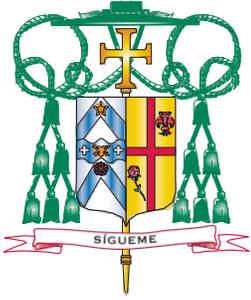




Policies on Ethics and Integrity in Ministry

Diocese of Austin

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Diocese of Austin

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Office of the Bishop

September 18, 2018

Dear Sisters and Brothers in Christ:

In the summer of 2001, the Diocese of Austin inaugurated the **Ethics and Integrity in Ministry** (EIM) program – one of the first programs for the protection of children and youth in the United States.

As your bishop, I remain committed to our shared effort to protect God's children. I firmly expect all clergy, religious, and laity who join in my ministry to act morally, ethically, and with integrity. The harm caused by abuse, and the moral failure of our church leaders to properly address the scandal of abuse, cannot be permitted to happen again. To that end, I require diligent compliance with our EIM policies and procedures, which are continually reviewed and updated.

EIM compliance consists of five components: (i) the submission of an EIM application for ministry prior to beginning any service in ministry, (ii) authorization for the diocese to run an initial background check and rerun background checks at least every three years (and more often as needed); (iii) participation in an EIM workshop within the first 60 days of ministry and at least once every three years; (iv) adherence to the Diocese of Austin Policies on Ethics and Integrity in Ministry; and (v) classification in the diocesan EIM database as authorized to engage in ministry.

The EIM workshop gives insight into the victim's experience of sexual abuse, teaches the skills for prevention and response, and reviews our EIM policies and procedures (which illustrate the ethical behavior expected of those engaged in ministry). The diocesan EIM Office also provides age-appropriate education to our youth, teaching them about boundaries, respect for self and others, safety in relationships, and the sacredness of being a child of God.

The diocese takes firm action with those who fail to maintain ethical behavior in ministry, and fosters healing by providing pastoral support to victims of such conduct. It is my sincere hope that the EIM policies clearly communicate the reporting procedures and diocesan response for each of the four general categories of unethical conduct: (1) abuse, exploitation, or neglect of a child; (2) previous abuse, exploitation, or neglect of a child who is now an adult; (3) abuse, exploitation, or neglect of an elderly person or a person with a disability; and (4) all other breaches of ethical behavior expected of those in ministry.

You join more than 60,000 people in our diocese who have made a commitment to establishing a safe and ethical environment for our children and others. I am grateful for your response in living your baptismal call by joining my ministry and serving those who are entrusted to us.

Wishing you God's blessings and with gratitude for your service, I remain

Gratefully in Christ,

A handwritten signature in black ink, appearing to read 'Don L. Viny', written in a cursive style.

Section 1. Ethical Behavior in Ministry

A. Definitions.

1. “Ethical behavior” is behavior that is consistent with the morals and teachings of the Catholic Church.
2. “Ethics and Integrity in Ministry” (“EIM”) is the Diocese of Austin program through which the bishop requires those joining in ministry to (1) cultivate a safe and ethical environment for our children, elderly adults, and adults with disabilities, and (2) strive always to act morally, ethically, and with integrity.
3. “Scandal” is an attitude or behavior which leads another to do or think evil. Scandal damages virtue and integrity. It is a grave offense if, by deed or omission, another is deliberately led into a grave offense (*Catechism of the Catholic Church*, No. 2284).

B. Ethical Behavior Expected of Those in Ministry.

It is essential that all persons who serve in ministry view their own actions and intentions objectively to assure that no observer has grounds to believe that unethical behavior exists. Those in ministry must strive to uphold ethical behavior in their day-to-day work and personal lives, both “in person” and through “virtual” interactions (online, in electronic communications, and through social media). All individuals required to be EIM compliant must sign an acknowledgment that they will conform their conduct within the behavioral expectations outlined in this policy.

1. **Ethical Behavior.** All individuals required to be EIM compliant must:
 - a. strive to exhibit ethical behavior and integrity, free from any scandal;
 - b. conduct themselves in a moral manner that is consistent with the discipline, norms, and teachings of the Catholic Church;
 - c. personally accept responsibility in the protection of minors, elderly adults, and adults with disabilities from abuse;
 - d. adhere to applicable laws regarding the reporting of abuse of a minor, elderly adult, or an adult with disability;
 - e. report concerns about unethical behavior to the diocese and their pastor, principal, or supervisor; and
 - f. follow the diocesan policies on Ethics and Integrity in Ministry (EIM) and remain EIM compliant.
2. **Unethical Behavior.** All individuals required to be EIM compliant must avoid engaging in or giving the appearance of engaging in unethical behavior, including but not limited to:
 - a. abuse, exploitation, or neglect;
 - b. sexual misconduct in ministry;
 - c. acquisition, possession, or distribution of child or any other pornographic material;
 - d. uninvited sexual advances or activity;
 - e. assault or intentional physical harm to another;
 - f. intimidation;
 - g. abuse or illegal use of alcohol, drugs, or gambling;
 - h. theft;
 - i. grave insults such as racial, ethnic, religious, or gender/sexual-based insults, jokes, slurs, or displays of offensive materials;
 - j. grave breaches of confidentiality;

- k. actions which are disruptive to ministry or worship;
- l. adultery, promiscuity, or co-habitation;
- m. procurement or participation in the procurement of abortion, or committing homicide or euthanasia; or
- n. harming the reputation of others by:
 - (i) disclosing without legitimate cause the faults or failings of others to persons who have no cause to know them; or
 - (ii) knowingly making false allegations against another.

Section 2. Reporting Concerns of Abuse or Other Unethical Behavior

A. Definitions.

1. “**Abuse**” includes but is not limited to acts or omissions by a member of Church personnel, a volunteer in ministry, or an independent contractor involved in ministry which
 - a. with regard to a minor, meet the definition of abuse, exploitation, or neglect as defined by Texas Family Code 261.001;ⁱ or
 - b. with regard to an elderly adult or an adult with a disability, meet the definition of abuse, exploitation, or neglect as defined by Texas Human Resources Code 48.002.ⁱⁱ
2. “**Adult with a disability**” means a person 18 to 64 years of age with a mental, physical, or intellectual or developmental disability that substantially impairs the person’s ability to provide adequately for the person’s care or protection.
3. “**Church personnel**” means:
 - a. clergy, which includes priests and deacons;ⁱⁱⁱ
 - b. seminarians or deacon aspirants or candidates;^{iv}
 - c. religious brothers and sisters;^v and
 - d. employees of parishes, Catholic schools, or other diocesan agencies;
4. “**Elderly adult**” means a person 65 or more years of age.
5. “**Ethical Behavior in Ministry**” means the behavioral expectations described in the diocesan EIM policies under the section titled “Ethical Behavior in Ministry.”
6. “**Minor**” means any person under the age of 18.

B. Classification of Reports. When the diocese receives a Notice of Concern alleging unethical behavior, the diocese classifies the information into one of the following categories: (1) information alleging abuse of a minor; (2) information alleging abuse of a minor who is now an adult; (3) information alleging abuse of an elderly adult or an adult with a disability; or (4) information alleging any other unethical behavior. The reporting procedure for each type of information follows.

