will not take unfair advantage of a pastoral relationship for my own benefit.
- I will not physically, sexually, or emotionally abuse or harass anyone.
- I will not neglect a minor who is in my care.
- I will share concerns about inappropriate behavior by other Church Personnel with my pastor/parish coordinator, administrator, principal, or in cases where the behavior directly involves these people, with the Moderator of the Curia.
- I am mandated by law to report any suspected abuse or neglect of a minor or vulnerable adult as described in this Code of Ethics.

Please Print Name: \_\_\_\_\_

Date Signed \_\_\_\_\_ Position \_\_\_\_\_

Signature \_\_\_\_\_

Place of Employment/Volunteering \_\_\_\_\_

City \_\_\_\_\_

Please return signed form to: Safe Environment Coordinator, Roman Catholic Diocese of Portland, 510 Ocean Avenue, Portland, ME 04103-4936. This form and more information can be found at: [www.portlanddiocese.org/protecting-gods-children](http://www.portlanddiocese.org/protecting-gods-children).

