THE AMARILLO DIOCESE

SAFE ENVIRONMENT POLICY

(10/21/2021)
To Priests, Deacons, Religious and all the Lay Faithful of the Diocese of Amarillo:

Everyone, especially our children, have the right to be safe, secure, and protected from harm, whether sexually, physically, spiritually and/or emotionally, in any and all environments – home, school, neighborhood, community, and for the purpose of this policy – most particularly, in our religious institutions.

As the Bishop of the Diocese of Amarillo, I am committed to “Protect the vulnerable and guard the integrity of ministerial relationships”. I further declare: “Sexual misconduct by clergy, church personnel, church leaders and volunteers is contrary to the Christian morals, doctrine, and canon law. It is never acceptable and will not be tolerated!”

The Diocese of Amarillo will continue to comply fully with the requirements as promulgated by the United States Conference of Catholic Bishops under the: “Charter for the Protection of Children and Young People” which is updated and made part hereto.

Diocesan policies are designed in the implementation of the Safe Environment Program in all the parishes, schools, agencies, entities, and programs in the Diocese of Amarillo.

Our mission is to create a safe environment for all minors who are entrusted to our Church by:

1. Screening of Church Personnel and supervising all Church ministers, employees and volunteers who work with minors as part of their ministry.

2. Providing appropriate Safe Environment Training in preventing and recognizing child sexual abuse. The safe Environment training program approved for all priests, deacons, religious, employees, teachers, and volunteers is “VIRTUS – Protecting God’s Children”.

3. Holding all those who work with minors to Christ-centered and professional codes of conduct.

4. Providing age based, safe environment training for minors in the recognition of what constitutes appropriate and moral behavior to children/young people by the program “Circle of Grace” which is to be used in all Catholic parishes in the Diocese of Amarillo.

5. Reporting such sexual inappropriate and/or criminal conduct to appropriate Civil and Church authorities.

Sincerely yours in Christ Jesus,

[Signature]

Most Reverend Patrick J. Zurek
Bishop of Amarillo

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Safe Environment Structure and Definitions

**Minor:**
A “Minor” is any person under 18 years of age (per Code of Canon Law #1395) who participates in a program or programs under the authority of the Roman Catholic Diocese of Amarillo. A minor may also be referred to as a “child” or “young person”.

**Vulnerable Person/Adult:**
Any person 18 years of age or older who, in a state of a clinically diagnosed infirmity, physical or mental deficiency, or deprivation of personal liberty which, in fact, limits their ability to understand or to want or otherwise resist an offence.

**Adult Minor:**
An “Adult Minor” is a teenager who is 18 years old up to their 20th Birthday.

**Sexual Abuse:**
Sexual abuse is any form of sexual misconduct, molestation, or exploitation of a minor or vulnerable adult by which an adult uses another as an object of sexual gratification.

Sexual abuse is forcing someone, by violence or threat, or through abuse of authority, to perform or submit to sexual acts. Allegations of criminal sexual abuse (See Appendix “L” – Texas Penal Code-Title 5, Chapter 21, 22) require the notification of appropriate civil authorities.

Sexual abuse may also include credible evidence of behaviors that are in violation of Catholic Morality, “Amarillo Diocese’s Safe Environment Policy”, “Code of Cannon Law (1395)”, “Charter for the Protection of Children and Young People”, and/or the Sixth Commandment as delineated in the “Catechism of the Catholic Church”, etc. Ultimately, it is the responsibility of the Diocesan Bishop, with the advice of the Diocesan Charter Review Board, to determine the gravity of the alleged act.

**Child Abuse:**
Any form of infliction of injury to the detriment of a child’s physical, mental, moral, spiritual, or emotional wellbeing.

**Child Pornography:**
Child pornography pertains to owning, making, distributing, sharing, or viewing any film, video, photograph, electronic or computer-generated images of an individual(s), under the age of 18, who is nude, or engaging in sexually explicit activities, whether real or simulated, and any representation of sexual organs of minor for sexual purposes. See Appendix F

**Church Personnel:**
“Church Personnel” shall mean all persons, (clergy, religious and laity) who are employed by, under contract of employment with, or volunteer in any Diocesan Institution or Parish that provides ministry to children, youth, and/or vulnerable adults. “Teenage Church Personnel” are those teenagers 14 up to 18 years of age who are left alone in an “unsupervised” ministry to children. Such teens will be required to undergo VIRTUS “Healthy Relationships for Teens” training. See Appendix A, B, F, G, I, J, and K.
United States Conference of Catholic Bishops:
The “United States Conference of Catholic Bishops” ("USCCB") developed and approved the revised Charter for the Protection of Children and Young People at its June 2018 General Meeting. Each Diocesan Bishop will oversee its implementation in their respective diocese.

