

3. The Bishop at 49 Elm Street, Worcester, MA 01609.

All written reports should state specifics.

When an uncertainty exists about whether a situation or course of conduct violates this Code of Pastoral Conduct or other religious, moral, or ethical principles, consult with your supervisor, peers, others knowledgeable about ethical issues.

Retaliation

It is the policy of the Diocese to encourage individuals to make reports in accordance with this Code. Individuals who make reports in good faith in accordance with this Code will not be subjected to retaliation for making the reports.

Church personnel who believe that they have been subjected to retaliation for making reports under this Code should report the matter to the Bishop by telephone at (508) 929-4348 or should submit a specific letter to the Bishop at 49 Elm Street, Worcester, MA 01609.

Investigating Concerns

Investigations into allegations of unethical behavior or violations of this Code will be conducted thoroughly and expeditiously, with objectivity, fairness, and justice as well as with due regard for the privacy and reputations of all involved. Investigations will be conducted by trained individuals in accordance with Church law.

In certain instances, a person accused of violating the Code may be placed on administrative leave while the investigation is pending. The fact that an accused has been placed on administrative leave should in no way be interpreted as a presumption of guilt or wrongdoing.

Disciplinary Action(s)

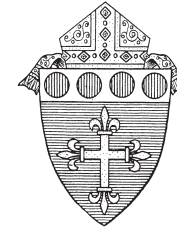
Clergy, staff, employees and volunteers who engage in unethical behavior or otherwise fail to abide by the standards contained in this Code will be subjected to appropriate remedial and/or disciplinary action, up to and including appropriate canonical penalties for clergy and termination of employment or volunteer ministry with the Church. The action taken will be just and in proportion to the seriousness of the violation and will depend upon a number of factors, including but not limited to disciplinary record, the type, circumstances, and severity of the offense, and the position with the Church. If the offense does not include sexual abuse of a minor, the action taken could include return to ministry under certain conditions, including compliance with a treatment and/or monitoring plan, or reassignment to ministry other than ministry at a parish or ministry involving family life.

Pastoral Care and Support

The Diocese will extend appropriate pastoral care to those directly affected by allegations of unethical behavior or other violations of the standards in this Code by church personnel. Where appropriate, the Coordinator of Victim Services will coordinate pastoral care and counseling, spiritual assistance and other social services for those subjected to unethical behavior by church personnel and will listen with patience and compassion to their experiences and concerns.

The Bishop or his delegate will coordinate any appropriate pastoral care and counseling, spiritual assistance, and other social services for church personnel accused of unethical behavior.

The Diocese will extend appropriate pastoral care to the parishes, schools, or institutions directly affected by allegations of unethical behavior by church personnel.



# CODE OF MINISTERIAL CONDUCT

## THE DIOCESE OF WORCESTER

October 2004

INTRODUCTION

Bishops, priests, deacons, pastoral ministers, administrators, staff, employees and volunteers in our parishes, religious communities, institutes, and organizations must uphold Christian values and conduct. The following Code of Ministerial Conduct ("Code") provides a set of standards for conduct in pastoral situations.

Because of the grave responsibilities associated with their work and positions, bishops, priests, and deacons are held to higher standards of behavior than other church personnel. Thus, bishops, priests, and deacons not only are required to comply with the standards of behavior included in this Code, they are also expected to avoid even the appearance of impropriety both inside and outside the scope of their ministry.

The public and private conduct of clergy, staff, and volunteers can inspire and motivate people, but that conduct can also scandalize and undermine people's faith. Clergy, staff, and volunteers must at all times be aware of the responsibilities that accompany their work. They must also know that God's goodness and grace supports them in their ministry.

We have a responsibility to witness in all relationships to the chastity appropriate to our state in life, whether celibate, married or single. We must avoid any covert or overt sexual behaviors with those for whom we have a professional or pastoral responsibility. This includes seductive speech or gestures as well as physical contact that sexually abuses, exploits or harasses another person. We are to provide safe environments in parishes, schools and institutions where children and others can be assured that their boundaries will not be violated.

We should be aware of our own and other persons' vulnerability, especially when working alone with another, and be particularly aware that we bear the greater responsibility for maintaining sexual boundaries in a pastoral relationship for we hold the greater power. We must not initiate sexual behavior and must refuse it when another invites or consents to it. We must give preference to the perspective and judgment of those who are vulnerable and dependent on us in order to determine whether touching would be an appropriate expression of pastoral care.