1. Reporting possible abuse of a person who is currently a minor.

a. Legal requirement to report by individual who has cause to believe.

Texas law requires any individual who has cause to believe a person who is currently a minor is being abused to report the information regarding possible abuse to:

- (1) any local or state law enforcement agency; or
- (2) the Texas Department of Family & Protective Services (DFPS) by calling the 24-hour abuse hotline at 1-800-252-5400 or filing a report as instructed on the website at www.txabusehotline.org.^{vi}

b. Additional reporting requirements for individuals who are required to be EIM compliant and have cause to believe.

When an individual who is required to be EIM compliant has cause to believe a person who is currently a minor is being abused, the individual must report the information regarding possible abuse to the authorities as required under a. above, and must additionally:

- (1) file a Notice of Concern with the Diocese of Austin; and
- (2) report the information to the pastor, principal, or supervisor.

c. Reporting requirements for individuals who are required to be EIM compliant and receive a report from another.

When an individual who is required to be EIM compliant receives information from another regarding possible abuse of a person who is currently a minor, the individual:

- (1) must refer the reporter to the reporting requirements under a. above;
- (2) must, if he or she has cause to believe the person is being abused and a question exists as to whether the allegation has been reported, report the allegation to law enforcement or DFPS;
- (3) must file a Notice of Concern with the Diocese of Austin; and
- (4) must report the information to the pastor, principal, or supervisor.

d. Reporting requirements for pastors, principals, and supervisors who receive a report from another.

When a pastor, principal, or supervisor receives information regarding possible abuse of a person who is currently a minor, he or she:

- (1) must refer the reporter to the reporting requirements under a. above;
- (2) must, if he or she has cause to believe the person is being abused and a question exists as to whether the allegation has been reported, report the allegation to law enforcement or DFPS;
- (3) must file a Notice of Concern with the Diocese of Austin if a question exists as to whether the allegation has been reported; and
- (4) must contact the diocesan legal staff for consultation regarding further steps (for example, placing an employee on administrative leave, removing a volunteer from ministry, notifying the parent, legal guardian, or caregiver, etc.).

2. Reporting possible abuse of a person who was a minor at the time of the alleged abuse but who is now an adult.

a. Reports by adults who suffered alleged abuse as a minor.

Any adult who was abused as a minor is urged to:

- (1) report the abuse to a local or state law enforcement agency; and
- (2) file a Notice of Concern with the Diocese of Austin if the abuser is now or was at the time of the abuse a member of Church personnel, a volunteer in ministry, or an independent contractor involved in ministry.^{vii}

b. Reports by individuals who have received information from others.

Any person who has cause to believe that an adult was a victim of abuse as a minor:

- (1) and determines in good faith that the disclosure of the possible abuse is necessary to protect the health or safety of a person who is currently a minor, elderly adult, or adult with a disability, must report the possible abuse to:
 - (a) any local or state law enforcement agency; or

- (b) the Texas Department of Family & Protective Services (DFPS) by calling the 24-hour abuse hotline at 1-800-252-5400 or filing a report on the website at www.txabusehotline.org,^{viii} and
- (2) is urged to file a Notice of Concern with the Diocese of Austin if the abuser is now or was at the time of the abuse a member of Church personnel, a volunteer in ministry, or an independent contractor involved in ministry.
- c. Preference for privacy respected.**
If an adult who was a victim of abuse as a minor does not wish to report the prior abuse, the privacy of the adult must be respected unless otherwise required by b. above.

3. Reporting possible abuse of an elderly adult or an adult with a disability.

a. Legal requirement to report by individual who has cause to believe.

Texas law requires any individual who has cause to believe a person who is an elderly adult or adult with a disability is being abused to report the information regarding possible abuse to:

- (1) any local or state law enforcement agency; or
- (2) the Texas Department of Family & Protective Services (DFPS) by calling the 24-hour abuse hotline at 1-800-252-5400 or filing a report as instructed on the website at www.txabusehotline.org.^{ix}

b. Additional reporting requirements for individuals who are required to be EIM compliant and have cause to believe.

When an individual who is required to be EIM compliant has cause to believe an elderly adult or an adult with a disability is being abused, the individual must report the information regarding possible abuse to the authorities as required under a. above, and must additionally:

- (1) file a Notice of Concern with the Diocese of Austin; and
- (2) report the information to the pastor, principal, or supervisor.

c. Reporting requirements for individuals who are required to be EIM compliant and receive a report from another.

When an individual who is required to be EIM compliant receives information from another regarding possible abuse of an elderly adult or adult with a disability, the individual:

- (1) must refer the reporter to the reporting requirements under a. above;
- (2) must, if he or she has cause to believe the person is being abused and a question exists as to whether the allegation has been reported, report the allegation to law enforcement or DFPS;
- (3) must file a Notice of Concern with the Diocese of Austin; and
- (4) must report the information to the pastor, principal, or supervisor.

d. Reporting requirements for pastors, principals, and supervisors who receive a report from another.

When a pastor, principal, or supervisor receives information regarding possible abuse of an elderly adult or adult with a disability, he or she:

- (1) must refer the reporter to the reporting requirements under a. above;
- (2) must, if he or she has cause to believe the person is being abused and a question exists as to whether the allegation has been reported, report the allegation to law enforcement or DFPS;
- (3) must file a Notice of Concern with the Diocese of Austin if a question exists as to whether the allegation has been reported; and
- (4) must contact the diocesan legal staff for consultation regarding further steps (for example, placing an employee on administrative leave, removing a volunteer from ministry, notifying the parent, legal guardian, or caregiver, etc.).

4. Reporting concerns about failure to maintain ethical behavior and integrity in ministry (other than abuse of a minor, elderly adult, or adult with a disability).

a. Reports by individuals who are not required to be EIM compliant and have cause to believe.

When an individual who is not required to be EIM compliant has cause to believe a member of Church personnel, a volunteer in ministry, or an independent contractor involved in ministry has failed to maintain ethical behavior and integrity in ministry (as defined in the EIM policies), that individual is urged to file a Notice of Concern with the Diocese of Austin.

b. Reporting requirements for individual who are required to be EIM compliant and have cause to believe.

When an individual who is required to be EIM compliant has cause to believe a member of Church personnel, a volunteer in ministry, or an independent contractor involved in ministry has failed to maintain ethical behavior and integrity in ministry (as defined in the EIM policies), that individual must report the information to the pastor, principal, or other supervisor.

- (1) If the information concerns the pastor, principal, or other supervisor, the person may report the information to the appropriate diocesan official or, if the person is unsure of which diocesan official to notify, file an EIM Notice of Concern.
- (2) If the matter involves possible criminal activity, scandal, or other grave matter, the pastor, principal, or other supervisor should contact diocesan legal staff for possible further action and reporting to law enforcement.
- (3) If the matter is considered to be a workplace or human resources matter, members of Church personnel should follow steps in their respective employee manuals.
- (4) The pastor, principal, or supervisor may contact the appropriate diocesan official for consultation regarding further steps and whether to file a Notice of Concern or take other action.

c. Reporting requirements for individuals who are required to be EIM compliant and receive a report from another.

When an individual who is required to be EIM compliant receives information from another regarding a possible failure by a member of Church personnel, a volunteer in ministry, or an independent contractor involved in ministry to maintain ethical behavior and integrity in ministry, that individual should urge anyone with first-hand knowledge of the possible failure to report the information to the pastor, principal, or other supervisor.