Charter for the Protection of Children and Young People:
The “Charter for the Protection of Children and Young People” ("Charter") provides an outline of practical and pastoral steps to develop a safe environment within the Church for children and young people and of preventing sexual abuse of minors.

Bishop of Amarillo:
The “Bishop of Amarillo”, through his appointed Safe Environment Personnel, is accountable for the full compliance of the USCCB “Charter for the Protection of Children and Young People”.

Vicar General:
The “Vicar General”, with the assistance of the Director, will ensure the efficient operation of the Safe Environment Program and serve as liaison between the Bishop and the Charter Review Board, and all Safe Environment components.

Diocesan Charter Review Board:
The “Diocesan Charter Review Board” will serve as a confidential consultative body to the Bishop. The majority of its members are to be laypersons not in the employ of the diocese. This Board will advise the bishop in his assessment of allegations of sexual abuse of minors and in his determination of a cleric’s suitability for ministry. It is regularly to review diocesan policies and procedures for dealing with sexual abuse and related matters. (Charter Article 2)

Diocesan Attorney:
The “Diocesan Attorney” will serve as legal consultant for any and all issues as they pertain to Safe Environment/Sexual Abuse issues, in conjunction with the Review Board, Bishop and his designee, Investigator, the Safe Environment Office, Victim Assistance, etc.

Victim Assistance Coordinator:
The “Victim Assistance Coordinator” will be available to reach out to victims/survivors and their families to assist them in healing and reconciliation. This service may include provision of counseling, spiritual assistance, support groups, and other social services agreed upon by the victim and diocese.

This office shall be independent from but in union with all other components of the Diocesan Safe Environment Program. See Charter Article 1.

Investigator of Allegations:
The “Investigator” will review all allegations and accusations of sexual misconduct. Such allegations will be taken seriously and will be thoroughly investigated in accord with the norms set forth in this document. The Vicar General and/or the Vicar of Clergy with approval of the Charter Review Board and Bishop, will oversee, appoint, and direct the Investigator. Do to the sensitivity of “Diocesan Confidential Archived Files” it is recognized that extreme caution must be exercised in their accessibility; however, the Diocesan Investigator must be granted access to particular file(s) on an “on-need basis” as the situation warrants. See Charter Articles 2, 4, 5, Code of Canon Law canons 489, 490, &1719.
Diocesan Director of the Safe Environment Office:
The “Diocesan Director of Safe Environment Office” {hereafter referred to as The Director} will coordinate with the Superintendent of Catholic Education, Director of Faith Formation, Pastors, Institution Administrators, etc. to ensure that:

1. Church Personnel, other volunteers, and especially minors are provided with quality Safe Environment curriculum. Parents are highly encouraged to participate;
2. The Director will constantly review and/or develop programs that are age appropriate and position suitable;
3. The Director will develop a team approach wherein all institutions have either in-house certified Virtus Local Coordinator (Administrator), Adult Safe Environment Facilitator or an Adult Facilitator at the cluster level. The ideal situation is to have at least two such Adult Facilitators in all diocesan institutions;
4. At each training session, the Facilitator will confirm that the Church Personnel have so attended.
5. The Director will coordinate with the Diocesan Safe Environment Background and Statistics Coordinator who will be responsible for statistics regarding all Safe Environment Training matters to include Church Personnel, Minors, Parents, Continuing Education, etc. See Charter Article 12 and Appendix G & H.
6. The Director will be significantly involved in the preparation for the Charter Compliance Audit. He will report to and coordinate all Safe Environment Matters with the Vicar General.
7. The Director, as appointed by the Bishop, will ensure the efficient operation of the Safe Environment Program, he also will serve as liaison between the Safe Environment components, and in particular in those areas involving statistics as it relates to the annual Charter Audit. He will oversee and ensure a timely review and response to matters involving Church Personnel who have negative (red flag matters) criminal history report. See Charter Articles 1-7, 12-17, Appendix A-K

Diocesan Safe Environment Background & Statistics Coordinator:
The “Diocesan Safe Environment Background & Statistics Coordinator” will ensure:

1. The Criminal History check has been conducted;
2. All “Required Documents” have been electronically signed;
3. Will assist those Church Personnel who are having difficulties logging into the VIRTUS website.
4. The database is current and necessary Charter Audit figures are readily available for review;
5. Each parish, Catholic school, and diocesan entity administrator will have VITRUS access with the names of trained and cleared Church Personnel along with those who have not been cleared (criminal history) or attended Safe Environment Training. The Administrator has thirty days to resolve the above matter;
6. The Background & Statistics Coordinator will also maintain the statistics of minors who are registered in parish programs, as to the number enrolled, the number who received training, the number absent, and the number who opted out.
7. The Background & Statistics Coordinator will keep the Director appraised as to the compliance and non-compliance matters. See Charter Articles 12 & 13 and Appendix D.
**Institution or Entity:**
“Institution” or “Entity” shall mean all parishes, Catholic schools, diocesan offices, Bishop DeFalco Retreat Center, other retreat facilities, programs, agencies, Catholic Charities of the Texas Panhandle, Downtown Women’s Center, civil corporations, and any and all organizations/entities whose ecclesiastical superior is the Bishop of Amarillo.

It is the obligation of every “Institution” in the Diocese of Amarillo to ensure that all Church Personnel, whose position or duties place them in contact with minors, vulnerable adults, etc. comply fully with the Safe Environment of this policy.

Those institutions that provide ministry to minors must ensure that they receive Safe Environment Training before or during the month of October, each year; and catch-up training for those who missed previously scheduled training sessions. All minors must receive safe environment training every year! See Appendix C & D.

**Institution Administrator:**
The “Administrator” is the pastor, principal, or agency head of an Institution. This person is ultimately responsible for ensuring that all Church Personnel have complied with the Safe Environment Requirements, all children have received Safe Environment Training, and for accurate records relevant to the program’s operation are maintained and forwarded in a timely manner to the Safe Environment Office. See Appendix A – K.

**Institution VIRTUS Local Coordinator (Administrator):**
The Virtus Local Coordinator (Administrator) may be the Institution Administrator and/or his designee such as the DRE or assistant principal, assistant agency head, etc., to actually oversee the Safe Environment Program at an Institution. See Charter Article 12 and Appendix G, H, & K.

**Institution VIRTUS Adult Safe Environment Facilitator:** Each Institution should have (or access to) a “VIRTUS Adult Safe Environment Facilitator”. The Adult Facilitator shall be trained and certified by the Director and/or designee. He/she will be able to assist those who require help registering on the VIRTUS website, provide Safe Environment Training to Church Personnel, and train Teens who will minister to minors. See Charter Article 12, 13 and Appendix A, B, D, G, H, I, J, & K.

**Institution Children & Youth Safe Environment Trainers:**
The Church Personnel who are further approved by the Administrator (Pastor, Principal) may train Children and Youth during regularly scheduled Faith Formation Classes and/or as needed. See Charter Article 12, Appendix H.

**Safe Environment Month - October:**
The Month of October has been designated “Safe Environment Month”. As such the bulk of Safe Environment Training of Minors must be conducted before or during the month of October and reported to the Diocesan Safe Environment Office no later than November 15th. It should be noted that catch-up Safe Environment Training should be conducted as needed for those newly enrolled or who have missed regularly scheduled training. See Appendix H
Charter for the Protection of Children and Young People
Essential Norms for Diocesan/Eparchial Policies Dealing with Allegations of Sexual Abuse of Minors by Priests or Deacons


The revised Charter for the Protection of Children and Young People was developed by the Ad Hoc Committee for Sexual Abuse of the United States Conference of Catholic Bishops (USCCB). It was approved by the full body of U.S. Catholic bishops at its June 2005 Plenary Assembly, and this third revision was approved at the June 2018 Plenary Assembly.

The revised Essential Norms for Diocesan/Eparchial Policies Dealing with Allegations of Sexual Abuse of Minors by Priests or Deacons was developed by the Ad Hoc Committee on Sexual Abuse of the USCCB and by the Vatican-U.S. Bishops’ Mixed Commission on Sex Abuse Norms. They were approved by the full body of bishops at its June 2005 General Meeting, received the subsequent recognitio of the Holy See on January 1, 2006, and were promulgated May 5, 2006.

The revised Statement of Episcopal Commitment was developed by the Ad Hoc Committee on Bishops’ Life and Ministry of the USCCB. It was approved by the full body of U.S. Catholic bishops at its November 2005 Plenary Assembly and then again in 2011 and 2018. This revised edition, containing all three documents, is authorized for publication by the undersigned.