We must show prudent discretion before touching another person, since we cannot control how physical touch will be received. We strive for greater self-awareness in order to recognize the sexual dynamics at work for us in pastoral relationships and to heed the warning signs in our lives that indicate when we are approaching boundary violations.

We must intervene when there is evidence of or reasonable cause to suspect that children are being abused in any way.

We must report violations of sexual conduct to the appropriate civil and ecclesial authorities and then do what we can to see that justice is done for the victim, the offender, and the community from which the victim and offender come.

APPLICABILITY

Church Personnel

This Code applies to all church personnel employed or engaged in ministry for the Diocese of Worcester, its parishes, Catholic schools, and institutions. Church personnel includes bishops, priests, deacons, seminarians studying for ordination into the Diocese of Worcester and those enrolled in the Permanent Diaconate Formation Program, lay employees and volunteers, who have regular contact with children and young people.

GENERAL PRINCIPLES OF ETHICS AND INTEGRITY IN MINISTRY

Standards for Working with Minors

A. Establishing Appropriate Conduct with Minors

Church personnel working with children and youth must be aware of their own vulnerability and that of any minor with whom they may be working. Church personnel should avoid situations where they are alone with a minor. When it is not feasible to have another individual present, such as when in the confessional, counseling or teaching a minor, church personnel should meet with the minor in as public a place as possible, such as a room with the door open or with a clear window in the door.

Church personnel are prohibited from speaking to minors in a way that is or could be construed by any observer as being threatening, intimidating, shaming, derogatory, demeaning, or humiliating. Church personnel are expected to refrain from using profane language in the presence of minors and must never use any discipline that frightens or humiliates children and youth. Church personnel are prohibited from using physical discipline including but not limited to spanking, slapping, hitting, or any other physical force. If a minor exhibits uncontrollable or unusual behavior, the church worker should notify the appropriate supervisor and a parent or guardian of the minor.

Church personnel must not use or supply alcohol (excepting sacramental wine in Mass) and/or illegal drugs when working with minors or while participating in a youth activity. Moreover, church personnel must not be under the influence of alcohol or impairing drugs (including prescription medication not used as directed) while working with minors.

Church personnel must not provide any sexually explicit, inappropriate, or offensive material to minors. Church personnel are prohibited from possessing or viewing any sexually-oriented or morally inappropriate websites or viewing or sending such electronic mail messages on church property or in the presence of minors.

Church personnel are prohibited from engaging in any sexually-oriented conversations with minors. However, it is expected that from time to time youth ministry and educational lessons and discussions for teenagers may address human sexuality issues related to dating and sex. Moreover, it is

DECREE  
In the Name of God.

Whereas on 30 May 2002 the Most Reverend Daniel P. Reilly, then Bishop of the Diocese of Worcester, decreed the Policy on the Sexual Abuse of Minors as particular law for the Diocese of Worcester;

Whereas the Charter for the Protection of Children and Young People issued by the United States Conference of Catholic Bishops stated that in each diocese/eparchy "there will be clear and well-publicized diocesan/eparchial standards of ministerial behavior and appropriate boundaries for clergy and for any other church personnel in positions of trust who have regular contact with children and young people" (Article 6);

I hereby promulgate the Code of Ministerial Conduct (Code) as particular law for the Diocese of Worcester, effective October 12, 2004.

This Code is decreed *ad experimentum* for one (1) year, in order that a broad consultation be undertaken among the lay faithful, consecrated persons, and clergy of the Diocese. The results of this consultation are to be forwarded to the bodies constituted for the review and revision of the Diocesan Policy on the Sexual Abuse of Minors. A permanent Code of Ministerial Conduct that is suitable to our Diocese is then to be adopted within one (1) year of the effective date of this decree.

Given at the Chancery of the Diocese of Worcester this first day of October, in the Year of Our Lord 2004.

Bishop of Worcester



Chancellor

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expected that minors may raise issues relating to sexuality during counseling sessions or during confession. Lessons and counseling must convey to youth the Church's teaching on these topics. If those being taught have further questions not answered or addressed, they should be referred to their parents or guardians for clarification or counseling. In addition, church personnel are prohibited from discussing their own sexual orientation, activities, practices, or history with minors.