- (1) If the information concerns the pastor, principal, or other supervisor, the person may report the information to the appropriate diocesan official or, if the person is unsure of which diocesan official to notify, file an EIM Notice of Concern.
- (2) The pastor, principal or other supervisor receiving the information should inform the reporter to urge the person with first-hand knowledge to file a Notice of Concern with the Diocese of Austin.
- (3) If the matter is considered to be a workplace or human resources matter, members of Church personnel should follow steps in their respective employee manuals.
- (4) The pastor, principal, or supervisor may contact the appropriate diocesan official for consultation regarding further steps and whether to file a Notice of Concern or take other action.

ⁱ Texas Family Code 261.001 defines abuse, exploitation, and neglect as follows:

- a. "Abuse" includes the following acts or omissions by a person:
 - (A) mental or emotional injury to a child that results in an observable and material impairment in the child's growth, development, or psychological functioning;
 - (B) causing or permitting the child to be in a situation in which the child sustains a mental or emotional injury that results in an observable and material impairment in the child's growth, development, or psychological functioning;
 - (C) physical injury that results in substantial harm to the child, or the genuine threat of substantial harm from physical injury to the child, including an injury that is at variance with the history or explanation given and excluding an accident or reasonable discipline by a parent, guardian, or managing or possessory conservator that does not expose the child to a substantial risk of harm;
 - (D) failure to make a reasonable effort to prevent an action by another person that results in physical injury that results in substantial harm to the child;
 - (E) sexual conduct harmful to a child's mental, emotional, or physical welfare, including conduct that constitutes the offense of continuous sexual abuse of young child or children under Section 21.02, Penal Code, indecency with a child under Section 21.11, Penal Code, sexual assault under Section 22.011, Penal Code, or aggravated sexual assault under Section 22.021, Penal Code;
 - (F) failure to make a reasonable effort to prevent sexual conduct harmful to a child;
 - (G) compelling or encouraging the child to engage in sexual conduct as defined by Section 43.01, Penal Code, including compelling or encouraging the child in a manner that constitutes an offense of trafficking of persons under Section 20A.02(a)(7) or (8), Penal Code, prostitution under Section 43.02(b), Penal Code, or compelling prostitution under Section 43.05(a)(2), Penal Code;
 - (H) causing, permitting, encouraging, engaging in, or allowing the photographing, filming, or depicting of the child if the person knew or should have known that the resulting photograph, film, or depiction of the child is obscene as defined by Section 43.21, Penal Code, or pornographic;
 - (I) the current use by a person of a controlled substance as defined by Chapter 481, Health and Safety Code, in a manner or to the extent that the use results in physical, mental, or emotional injury to a child;
 - (J) causing, expressly permitting, or encouraging a child to use a controlled substance as defined by Chapter 481, Health and Safety Code;
 - (K) causing, permitting, encouraging, engaging in, or allowing a sexual performance by a child as defined by Section 43.25, Penal Code;
 - (L) knowingly causing, permitting, encouraging, engaging in, or allowing a child to be trafficked in a manner punishable as an offense under Section 20A.02(a)(5), (6), (7), or (8), Penal Code, or the failure to make a reasonable effort to prevent a child from being trafficked in a manner punishable as an offense under any of those sections; or
 - (M) forcing or coercing a child to enter into a marriage.
- b. "Exploitation" means the illegal or improper use of a child or of the resources of a child for monetary or personal benefit, profit, or gain by an employee, volunteer, or other individual working under the auspices of a facility or program as further described by rule or policy.
- c. "Neglect":
 - (A) includes:
 - (i) the leaving of a child in a situation where the child would be exposed to a substantial risk of physical or mental harm, without arranging for necessary care for the child, and the demonstration of an intent not to return by a parent, guardian, or managing or possessory conservator of the child;
 - (ii) the following acts or omissions by a person:
 - (a) placing a child in or failing to remove a child from a situation that a reasonable person would realize requires judgment or actions beyond the child's level of maturity, physical condition, or mental abilities and that results in bodily injury or a substantial risk of immediate harm to the child;
 - (b) failing to seek, obtain, or follow through with medical care for a child, with the failure resulting in or presenting a substantial risk of death, disfigurement, or bodily injury or with the failure resulting in an observable and material impairment to the growth, development, or functioning of the child;

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- (c) the failure to provide a child with food, clothing, or shelter necessary to sustain the life or health of the child, excluding failure caused primarily by financial inability unless relief services had been offered and refused;
 - (d) placing a child in or failing to remove the child from a situation in which the child would be exposed to a substantial risk of sexual conduct harmful to the child; or
 - (e) placing a child in or failing to remove the child from a situation in which the child would be exposed to acts or omissions that constitute abuse under Subdivision (1)(E), (F), (G), (H), or (K) committed against another child;
 - (iii) the failure by the person responsible for a child's care, custody, or welfare to permit the child to return to the child's home without arranging for the necessary care for the child after the child has been absent from the home for any reason, including having been in residential placement or having run away; or
 - (iv) a negligent act or omission by an employee, volunteer, or other individual working under the auspices of a facility or program, including failure to comply with an individual treatment plan, plan of care, or individualized service plan, that causes or may cause substantial emotional harm or physical injury to, or the death of, a child served by the facility or program as further described by rule or policy; and
 - (B) does not include the refusal by a person responsible for a child's care, custody, or welfare to permit the child to remain in or return to the child's home resulting in the placement of the child in the conservatorship of the department if:
 - (i) the child has a severe emotional disturbance;
 - (ii) the person's refusal is based solely on the person's inability to obtain mental health services necessary to protect the safety and well-being of the child; and
 - (iii) the person has exhausted all reasonable means available to the person to obtain the mental health services described by Subparagraph (ii).

ii Texas Human Resources Code 48.002 defines abuse, exploitation, and neglect as follows:

- a. "Abuse" means:
 - (A) the negligent or wilful infliction of injury, unreasonable confinement, intimidation, or cruel punishment with resulting physical or emotional harm or pain to an elderly person or person with a disability by the person's caretaker, family member, or other individual who has an ongoing relationship with the person; or
 - (B) sexual abuse of an elderly person or person with a disability, including any involuntary or nonconsensual sexual conduct that would constitute an offense under Section 21.08, Penal Code (indecent exposure) or Chapter 22, Penal Code (assaultive offenses), committed by the person's caretaker, family member, or other individual who has an ongoing relationship with the person.
- b. "Exploitation" means the illegal or improper act or process of a caretaker, family member, or other individual who has an ongoing relationship with an elderly person or person with a disability that involves using, or attempting to use, the resources of the elderly person or person with a disability, including the person's social security number or other identifying information, for monetary or personal benefit, profit, or gain without the informed consent of the person.
- c. "Neglect" means the failure to provide for one's self the goods or services, including medical services, which are necessary to avoid physical or emotional harm or pain or the failure of a caretaker to provide such goods or services.

iii Clergy includes:

- a. Clergy incardinated in the Diocese of Austin;
- b. Clergy who are members of religious institutes or in other forms of consecrated life, and who are assigned to pastoral work in the diocese or who are otherwise engaged, with the bishop's consent, in the care of souls, the public exercise of divine worship, or other works of the apostolate in the Diocese (c. 678);
- c. Clergy of other dioceses who the bishop assigns to pastoral work in this diocese; and
- d. Clergy residing within the boundaries of the diocese, with the consent of the bishop, including retired clerics and those engaged in part-time or supply ministry.