Msgr. J. Brian Bransfield
General Secretary, USCCB

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PREAMBLE

Since 2002, the Church in the United States has experienced a crisis without precedent in our times. The sexual abuse of children and young people by some deacons, priests, and bishops, and the ways in which these crimes and sins were addressed, have caused enormous pain, anger, and confusion. As bishops, we have acknowledged our mistakes and our roles in that suffering, and we apologize and take responsibility again for too often failing victims and the Catholic people in the past. From the depths of our hearts, we bishops express great sorrow and profound regret for what the Catholic people have endured.

We share Pope Francis’ “conviction that everything possible must be done to rid the Church of the scourge of the sexual abuse of minors and open pathways of reconciliation and healing for those abused” (Letter of His Holiness Pope Francis to the Presidents of the Episcopal Conferences and Superiors of Institutes of Consecrated Life and Societies of Apostolic Life Concerning the Pontifical Commission for the Protection of Minors, February 2, 2015).

Again, with this 2018 revision of the Charter for the Protection of Children and Young People, we reaffirm our deep commitment to creating a safe environment within the Church for children and youth. We have listened to the profound pain and suffering of those victimized by sexual abuse and will continue to respond to their cries. We have agonized over the sinfulness, the criminality, and the breach of trust perpetrated by some members of the clergy. We have determined as best we can the extent of the problem of this abuse of minors by clergy in our country, and we await the results of a study of the causes and context. We will use what we have learned to strengthen the protection given to children and young people in our care.

We continue to have a special care for and a commitment to reaching out to the victims of sexual abuse and their families. The damage caused by sexual abuse of minors is devastating and long-lasting. We apologize to them for the grave harm that has been inflicted on them, and we offer our help for the future. The loss of trust that is often the consequence of such abuse becomes even more tragic when it leads to a loss of the faith that we have a sacred duty to foster. We make our own the words of St. Pope John Paul II: that the sexual abuse of young people is “by every standard wrong and rightly considered a crime by society; it is also an appalling sin in the eyes of God” (Address to the Cardinals of the United States and Conference Officers, April 23, 2002). We will continue to help victims recover from these crimes and strive to prevent these tragedies from occurring.

Along with the victims and their families, the entire Catholic community in this country has suffered because of this scandal and its consequences. The intense public scrutiny of the minority of the ordained who have betrayed their calling has caused the vast majority of faithful priests and deacons to experience enormous vulnerability to being misunderstood in their ministry and often casts over them an underserved air of suspicion. We share with all priests and deacons firm commitment to renewing the image of the vocation to Holy Orders so that it will continue to be perceived as a life of service to others after the example of Christ our Lord.

We, who have been given the responsibility of shepherding God's people, will, with his help and in full collaboration with all the faithful, continue to work to restore the bonds of trust that unite us. We have seen that words alone cannot accomplish this goal. We will continue to take action in our Plenary Assembly and at home in our dioceses and eparchies.

We feel a particular responsibility for the “the ministry of reconciliation” (2 Cor 5:18) which God, who reconciled us to himself through Christ, has given us. The love of Christ impels us to ask forgiveness for our own faults but also to appeal to all—to those who have been victimized, to those who have offended, and to all who have felt the wound of this scandal—to be reconciled to God and one another.

Perhaps in a way never before experienced, we have felt the power of sin touch our entire Church family in this country; but as St. Paul boldly says, God made Christ “to be sin who did not know sin, so that we might become the righteousness of God in him” (2 Cor 5:21). May we who have known sin experience as well, through a spirit of reconciliation, God's own righteousness. We know that after such profound hurt, healing and reconciliation are beyond human capacity alone. It is God’s grace and mercy that will lead us forward, trusting Christ’s promise: “for God all things are possible” (Mt 19:26).

In working toward fulfilling this responsibility, we have relied first of all on Almighty God to sustain us in faith and in the discernment of the right course to take.
We receive fraternal guidance and support from the Holy See that has sustained us in this time of trial. In solidarity with Pope Francis, we express heartfelt love and sorrow for the victims of abuse.

We rely on the Catholic faithful of the United States. Nationally and in each diocese/eparchy, the wisdom and expertise of clergy, religious, and laity have contributed immensely to confronting the effects of the crisis and taking steps to resolve it. We are filled with gratitude for their great faith, their generosity, and for the spiritual and moral support that we have received from them.