#### B. Maintaining Appropriate Boundaries

Physical contact with minors beyond a handshake or a "high-five" can be misconstrued both by minors and adults, and should not occur except under appropriate public circumstances. The following are examples (not an exclusive list) of behavior in which church personnel should never engage with minors: Inappropriate or lengthy embraces; kisses on the mouth; holding minors on the lap; intentionally touching bottoms, chests, legs or genital areas; showing affection while in an isolated location; wrestling, tickling or giving piggyback rides; giving massages; or paying compliments that relate to physique or body development.

Church personnel must not go on vacations or overnight trips with minors other than their own children unless another adult is present. They must not share beds with minors other than their own children nor share sleeping quarters with minors except when necessary and when another adult is present. Church personnel must not provide overnight accommodations in rectories or other personal residences for minors unless minors are accompanied by a parent or legal guardian. Church personnel should never be nude in the presence of minors in their care and should avoid situations where minors are nude while in their care. If monitoring is necessary, two or more adults should be present at all times. Changing and showering facilities or arrangements for adults should be separate from facilities or arrangements for minors. If there are not separate facilities, then times should be posted to reserve facilities for adults separate from children.

#### C. Supervising Programs Involving Minors

Parents are encouraged to be a part of any and all services and programs in which their children are involved in the Diocese of Worcester. 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 participate in Safe Environment Training and submit to a C.O.R.I. review.

At the close of services or activities, church personnel should release minors in their care only to parents, legal guardians, or other person(s) designated by parents or legal guardians. In the event that church personnel are uncertain of the propriety of releasing a minor, they should immediately locate or contact their supervisor before releasing the child.

Minors should never be transported without written permission from a parent or guardian. Church personnel should transport minors directly to their destination and no unauthorized stops should be made. Church personnel must require all minors to wear seatbelts or, when appropriate, be strapped into car seats.

### *Standards for Integrity in Ministry*

#### A. Sexual Conduct

Church personnel must not exploit the trust placed in them by the faith community. Clergy, religious, staff, and volunteers who are committed to a celibate lifestyle are called to be an example of celibate chastity in all relationships at all times.

Those who provide pastoral counseling or spiritual direction services must avoid developing inappropriate relationships with minors, other staff, or parishioners. Staff and volunteers must behave in a professionally supportive manner at all times. No clergy, employee, staff, or volunteer may exploit another person for sexual purposes.

Allegations of sexual misconduct should be taken seriously and reported to the appropriate civil and ecclesial authorities according to the policies and procedures of the Diocese of Worcester. Clergy, staff, employees and volunteers should review and know the contents of the child abuse regulations and reporting requirements for the Commonwealth of Massachusetts and should follow those mandates.

#### B. Harassment

Church personnel must not engage in physical, psychological, written, or verbal intimidation or harassment of any person at any time.

Church personnel must not engage in sexual harassment or any inappropriate behavior of a sexual nature toward any person.

Church personnel must not discriminate against any individual on the basis of race, color, national origin, gender, religion, sexual orientation, age, physical or mental disability, pregnancy, or military or veteran status, except where such status is a legitimate occupational qualification in accordance with civil and Church law.

While it is not possible to list all behavior that is considered to be harassment or sexually inappropriate, prohibited conduct includes, but is not limited to: slurs, epithets, derogatory comments; unwelcome jokes, comments, and teasing; inappropriate physical contact or gestures; sexual advances and emphasis on sexual or racial identity; displaying written materials, pictures, or other items that are offensive or sexually suggestive; viewing sexually suggestive or otherwise inappropriate written materials, websites, electronic mail messages, or other items while on Church property or while performing duties or engaged in ministry for the Church; other conduct that has the purpose or effect of unreasonably interfering with an individual's performance at work or creates an intimidating, hostile, or offensive working environment.

Harassment can occur as a result of a single severe incident or a pattern of conduct that results in the creation of a hostile, offensive, or intimidating work environment. Harassment can be indirect and can take place even when the offender does not intend to offend, intimidate, or otherwise do harm. Whether conduct is considered to be harassment is based, in part, on whether a reasonable person under the circumstances would view the conduct as creating a hostile, offensive, or intimidating work environment.

Church personnel are required to report harassment, including sexual harassment, in accordance with the reporting policy contained in this Code. Church personnel are prohibited from retaliating against individuals who make good faith reports of harassment.

### *Standards for Spiritual and Pastoral Relationships*

#### A. Respecting the Rights and Welfare of Those Counseled

Church personnel who conduct counseling for families, individuals or groups must respect the individual rights of these counseled and work to advance the welfare of each person.