^{iv} Seminarians and deacon aspirants and candidates include:

- a. All men enrolled in the seminary program of the diocese;
- b. All men enrolled in seminary programs of religious orders and who are temporarily serving in ministry in the diocese; and
- c. All men enrolled in the permanent diaconate formation program of the diocese.

^v Religious brothers and sisters include:

- a. Members of religious institutes, societies of apostolic life, or secular orders and movements engaged in the care of souls, the public exercise of divine worship, or other works of the apostolate (c. 678), legitimately operating in the diocese or living in the diocese as a retired religious; and
- b. Hermits and consecrated virgins legitimately residing within the diocese.

^{vi} Under Texas law, any person having cause to believe that the physical or mental health or welfare of a minor has been adversely affected by abuse or neglect shall immediately make a report as provided by Subchapter B of Chapter 261 of the Texas Family Code. The requirement to report applies without exception to an individual whose personal communications may otherwise be privileged, including an attorney, a member of the clergy, a medical practitioner, a social worker, a mental health professional, an employee or member of a board that licenses or certifies a professional, and an employee of a clinic or health care facility that provides reproductive services. The investigation of allegations of abuse is the responsibility of governmental authorities. Reports of suspected or known abuse may be filed anonymously unless otherwise required by law.

^{vii} An adult who reports that he or she was abused as a minor may express a desire for privacy and not wish to report the prior abuse. Under Texas law, another person who becomes aware of an adult's prior abuse as a minor is not obligated to report the prior abuse unless the person determines in good faith that disclosure of the information is necessary to protect the health and safety of (1) another child, or (2) an elderly person or person with a disability (in which case the requirement to report applies without exception to an individual whose personal communications may otherwise be privileged, including an attorney, a member of the clergy, a medical practitioner, a social worker, a mental health professional, an employee or member of a board that licenses or certifies a professional, and an employee of a clinic or health care facility that provides reproductive services). [*See Texas Family Code 261.101(b-1); Texas Attorney General Opinion GA-0944.*] The investigation of allegations of abuse is the responsibility of governmental authorities. Reports of suspected or known abuse may be filed anonymously unless otherwise required by law.

^{viii} Under Texas law, any person having cause to believe that an adult was a victim of abuse or neglect as a minor shall immediately make a report as provided by Subchapter B of Chapter 261 of the Texas Family Code if the person determines in good faith that disclosure of the information is necessary to protect the health and safety of (1) another child, or (2) an elderly person or person with a disability. The requirement to report applies without exception to an individual whose personal communications may otherwise be privileged, including an attorney, a member of the clergy, a medical practitioner, a social worker, a mental health professional, an employee or member of a board that licenses or certifies a professional, and an employee of a clinic or health care facility that provides reproductive services. The investigation of allegations of abuse is the responsibility of governmental authorities. Reports of suspected or known abuse may be filed anonymously unless otherwise required by law.

^{ix} Under Texas law, any person having cause to believe that an elderly adult or an adult with a disability is in the state of abuse, neglect, or exploitation shall report the information as provided by Subchapter B of Chapter 48 of the Texas Human Resources Code. The investigation of allegations of abuse is the responsibility of governmental authorities. Reports of suspected or known abuse may be filed anonymously unless otherwise required by law.

Section 3. Diocesan Response to Reports of Abuse or Other Unethical Behavior

NOTE: Persons who have knowledge of unethical behavior by a person required to be EIM compliant should refer to Section 2 “Reporting Concerns of Unethical Behavior” for information on how to file a report of abuse, exploitation, or neglect with legal authorities and how to file a Notice of Concern with the diocese. The term “abuse” as used in this Section 3 includes abuse, exploitation, and neglect as more fully defined in Section 2.

A. Response to Reports Involving Abuse of a Minor, Elderly Adult, or Adult with a Disability.

1. Diocesan Report to and Cooperation with Legal Authorities.

- a. The diocese complies with the legal requirements for reporting abuse to federal, state, and local authorities.
- b. The diocese complies with authorities in investigations involving allegations of abuse.
- c. Church personnel, volunteers, and independent contractors may not investigate allegations of abuse unless directed to do so by governmental authorities or diocesan legal staff.

2. Diocesan Response to and Care of Individuals Reporting and Victims of Alleged Abuse of a Minor, Elderly Adult, or Adult with a Disability.

- a. After receiving a Notice of Concern alleging abuse of a minor, elderly adult, or adult with a disability, the Office of Ethics and Integrity and Ministry will inform the individual who made the report that:
 - (1) the diocese received the report;
 - (2) the report has been or will be referred to a specific office or diocesan official for further review;
 - (3) the individual will be contacted as appropriate to provide or receive additional information; and
 - (4) the State of Texas requires that persons who have cause to believe abuse of a minor, elderly adult, or adult with a disability has occurred or is occurring must report the matter to the appropriate law enforcement official.
- b. The diocese will follow the *Charter for the Protection of Children and Young People* in the case of any alleged abuse against a minor by a priest, deacon, or religious brother or sister. Canon law will govern cases where abuse of an elderly adult or an adult with a disability is alleged against a priest, deacon, or religious brother or sister.
- c. After an initial review by the appropriate office or diocesan official, an individual reporting alleged abuse of a minor, elderly adult, or adult with a disability will be asked to meet with the Coordinator of Victim Assistance and Pastoral Support or other diocesan official, as appropriate.
 - (1) The Coordinator of Victim Assistance and Pastoral Support or other diocesan official will inform the individual reporting alleged abuse of a minor, elderly adult, or adult with a disability who the individual may contact for any inquiries while an investigation or review is in progress.
 - (2) The Coordinator of Victim Assistance and Pastoral Support may interview the individual making an allegation of abuse of a minor, elderly adult, or adult with a disability.
 - (3) As requested by the vicar general, the Coordinator of Victim Assistance and Pastoral Support may assist in arranging for counseling or other pastoral support.
- d. The diocese will provide a response to the individual reporting alleged abuse of a minor, elderly adult, or adult with a disability at the conclusion of any review or investigation and will, as appropriate, provide updates regarding pending matters.

- e. The diocese may offer counseling or other pastoral support to persons who were victims of abuse or who suffered other material harm by those involved in ministry.
 - (1) The amount and type of any assistance offered varies with the facts or circumstances of each case.
 - (2) The diocese may seek reports from the counselor or other person providing such support only for the purposes of acknowledging that the assistance is progressing and helpful.
- f. Those who seek restitution or compensation for alleged abuse or other injuries should discuss such issues with their own legal counsel.

3. Diocesan Action Toward and Care of Individuals Accused of Abuse of a Minor, Elderly Adult, or Adult with a Disability.