We acknowledge and affirm the faithful service of the vast majority of our priests and deacons and the love that their people have for them. They deservedly have our esteem and that of the Catholic people for their good work. It is regrettable that their committed ministerial witness has been overshadowed by this crisis.

In a special way, we acknowledge those victims of clergy sexual abuse and their families who have trusted us enough to share their stories and to help us understand more fully the consequences of this reprehensible violation of sacred trust. With Pope Francis, we praise the courage of those who speak out about their abuse; their actions are “a service of love, since it sheds light on a terrible darkness in the life of the church.” We pray that “the remnants of the darkness which touch them may be healed”. (Address to Victims of Sexual Abuse, July 6, 2014).

Let there now be no doubt or confusion on anyone’s part: For us, your bishops, our obligation to protect children and young people and to prevent sexual abuse flows from the mission and example given to us by Jesus Christ himself, in whose name we serve.

As we work to restore trust, we are reminded how Jesus showed constant care for the vulnerable. He inaugurated his ministry with these words of the Prophet Isaiah:

The Spirit of the Lord is upon me, because he has anointed me to bring glad tidings to the poor.
He has sent me to proclaim liberty to captives and recovery of sight to the blind, to let the oppressed go free, and to proclaim a year acceptable to the Lord. (Lk 4:18-19)

In Matthew 25, the Lord, in his commission to his apostles and disciples, told them that whenever they show mercy and compassion to the least ones, they show it to him.

Jesus extended this care in a tender and urgent way to children, rebuking his disciples for keeping them away from him: “Let the children come to me” (Mt 19:14). And he uttered a grave warning that for anyone who would lead the little ones astray, it would be better for such a person “to have a great millstone hung around his neck and to be drowned in the depths of the sea” (Mt 18:6).

We hear these words of the Lord as prophetic for this moment. With a firm determination to restore the bonds of trust, we bishops recommit ourselves to a continual pastoral outreach to repair the breach with those who have suffered sexual abuse and with all the people of the Church.

In this spirit, over the last sixteen years, the principles and procedures of the Charter have been integrated into church life:
The Secretariat of Child and Youth Protection provides the focus for a consistent, ongoing, and comprehensive approach to creating a secure environment for young people throughout the Church in the United States.

The Secretariat also provides the means for us to be accountable for achieving the goals of the Charter, as demonstrated by its annual reports on the implementation of the Charter based on independent compliance audits.

The National Review Board is carrying on its responsibility to assist in the assessment of diocesan/eparchial compliance with the Charter for the Protection of Children and Young People.

The descriptive study of the nature and scope of sexual abuse of minors by Catholic clergy in the United States, commissioned by the National Review Board, was completed in February, 2004. The resulting study, examining the historical period 1950-2002, by the John Jay College of Criminal
Justice provides us with a powerful tool not only to examine our past but also to secure our future against such misconduct.

The U. S. bishops charged the National Review Board to oversee the completion of *Causes and Context* study. The Study, which calls for ongoing education, situational prevention, and oversight and accountability, was complete in 2011.

Victims’ assistance coordinators are in place throughout our nation to assist dioceses in responding to the pastoral needs of those who have been injured by abuse.

Diocesan/eparchial bishops in every diocese are advised and greatly assisted by diocesan review boards as the bishops make the decisions needed to fulfill the *Charter*.

Safe environment programs are in place to assist parents and children—and those who work with children—in preventing harm to young people. These programs continually seek to incorporate the most useful developments in the field of child protection.

Through these steps and many others, we remain committed to the safety of our children and young people.

While the number of reported cases of sexual abuse has decreased over the last sixteen years, the harmful effects of this abuse continue to be experienced both by victims and dioceses/eparchies.

Thus, it is with a vivid sense of the effort which is still needed to confront the effects of this crisis fully and with the wisdom gained by the experience of the last sixteen years that we have reviewed and revised the *Charter for the Protection of Children and Young People*. We now re-affirm that we will assist in the healing of those who have been injured, will do all in our power to protect children and young people, and will work with our clergy, religious, and laity to restore trust and harmony in our faith communities, as we pray for God’s kingdom to come, here on earth, as it is in heaven.