Church personnel providing counseling are expected to avoid situations in which conduct in fact or in appearance takes advantage of anyone in order to further the personal, religious, political, or business interests of the provider.

Church personnel shall not overstep their competence in counseling situations and shall refer to other professionals when appropriate. Professional services offered by church personnel must not be beyond those dictated by their training and/or certification from a recognized professional association of peers or licensure from the Commonwealth of Massachusetts.

#### B. Maintaining Appropriate Boundaries

Church personnel shall set, communicate, and maintain clear, appropriate boundaries in all counseling and counseling-related relationships.

Church personnel must never engage in sexual intimacies with those they counsel. This includes consensual sexual contact, forced sexual contact, and sexually explicit conversations not related to counseling issues.

Church personnel shall not engage in sexual intimacies with counselee's relatives, friends or other individuals close to the counselee. Church personnel should presume that a potential for exploitation or harm exists in such intimate relationships.

Physical contact with the counselee can be misconstrued. Great care should be taken in any physical contact beyond a handshake.

Sessions should be conducted in appropriate settings at appropriate times and should not be held at places or times that would tend to cause confusion about the nature of the relationship for the counselee. No sessions should be conducted in private living quarters. Church personnel should keep a log of the times and places of sessions with each counselee.

#### C. Confidentiality

Many people who come to the Church for help expect that church personnel will refrain from disclosing personal and sensitive information they share with church personnel. Church personnel therefore should maintain their confidentiality, except as required by law or as set forth in the paragraphs below.

Church personnel must comply with all reporting requirements mandated by Massachusetts law and the reporting requirements contained in the Policies and Procedures for the Protection of Children and Youth regarding the reporting of sexual abuse of a minor.

In accordance with Church law, the sacramental seal of confession is inviolable, and it is absolutely forbidden for a confessor to betray the confidence of a penitent in any way or for any reason. This is applicable whether the penitent is living or dead. Violation of the sacramental seal of confession is considered to be a grave delict (a serious crime) against Church law.

Information obtained in the course of counseling sessions shall be confidential, except for compelling professional reasons, as required by law, or as required by the reporting requirements for sexual abuse contained in this Code. Church personnel are also bound to safeguard the confidentiality of any notes, files, or computer records pertaining to professional contact with individuals to the extent consistent with the obligation to report abuse or prevent harm.

#### D. Conflicts of Interest

Church personnel shall avoid placing themselves in a position that might present a conflict of interest because the existence or the appearance of a conflict of interest can call into question one's integrity and professional conduct.

The potential for a conflict of interest exists in many circumstances. Examples of such situations and behavior by church personnel include, but are not limited to, conducting private business or other dealings with the Church or any of its members; accepting substantial (non-token) gifts for services or favors; employing or engaging in transactions with one's friends or relatives; soliciting personal loans or requests for financial assistance from parish members, vendors, parish organizations, or employees; acting with partiality toward employees or Church members; or violating a confidence of another for personal gain.

A conflict of interest may exist when Church personnel give family and/or friends unlimited access to church facilities or resources when they are not available to other parishioners. To that end, no person shall reside in a parish building unless assigned by the bishop to minister in the parish. Parish employees and the family members of friends of a priest shall not be provided a residence on parish property without the explicit written permission of the bishop. This blanket prohibition does not apply to a visit or a brief stay.

A conflict of interest may also exist in ministerial relationships. Church personnel must establish clear, appropriate boundaries with anyone with whom they have a business, professional, personal, familial, or social relationship.

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### **VIOLATIONS OF THE CODE OF MINISTERIAL CONDUCT**

#### *Reporting Ethical or Professional Misconduct*

The Diocese is dedicated to taking steps to ensure that the Church is a safe and welcoming environment for all people and that it is free from harassment and intimidation. It is imperative that every member of the Church community participates as actively in the protection of minors as well as others who minister or worship in our Church. Church personnel therefore have a duty to report observations of violations of this code. Clergy, staff, employees and volunteers must hold each other accountable for maintaining the highest ethical and professional standards. If Church personnel suspect that a minor has been subjected to abuse, they must comply with the reporting requirements under Massachusetts law and the Diocese of Worcester Policies and Procedures for the Protection of Children and Youth.

**Reports of unethical behavior or other violations of the Code may be made to any one of the following:**

- 1. The pastor, principal or administrator where the conduct took place**
  - 2. The Vicar General or Chancellor**
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