- a. The diocese will timely inform the accused of an allegation it receives and will inform the accused of any initial action to be taken during the review or investigation.
- b. The diocese will follow the *Charter for the Protection of Children and Young People* in the case of any alleged abuse against a minor by a priest, deacon, or religious brother or sister, and the bishop, in reaching final decisions, shall be guided by the appropriate norms of canon law.
 - (1) No priest or deacon who has committed an act of sexual abuse of a minor may be transferred for a ministerial assignment in another diocese (from *Essential Norms for Allegations of Sexual Abuse of Minors, #12*).
 - (2) When a priest or deacon who has committed an act of sexual abuse of a minor wishes to relocate to this or another diocese for residence, all provisions of *Essential Norm #12* will be followed regarding the procedures for such a move. The priest or deacon's bishop or major superior shall forward all pertinent information regarding any past act of sexual abuse of a minor by the cleric, as well as the proposed place of residence, and any additional information needed by the bishop of the diocese of intended residence to make an appropriate determination as to whether suitable safeguards are in place to ensure the protection of children and young people.
- c. The diocese will follow canon law in the case of any alleged abuse against an elderly adult or an adult with a disability by a priest, deacon, or religious brother or sister.
- d. The diocese will suspend from ministry any individual under criminal or governmental agency investigation for abuse of a minor, elderly adult, or adult with a disability during the pendency of the investigation. In accordance with rights afforded to the accused under canon law, the bishop may, if the bishop in his judgement determines appropriate, suspend from ministry any person during the pendency of any other review or investigation regarding an allegation of failing to maintain ethical behavior and integrity in ministry.
- e. At the conclusion of any investigation, the diocese will make a determination as to any further action necessary. Those involved in ministry who fail to maintain ethical behavior may be suspended or excluded from engaging in ministry in the diocese and be subject to other civil, criminal, or canon law action.
- f. At any time a person is removed from ministry (pending or after an investigation or review), the Office of Ethics and Integrity in Ministry will indicate a "restricted" status in the diocesan EIM database.
- g. The rights of the accused shall be taken into consideration throughout the review or investigation. Every effort will be made to protect the legitimate interests of the accused.
- h. The bishop may offer counseling or other pastoral support to the accused during or after the review or investigation.

4. **Diocesan Communications with and Care of a Community Affected by an Allegation of Abuse of a Minor, Elderly Adult, or Adult with a Disability.**
 - a. When a parish, Catholic school, or other diocesan agency is affected by an allegation of abuse of a minor, elderly adult, or adult with a disability, the bishop may, at his discretion, share information about the allegation in a pastorally appropriate manner, while respecting the privacy and confidentiality of all individuals involved and subject to applicable criminal, civil, and canon law.
 - b. As determined necessary, the diocese may provide pastoral support to the members of the affected parish, Catholic school, or other diocesan agency affected by an allegation of abuse of a minor, elderly adult, or adult with a disability.

B. Response to Reports Not Involving Abuse of a Minor, Elderly Adult, or Adult with a Disability.

1. Workplace Matters.

When an allegation of unethical behavior not involving abuse of a minor, elderly adult, or adult with a disability is a workplace or human resources matter, the diocese will refer the information to the appropriate person at the parish, Catholic school, or other diocesan agency to be addressed in accordance with the applicable employee manual.

2. Non-Workplace Matters.

When an allegation of unethical behavior not involving abuse of a minor, elderly adult, or adult with a disability is not a workplace or human resources matter, the diocese will review information and refer the matter to the appropriate diocesan office.

- (a) A diocesan representative will contact the individual who made the report to:
 - (1) acknowledge that the diocese received the report;
 - (2) share the name of the office or diocesan official to whom the report has been referred; and
 - (3) clarify that the individual may be contacted as appropriate to provide or receive additional information.
- (b) The diocese will review the information and, if necessary, conduct additional investigations to determine if a material failure to maintain ethical behavior in ministry occurred.
- (c) At the conclusion of its review, the diocese will make a determination as to whether further action is necessary.
- (d) Depending on the nature of the matter reported, the diocese may initiate temporary safeguards pending its review of the matter, including but not limited to temporary suspension from ministry or temporary reassignment to other duties.
- (e) If appropriate under civil, criminal, and canon law, the diocese will share the final determination with the person filing the notice of concern.
- (f) The diocese may offer counseling or other pastoral support if appropriate.
- (g) Those who seek restitution or compensation for alleged abuse or other injuries should discuss such issues with their own legal counsel.

Section 4. Compliance with EIM Policies and Procedures

A. EIM Compliance.

1. To be EIM-compliant, an individual must:
 - a. submit an EIM application for ministry through the diocesan EIM database before beginning any service in ministry;
 - b. authorize the diocese to obtain an initial criminal background check and to rerun a criminal background check at least every three years or more often as needed;
 - c. attend the EIM Workshop no later than the 60th day after beginning service in ministry, and repeat attendance at least once every three years throughout the individual's service in ministry;
 - d. adhere to the Diocese of Austin Policies on Ethics and Integrity in Ministry; and
 - e. be classified in the diocesan EIM database as
 - (1) approved to engage in ministry; or
 - (2) approved with restrictions.
2. EIM compliance is required as set forth in this policy without regard to the mental or physical condition of the person serving in ministry.
3. Compliance with safe environment requirements in another diocese does not qualify as EIM compliance in the Diocese of Austin.
4. If the diocese, a parish, or other diocesan organization determines that an individual who must be EIM compliant is not compliant, the diocese, parish, or other diocesan organization will notify the individual that he or she may not serve in ministry until compliance is reestablished.

B. Adults Required to Maintain Compliance.

1. The following adult individuals must maintain EIM compliance:
 - a. clergy;ⁱ
 - b. seminarians and deacon aspirants and candidates;ⁱⁱ
 - c. religious brother and sisters;ⁱⁱⁱ
 - d. employees of any parish, Catholic school, or other diocesan agency;
 - e. independent contractors who regularly provide services where minors, elderly adults, or adults with disabilities may be present;
 - f. members of any Catholic school board;
 - g. pastoral council members;
 - h. finance council members;
 - i. EIM Review Board members;
 - j. any person who is considered to be a leader of a ministry, program, or organization;
 - k. members of any independent Catholic organization that may serve youth of a parish, Catholic school, or other diocesan agency, even if the primary function of the organization is not necessarily to serve youth (e.g., ladies or men's clubs, Catholic Daughters of America, Knights of Columbus, Knights of Peter Claver, and organizations promoting vocations);

1. individuals who serve in any ministry, program, or organization that provides services to or at which minors, elderly adults, or adults with disabilities may be present, including but not limited to:
 - (1) any activity in a Catholic school;
 - (2) religious education;
 - (3) youth ministry;
 - (4) parish nursery and mother's day out or pre-school programs;
 - (5) parish or school sponsored scouting groups;
 - (6) homeschooling organizations that use church property;
 - (7) liturgical ministries (e.g., hospitality, ushers, extraordinary ministers of Holy Communion, lectors, choir, or music ministry);
 - (8) homebound ministry;
 - (9) St. Vincent de Paul Society conferences; and
 - (10) hospital ministry; and
- m. any other individual as required by a pastor, principal, or director of a diocesan agency (e.g., requiring EIM compliance of all who engage in any type of ministry).