To make effective our goals of a safe environment within the Church for children and young people and of preventing sexual abuse of minors by clergy in the future, we, the members of the United States Conference of Catholic Bishops, have outlined in this *Charter* a series of practical and pastoral steps, and we commit ourselves to taking them in our dioceses and eparchies:
To Promote Healing and Reconciliation with Victims/Survivors of Sexual Abuse of Minors:

CHARTER ARTICLE 1: Dioceses/eparchies are to reach out to victims/survivors and their families and demonstrate a sincere commitment to their spiritual and emotional well-being. The first obligation of the Church with regard to the victims is for healing and reconciliation. Each diocese/eparchy is to continue its outreach to every person who has been the victim of sexual abuse* as a minor by anyone in church service, whether the abuse was recent or occurred many years in the past. This outreach may include provision of counseling, spiritual assistance, support groups, and other social services agreed upon by the victim and the diocese/eparchy.

Through pastoral outreach to victims and their families, the diocesan/eparchial bishop or his representative is to offer to meet with them, to listen with patience and compassion to their experiences and concerns, and to share the “profound sense of solidarity and concern” expressed by His Holiness, Pope John Paul II, in his Address to the Cardinals of the United States and Conference Officers (April 23, 2002). Pope Benedict XVI, too, in his address to the U.S. bishops in 2008 said of the clergy sexual abuse crisis, “It is your God-given responsibility as pastors to bind up the wounds caused by every breach of trust, to foster healing, to promote reconciliation and to reach out with loving concern to those so seriously wronged.”

We bishops and eparches commit ourselves to work as one with our brother priests and deacons to foster reconciliation among all people in our dioceses/eparchies. We especially commit ourselves to work with those individuals who were themselves abused and the communities that have suffered because of the sexual abuse of minors that occurred in their midst.

DIOCESAN POLICY: The Victim Assistance Coordinator will be available to assist victims/survivors and their families by facilitating the process of healing and reconciliation through counseling, spiritual assistance, support groups, and other social services as agreed upon by the victim and diocese. The Victim Assistance Coordinator will be independent from but in union with all other components of the Diocesan Safe Environment Program.

The Bishop and/or his representative will meet with victims and their families with openness and compassion.

CHARTER ARTICLE 2: Dioceses/eparchies are to have policies and procedures in place to respond promptly to any allegation where there is reason to believe that sexual abuse of a minor has occurred. Dioceses/eparchies are to have a competent person or persons to coordinate assistance for the immediate pastoral care of persons who report having been sexually abused as minors by clergy or other church personnel. The procedures for those making a complaint are to be readily available in printed form in the principle languages in which the liturgy is celebrated in the diocese/eparchy and be the subject of public announcements at least annually.

Dioceses/eparchies are also to have a review board that functions as a confidential consultative body to the bishop/eparch. The majority of its members are to be lay persons not in the employ of the diocese/eparchy (see Norm 5 in Essential Norms for Diocesan/Eparchial Policies Dealing with Allegations of Sexual Abuse of Minors by Priests or Deacons, 2006). This board is to advise the diocesan/eparchial bishop in his assessment of allegations of sexual abuse of minors and in his determination of a cleric’s suitability for ministry. It is regularly to review diocesan/eparchial policies and procedures for dealing with sexual abuse of minors. Also, the board can review these matters both retrospectively and prospectively and give advice on all aspects of responses in connection with these cases.

DIOCESAN POLICY: The Diocese of Amarillo has had a policy in place to respond to allegations of sexual abuse for a number of years titled: “Sexual Misconduct with Minors: Policies for Education, Prevention, Assistance to Victims and Procedures for Determination of Fitness for Ministry

The Diocese of Amarillo will maintain an updated and current “Diocesan Website” where information on Safe Environment Matters can be viewed. The West Texas Catholic newspaper shall
regularly publish, in Spanish and English, the contact information for the Victim Assistance Coordinator; and other safe environment articles including the results of annual Compliance Audits.

The Diocesan Charter Review Board will serve as a confidential consultative body to the Bishop. The majority of its members are to be laypersons not in the employ of the diocese. This Board will advise the bishop in his assessment of allegations of sexual abuse of minors and/or other related inappropriate behaviors in his determination of a cleric’s suitability for ministry. It is to regularly review diocesan policies and procedures for dealing with sexual abuse of minors.

Ultimately, it is the responsibility of the Diocesan Bishop, with the advice of the Diocesan Charter Review Board, to determine the gravity of the alleged act.

This document serves as the Diocese of Amarillo, Policy and Procedure regarding “Safe Environment/ Charter” matter.

**CHARTER ARTICLE 3:** Dioceses/eparchies are not to enter into settlements, which bind the parties to confidentiality unless the victim/survivor requests confidentiality, and this request is noted in the text of the agreement.