2. The following adult individuals need not maintain EIM compliance:
 - a. parents who solely observe programs and activities in which their children are involved, and who do not volunteer or otherwise serve in ministry for their children's programs and activities (e.g., join their child for lunch once or twice per year, attend class parties, Mass and school/athletic performances);
 - b. employees and contractors of companies that provide intermittent, non-ministry services (e.g., plumbing, electrical, and janitorial services) and who are supervised when on parish or school property and segregated from minors.

C. Compliance Requirements for Minors. Minors are not required to maintain EIM compliance.

ⁱ Clergy includes:

- a. Clergy incardinated in the Diocese of Austin;
- b. Clergy who are members of religious institutes or in other forms of consecrated life, and who are assigned to pastoral work in the diocese or who are otherwise engaged, with the bishop's consent, in the care of souls, the public exercise of divine worship, or other works of the apostolate in the Diocese (c. 678);
- c. Clergy of other dioceses who the bishop assigns to pastoral work in this diocese; and
- d. Clergy residing within the boundaries of the diocese, with the consent of the bishop, including retired clerics and those engaged in part-time or supply ministry.

ⁱⁱ Seminarians and deacon aspirants and candidates include:

- a. All men enrolled in the seminary program of the diocese;
- b. All men enrolled in seminary programs of religious orders and who are temporarily serving in ministry in the diocese; and
- c. All men enrolled in the permanent diaconate formation program of the diocese.

ⁱⁱⁱ Religious brothers and sisters include:

- c. Members of religious institutes, societies of apostolic life, or secular orders and movements engaged in the care of souls, the public exercise of divine worship, or other works of the apostolate (c. 678), legitimately operating in the diocese or living in the diocese as a retired religious; and
- d. Hermits and consecrated virgins legitimately residing within the diocese.

Section 5. EIM Application for Ministry and Background Screening

- A. An individual's EIM compliance requires, in part, the following: (1) submission of an EIM Application for Ministry through the diocesan EIM database, (2) authorization for the diocese to obtain an initial criminal background check and to rerun a criminal background check at least every three years or more often as needed, and (3) classification in the diocesan EIM database as (a) approved to engage in ministry, or (b) approved with restrictions.
- B. Submitting the EIM Application for Ministry creates an individual's EIM account and permits the diocese to conduct periodic background checks.
- C. An individual must complete and submit the EIM application before beginning service in ministry.
- D. Employment candidates must undergo additional screening procedures such as reference checks and face-to-face interviews by the prospective employer.
- E. Individuals are responsible for keeping their information current in the diocesan EIM database including both personal information and ministry sites.
- F. Background checks are rerun automatically at least every three years and more frequently as needed. If an EIM account has an expired workshop date when the background check is rerun, the account will be archived until workshop attendance is updated.

Section 6. EIM Workshop and Youth Education Programs

- A. An individual's EIM compliance requires, in part, attending the EIM Workshop no later than the 60th day after beginning service in ministry, and repeating attendance at least once every three years throughout the individual's service in ministry.
- B. The Office of Ethics in Ministry is responsible for developing, producing, distributing, and overseeing the administration of the EIM Workshop, including but not limited to the training of instructors, reporting procedures for completion, and the retention of records related to attendance.
- C. The EIM Workshop is designed to discuss, but not be limited to, the following topics:
 - 1. issues of abuse and other unethical behavior;
 - 2. ethical behavior expected of those who serve in ministry;
 - 3. ways to prevent possible abuse or other unethical behavior;
 - 4. the *Charter for the Protection of Children and Young People*;
 - 5. reporting procedures for incidents of abuse or other unethical behavior; and
 - 6. the Church's response to incidents of abuse or other unethical behavior committed by Church personnel, volunteers in ministry, or independent contractors involved in ministry.
- D. The diocese maintains appropriate education programs for children and youth to help them learn the basic concepts of personal safety in regard to abuse.
 - 1. Each parish and Catholic school provides the following annual diocesan abuse-prevention education to minors to meet the youth training requirements of the *Charter for the Protection of Children and Young People* (Article 12):
 - a. *Called to Protect for Children (CTPC)*, which is an abuse-prevention training that:
 - (1) is designed for children in grades K-5;
 - (2) focuses on understanding rules, appropriate touch, boundaries, how to respond to uncomfortable situations, and includes an introduction to technology safety;
 - (3) builds sequentially on developmentally-appropriate topics each year; and
 - (4) is not a human sexuality education program; and
 - b. *Called to Protect for Youth (CTPY)*, which is an abuse-prevention training that:
 - (1) is designed for middle school and high schools students and is specifically targeted for youth in grades 6 or 9 or who are new to the parish or school since *CTPY* was last offered;
 - (2) focuses on educating youth about boundaries, how those boundaries might be violated, and what to do if they are violated; and
 - (3) is not a human sexuality education program.
 - 2. Students are not required to attend *CTPC* or *CTPY* to receive sacraments or participate in ministry, but attendance is strongly encouraged.
 - 3. Parents who do not want their children to attend a *CTPC* or *CTPY* program may sign an opt-out waiver and assume the responsibility of educating their children about abuse prevention.

Section 7. The Office of Ethics and Integrity in Ministry of the Diocese of Austin

- A. The Office of Ethics and Integrity in Ministry provides information in an effort to increase the awareness and understanding of the need for ethics and integrity in ministry, especially in regard to the prevention, identification and treatment of abuse, exploitation, and neglect.
- B. The EIM Office:
1. provides education programs, information, and other resources to parishes, schools, and diocesan offices;
 2. maintains a diocesan EIM database for EIM compliance monitoring;
 3. monitors the implementation of the Policies on Ethics and Integrity in Ministry
 4. prepares and submits an annual audit which verifies diocesan compliance with the requirements of the *Charter for the Protection of Children and Young People*; and
 5. serves the diocesan EIM Review Board in fulling its duties.
- C. The EIM Office receives Notices of Concern or complaints about possible unethical behavior in ministry and directs each Notice of Concern or complaint in accordance with the EIM policies and procedures. For example:
1. Notices of Concern involving possible abuse of a minor are reviewed in accordance with the *Charter for the Protection of Children and Young People*; and
 2. Notices of Concern not involving minors or abuse but involving other possible inappropriate conduct are directed to the appropriate diocesan office for review.
- D. The Coordinator of Victim Assistance and Pastoral Support:
1. is responsible to the bishop but communicates directly with the Office of Ethics and Integrity in Ministry and the vicar general; and
 2. may also collaborate with the Ethics and Integrity in Ministry Review Board and the bishop.
- E. EIM policies and procedures are accessible on the diocesan website and by request to the EIM Office.
- F. The EIM Office refers media inquiries to the diocesan Director of Communications and requests that all parishes, schools, and other diocesan agencies also refer media inquiries to the diocesan Director of Communications.
- G. EIM contact information and resources:

The mailing address for all diocesan offices is 6225 E US 290 HWY SVRD EB, Austin, TX 78723.

EIM Office

Emily Hurlimann, Associate Director
(512) 949-2447 (office) | (512) 949-2529 (fax)
emily-hurlimann@austindiocese.org

Victim Assistance & Pastoral Support

Ileana Hinojosa, Coordinator
(512) 949-2400 (office) | (512) 949-2529 (fax)
ileana-hinojosa@austindiocese.org

Communications Office

Christian R. Gonzalez, Director of
Communications
(512) 949-2456 (office) | (512) 949-1548 (mobile)
christian-gonzalez@austindiocese.org

EIM Policies – English ([LINK](#))

EIM Policies – Spanish ([LINK](#))

Notice of Concern ([LINK](#))

USCCB [Charter for the Protection of Children and Young People](#)

USCCB [Social Media Guidelines](#)

National Federation for Youth Ministry *Recommended Technology Guidelines for Pastoral Work with Young People* ([LINK](#))

Section 8. The Ethics and Integrity in Ministry Review Board

- A. The Ethics and Integrity in Ministry Review Board (Review Board) assists the bishop as a confidential, consultative body in:
 - 1. addressing and responding to allegations of violations of the *Charter for the Protection of Children and Young People* (i.e., allegations of abuse by clergy against minors and previous abuse by clergy against minors who are now adults);
 - 2. addressing and responding to allegations of abuse by clergy against the elderly or adults with disabilities;
 - 3. developing policies and procedures regarding Ethics and Integrity in Ministry;
 - 4. educating parishes, Catholic Schools, and other diocesan agencies about:
 - a. the *Charter for the Protection of Children and Young People*;
 - b. creating a safe environment for minors, the elderly, and adults with disabilities;
 - c. ways to prevent abuse against minors, the elderly, and adults with disabilities;
 - d. ethics and integrity in ministry; and
 - e. appropriate behavioral expectations for individuals involved in ministry.
- B. The Review Board may offer advice on all aspects of cases brought before it and in other matters the bishop determines appropriate and relevant. The Review Board may offer advice retrospectively and prospectively on such matters.
- C. As a consultative body to the bishop, the role of the Review Board is to be generally communicated to those in ministry in the diocese and to those who may submit Notices of Concern.
- D. The Review Board reviews the Policies on Ethics and Integrity in Ministry and recommends changes to the bishop.
- E. The bishop appoints the members to the Review Board.
- F. The Review Board will be composed of at least five persons of outstanding integrity and good judgment in full communion with the Church and will include:
 - 1. at least one priest who is an experienced and respected pastor of the diocese;
 - 2. a majority comprised of lay persons who are not in the employ of the diocese; and
 - 3. at least one member with particular expertise in the treatment of the sexual abuse of minors.
- G. The Review Board members will meet regularly and as called by the bishop, and are appointed for a term of five years, which can be renewed.
- H. The identity of the members of the Review Board is not made public, except as the bishop, in consultation with the Review Board, determines appropriate or as may be required by law.
- I. All discussions regarding allegations and instances of abuse are confidential.
 - 1. Records of when the Review Board meets and consults are maintained by the diocesan EIM Office.
 - 2. Minutes of the Review Board meetings are not maintained.
 - 3. Each Review Board member is to sign a confidentiality statement.
- J. Review Board members are required to maintain EIM compliance expected of those who work or serve in ministry with minors and may self-impose additional educational requirements as a collective, consultative body.

Section 9. Guidance for Ministry Involving Minors

A. Expected Behavior when Interacting with Minors.

One of the most effective ways for the people of God to protect children from neglect and abuse and other unethical behavior is to know how to properly interact with children. It is a concern shared by all of us. This section of the EIM policies provides, in a small way, guidance on interacting with and supervising children at parish and school events. This knowledge is a foundation that helps all of us prevent, identify, assess, and report unethical behavior around our children. We live in a church and a community that expects increased recognition of unethical behavior. For the sake of protecting our children, those who minister in the church, both clergy and laity, must be aware of proper behavior, as well as inappropriate behavior.

1. General Examples of Appropriate Behavior.

Individuals required to be EIM compliant may only use appropriate contact with minors. Examples of appropriate contact with minors include but are not limited to:

- a. verbal praise;
- b. brief side hugs or arm around the shoulder;
- c. brief pat on the shoulder or upper back;
- d. hand-shakes, “high-fives”, knuckle bumps or hand slaps;
- e. brief touching of hand, face, head, shoulder or arm of minor;
- f. holding hands while walking with small children;
- g. sitting beside small children;
- h. kneeling or bending down for a brief hug with small children; and
- i. holding hands during prayer.

2. General Examples of Inappropriate Behavior.

Individuals required to be EIM compliant must not use inappropriate contact with minors. Examples of inappropriate contact with minors include but are not limited to:

- a. long or inappropriate embraces;
- b. kisses on the mouth;
- c. holding minors over three years old on the lap or in one’s arms, and holding younger minors should only be “as needed” (e.g. for comfort) or at the invitation of the parent;
- d. touching knees, legs, buttocks, chests or genital areas;
- e. being alone in isolated areas such as closets, staff-only areas or other private rooms;
- f. touching or playing with hair of a minor;
- g. being on a bed with a minor (unless designated as “seating space” during daytime hours);
- h. wrestling with minors, tickling minors or piggyback rides;
- i. any type of massage, whether given by minor to adult or adult to minor;
- j. any form of unwanted affection; and
- k. comments that relate to physique, body development, express affection or involve other boundary violations (this includes comments that are positive or negative, oral or written via any form of media).
- l. the use of physical force, including spanking, slapping, pinching, hitting, or any other physical force with minor, particularly for behavior management of a minor;
- m. swearing at a minor, or speaking to a minor in a way that is threatening, intimidating, shaming, demeaning, or humiliating;
- n. abusing, exploiting, or neglecting a minor;
- o. encouraging a minor to violate the law;
- p. offering alcohol, tobacco products, illegal drugs, or pornography to a minor;

- q. inviting a minor to the private accommodations or a residence without the presence of parent or legal guardian, or another program minister; or
- r. engaging in the following in the presence of minors:
 - (1) swearing or using vulgar language to an offensive degree;
 - (2) being under the influence of alcohol;
 - (3) using, possessing, or being under the influence of illegal drugs;
 - (4) possessing or displaying sexually oriented or morally inappropriate printed or electronic materials (e.g. magazines, videos, films, clothing, or internet sites);
 - (5) discussing sexual activities or engaging in sexually-oriented conversations with minors unless the conversation is part of a legitimate lesson and discussion for teenagers regarding human sexuality issues (on such occasions, the lessons will convey to youth the Church's teachings on these topics and unanswered or unaddressed questions will be referred to the parent or guardian for clarification or counseling.);
 - (6) undressing or being nude;
 - (7) taking a shower; or
 - (8) sleeping in the same bed, sleeping bag or tent with a minor, unless the adult is an immediate family member of the minor.

3. Use of Digital Communication and Media.

The Diocese follows the USCCB *Social Media Guidelines* and the National Federation for Youth Ministry *Recommended Technology Guidelines for Pastoral Work with Young People*. EIM policies apply to all interactions between adults and minors whether face-to-face, written or oral communications, or using the Internet, mobile devices, social networks, and other digital communication methods. The use of the Internet, mobile devices, social networking sites, and other digital communication methods between minors and Church personnel is permitted for legitimate ministry-related purposes. Parishes, schools, and diocesan sites are encouraged to develop and publicize acceptable digital media use policies and procedures that provide for transparency and accountability. Information discussed or displayed on any parish, school or diocesan e-mail account, social media networking site must reflect the Catholic faith and should not call any teaching of the Church into question. Those involved in ministry should ensure any personal Internet or social media sites reflect Catholic values, and should understand they are witnessing to the faith in their social networking whether public or private.

a. Appropriate Use of Digital Communication and Media.