**DIOCESAN POLICY:** Confidentiality matters will be handled by the Diocesan Attorney, Review Board, coordinated with the Bishop and/or his designee. The Diocese recognizes transparency is important regarding these matters therefore the diocese will comply accordingly.

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**To Guarantee an Effective Response to Allegations of Sexual Abuse of Minors:**

**CHARTER ARTICLE 4:** Dioceses/eparchies are to report an allegation of sexual abuse of a person who is a minor to the public authorities with due regard for the seal of the Sacrament of Penance. Dioceses/eparchies personnel are to comply with all applicable civil laws with respect to the reporting of allegations of sexual abuse of minors to civil authorities and cooperate in their investigation in accord with the law of the jurisdiction in question.

Dioceses/eparchies are to cooperate with public authorities about reporting cases even when the person is no longer a minor.

In every instance, dioceses/eparchies are to advise victims of their right to make a report to public authorities and support this right.

**DIOCESAN POLICY:** All reports of alleged sexual abuse or misconduct by Church Personnel will be handled in accordance with the appropriate provisions of civil, canon, and particular law relating to Sexual Misconduct. Each reported incident will be handled with a high level of pastoral care, concern and confidentiality for the alleged victim, the family of the alleged victim, the person reporting the incident, and the alleged perpetrator. See Appendix “E” and “L”.

**CHARTER ARTICLE 5:** We affirm the words of St. Pope John Paul II, in his Address to the Cardinals of the United States and Conference Officers: “There is no place in the priesthood or religious life for those who would harm the young.” Pope Francis has consistently reiterated this with the victims of clergy sexual abuse.

Sexual abuse of a minor by a cleric is a crime in the universal law of the Church (CIC, c. 1395 §2; CCEO, c. 1453 §1). Because of the seriousness of this matter, jurisdiction has been reserved to the Congregation for
the Doctrine of the Faith (Motu proprio, Sacramentorum sanctitatis tutela, AAS, 93, 2001). Sexual abuse of a minor is also a crime in all civil jurisdictions in the United States.

Diocesan/eparchial policy is to provide that for even a single act of sexual abuse of a minor*—whenever it occurred—which is admitted or established after an appropriate process in accord with canon law, the offending priest or deacon is to be permanently removed from ministry and, if warranted, dismissed from the clerical state. In keeping with the stated purpose of this Charter, an offending priest or deacon is to be offered therapeutic professional assistance both for the purpose of prevention and also for his own healing and well-being.

The diocesan/eparchial bishop is to exercise his power of governance, within the parameters of the universal law of the Church, to ensure that any priest or deacon subject to his governance who has committed even one act of sexual abuse of a minor as described below will not continue in ministry.

A priest or deacon who is accused of sexual abuse of a minor is to be accorded the presumption of innocence during the investigation of the allegation and all appropriate steps are to be taken to protect his reputation. He is to be encouraged to retain the assistance of civil and canonical counsel. If the allegation is not proven, every step possible is to be taken to restore his good name, should it have been harmed.

In fulfilling this article, dioceses/eparchies are to follow the requirements of the universal law of the Church and of the Essential Norms approved for the United States.

<table>
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<tr>
<th>DIOCESAN POLICY: The Investigator, as appointed by the Vicar of Clergy and/or the Vicar General, will be accountable to investigate credible allegations made against clergy or other Church Personnel. When a credible accusation is brought forward a preliminary investigation will be initiated in accordance with Canon Law. Those who had received allegations against them will be informed of their rights to obtain legal civil and/or canonical representation. They will be offered therapeutic professional assistance for prevention and for healing. Should the Diocesan Bishop be credibly accused of delicts against the sixth commandment of the Decalogue (sexual abuse, actions or omissions intended to interfere with or avoid civil and/or canonical investigations) this matter will be referred to the Metropolitan See (Archbishop of San Antonio or as so designated): Motu proprio: “Vos estis lux mundi”: issued May 7, 2019, by Pope Francis.</th>
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<tr>
<td>CHARTER ARTICLE 6: There are to be clear and well-publicized diocesan/eparchial standards of ministerial behavior and appropriate boundaries for clergy and for any other paid personnel and volunteers of the Church with regards to their contact with minors. DIOCESAN POLICY: The Diocese of Amarillo has adopted a Code of Conduct for both clergy and laity. This Code is intended to establish guidelines in an effort to recognize and prevent sexual misconduct by personnel of the Diocese. All Church Personnel and applicants for positions with Institutions shall be provided a copy of the appropriate Code of Conduct prior to beginning their ministry. See Appendix “F”.</td>
</tr>
<tr>
<td>CHARTER ARTICLE 7: Dioceses/eparchies are to be open and transparent in communicating with the public about sexual abuse of minors by clergy within the confines of respect for the privacy and the reputation of the individuals involved. This is especially so with regard to informing parish and other church communities directly affected by ministerial misconduct involving minors.</td>
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DIOCESAN POLICY: The Diocese of Amarillo will insure that it operates in an open and transparent manner with the public regarding sexual abuse of minors while protecting the privacy of those involved. See Article 2.