Individuals required to be EIM compliant may only appropriately use digital communication and media when interacting with minors. Examples of appropriate digital media use around or with minors includes but is not limited to:

- (1) using a minor's home or family phone number for calls or messages to minors;
- (2) copying parents or other adult leaders of the program or ministry on all e-mails, texts or postings to minors (although the technology method can be different);
- (3) using parish or school phones and e-mail addresses to contact minors;
- (4) instructing minors to contact adult leaders via a parish or school phone number, and e-mail address, etc.;
- (5) ensuring at least two adults from the parish or school moderate any social network site; passwords and site names should be available to parish or school leadership; and
- (6) securing permission of parents or legal guardians before posting photos of minors or details of ministry or program activities on any electronic media (identifying information such as names, tags, home address, and other identifying information should be avoided).

b. Inappropriate Use of Digital Communication and Media.

Individuals required to be EIM compliant must not use digital communication and media inappropriately when interacting with minors. Examples of inappropriate use of digital media use around or with minors include but are not limited to:

- (1) inviting minors to be “friends or fans” on personal social networking sites; and
- (2) texting or calling, or using social media or networking sites, for personal or parish, school or diocesan communications with minors without other adults (parents or other adult moderators), included in messages. (Note: Even on personal sites not intended for ministry work, those in ministry should be aware and careful of the types of things posted on their personal site).

B. Supervision of Programs with Minors.

1. On-Site Events.

- a. There shall be **at least two** EIM compliant adults supervising any program involving minors.
- b. The majority of adults supervising a program or event involving minors must be 21+ years of age (at a minimum one adult must be 21+ years of age).
- c. One adult should never be alone with one minor.
- d. If there is need for a confidential discussion, it should occur in a location that is in view of others.
- e. The following ratios use an adults-to-minors formula with the understanding that there must always be a minimum of 2 EIM compliant adults present.
 - (1) Infants: 0-11 months – 2:10; 1 additional adult for every 1-5 additional minor
 - (2) Infants 12-17 months – 2:13; 1 additional adult for every 1-6 additional minor
 - (3) Preschool 18 months - 4 years – 2:16; 1 additional adult for every 1-8 additional minor
 - (3) Elementary age: PreK-5th – 2:24; 1 additional adult for every 1-12 additional minor
 - (4) Middle school age: 6-8th – 2:30; 1 additional adult for every 1-15 additional minor
 - (5) High school age: 9-12th – 2:40; 1 additional adult for every 1-20 additional minor
- f. Catholic school classrooms shall have at least one EIM compliant adult and the principal or designee should be actively monitoring classrooms throughout the day. As Catholic school classroom teachers typically have more training and experience supervising larger groups of students than is required of volunteers for most parish programs or events, school ratios may be greater than those stated above.
- g. As State licensed day care programs (with specific training and supervision standards) are monitored by the State, ratios for licensed day care facilities may be greater than those stated above. State licensed day care programs must always include a minimum of 2 EIM compliant adults supervising any one classroom, even if not required by state regulations.
- h. Minors may be released only to parents, legal guardians, or other adults designated by parents or legal guardians at the end of program or event (children may not be released to older minor siblings). When there is a question about the propriety of releasing a minor, the immediate supervisor should be contacted before releasing the child.
- i. Uncontrollable or unusual behavior of minors should be reported immediately to parents.

2. Off-Site Events.

- a. Any off-site event that involves minors must be supervised by **at least two** EIM compliant adults.
- b. Co-ed events should include male and female chaperones in proportion to the minors attending.
- c. The following ratios use an adults-to-minors formula with the understanding that there must always be a minimum of 2 EIM compliant adults present.
 - (1) Elementary school age and younger: 2:12; 1 additional adult for every 1-6 additional minor
 - (2) Middle school age: 2:16; 1 additional adult for every 1-8 additional minor
 - (3) High school age: 2:20; 1 additional adult for every 1-10 additional minor

- d. A parish, Catholic school, or other diocesan agency should transport minors only with written permission of the children's parents or legal guardians.
- e. Parishes, Catholic schools, and other diocesan agencies should avoid the use of 15-passenger vans to transport persons.
- f. Drivers who transport others must be at least 25 years old (proof of valid driver's license, vehicle registration and insurance must be documented at the parish or school for each driver), unless the diocese grants an exemption prior to the event.
- g. If only one adult is to be in a vehicle, there must be more than one minor present in the vehicle unless that minor is the adult's own child.
- h. When private vehicles are used to transport minors, a transportation plan should be provided to the drivers to include route, pre-arranged stops and contact information for the drivers.
 - (1) Such a plan avoids the need to caravan while in route.
 - (2) No extra stops should be made unless approved by the director of the program or the stop is out of necessity (e.g., fuel, first aid, restroom).
- i. Minors may not transport other minors to or from parish or school functions on behalf of the parish or school.
 - (1) It is recommended that minors be transported by pre-arranged group transportation for parish or school events rather than transport themselves.
 - (2) A minor who drives to a Catholic school each day should follow school safety precautions related to minors driving to school.

3. Overnight Events.

- a. When minors attend an event in which overnight lodging will occur, the details and information about the accommodations should be communicated to parents or legal guardians.
- b. A minor may not stay overnight in the private accommodations or residence of clergy, teachers, or any adult supervisor.
- c. When selecting lodging options, parishes and schools should consider those arrangements which are easily supervised.
- d. Lodging options are to be appropriate for the event and in accordance with custom and practices for such events. Typical accommodations may include hotels, retreat centers, lodges, bunk houses, or multipurpose rooms.
 - (1) Sleeping, changing, and shower areas must be clearly segregated between males and females and also clearly segregated between adults and minors.
 - (2) If different facilities are not available for proper segregation, separate times must be designated for use to achieve the required segregation.
- e. In larger lodging rooms or cabins housing many minors, chaperones may sleep, if necessary, in the room in a cot or separate bed next to the doorway. Otherwise chaperones should sleep in a nearby space and take turns monitoring minors' quarters.
- f. Chaperones may not stay alone in the same hotel or other lodging room with a minor or minors.
 - (1) All lodging rooms should be on the same floor with the chaperones' rooms on either side of minors' rooms.
 - (2) When practical, chaperones should take turns staying awake to monitor rooms.
- g. A parent may stay in a lodging room with their own child, but not if another minor is in the same room.
- h. For inquiries concerning types of lodging and overnight accommodations, contact the diocesan EIM office.

C. Listing of Programs for Minors that are Sponsored by the Parish or School.

1. The parish or school should maintain a list of all programs that identifies activities, purpose, sponsors or coordinators of the programs, names of program volunteers, meeting times, and locations.
2. The parish or school should review these programs annually to determine whether they have adequate supervision and verify EIM compliance of new members.
3. All new programs for minors should be reviewed and approved by the pastor or principal.

D. Building Designs.

Parishes and Catholic schools should review building design and remodeling projects to encourage visibility and compatibility with “best practices” for youth in spaces when necessary and appropriate (i.e. windows in doors, signage on restrooms identifying those for adults, etc.).