To Ensure the Accountability of Our Procedures:

CHARTER ARTICLE 8: The Committee on the Protection of Children and Young People is a standing committee of the United States Conference of Catholic Bishops. Its membership is to include representation from all the episcopal regions of the country, with new appointments staggered to maintain continuity in the effort to protect children and youth.

The Committee is to advise the USCCB on all matters related to child and youth protection and is to oversee the development of the plans, programs, and budget of the Office of Child and Youth Protection. It is to provide the USCCB with comprehensive planning and recommendations concerning child and youth protection by coordinating the efforts of the Secretariat and the National Review Board.

DIOCESAN POLICY: The Diocese of Amarillo will be open to full participation and compliance with the U.S. Conference of Catholic Bishops and its Committee for the Protection of Children and Young People.

CHARTER ARTICLE 9: The Secretariat of Child and Youth Protection, established by the Conference of Catholic Bishops, is to staff the Committee for the Protection of Children and Young People and be a resource for dioceses/eparchies for the implementation of “safe environment” programs and for suggested training and development of diocesan personnel responsible for child and youth protection programs, taking into account the financial and other resources, as well as the population, area, and demographics of the diocese/eparchy.

The Secretariat is to produce an annual public report on the progress made in implementing and maintaining the standards in this Charter. The report is to be based on an annual audit process whose method, scope, and cost are to be approved by the Administrative Committee on the recommendation of the Committee for the Protection of Children and Young People. This public report is to include the names of those dioceses/eparchies which the audit shows are not in compliance with the provisions and expectations of the Charter. The audit method refers to the process and techniques used to determine compliance with the Charter. The audit scope relates to the focus, parameters, and time period for the matters to be examined during an individual audit.

As a member of the Conference staff, the Executive Director of the Secretariat is appointed by and reports to the General Secretary. The Executive Director is to provide the Committee for the Protection of Children and Young People and the National Review Board with regular reports of the Secretariat’s activities.

DIOCESAN POLICY: The Diocese of Amarillo will be open to full participation and compliance with the U.S. Conference of Catholic Bishops and its Secretariat of the Protection of Children and Young People. Each year the Diocese will complete the data audit forms and questionnaires as submitted by the U.S.C.C.B. contracted Charter Compliance Auditors, and coordinate the triennial requirements when on-site audits are to be conducted.

CHARTER ARTICLE 10: The whole Church, especially the laity, at both the diocesan and national levels, needs to be engaged in maintaining safe environments in the Church for children and young people.

The Committee for the Protection of Children and Young People is to be assisted by the National Review Board, a consultative body established in 2002 by the USCCB. The Board will review the annual report of the Secretariat of Child and Youth Protection on the implementation of this Charter in each diocese/eparchy and any recommendations that emerge from it, and offer its own assessment regarding its approval and publication to the Conference President.
The Board will also advise the Conference President on future members. The Board members are appointed by the Conference President in consultation with the Administrative Committee and are accountable to him and to the USCCB Executive Committee. Before a candidate is contacted, the Conference President is to seek and obtain, in writing, the endorsement of the candidate’s diocesan bishop. The Board is to operate in accord with the statutes and bylaws of the USCCB and within procedural guidelines to be developed by the Board in consultation with the Committee for the Protection of Children and Young People and approved by the USCCB Administrative Committee. These guidelines are to set forth such matters as the Board’s purpose and responsibility, officers, terms of office, and frequency of reports to the Conference President on its activities.

The Board will offer its advice as it collaborates with the Committee for the Protection of Children and Young People on matters of child and youth protection, specifically on policies and best practices. For example, the Board will continue to monitor the recommendations derived from the Causes and Context study.

The Board will review the work of the Secretariat of Child and Youth Protection and make recommendations to the Executive Director. It will assist the Executive Director in the development of resources for dioceses.

… The Board will offer its assessment of the data gathered and preliminary results to the Committee for the Protection of Children and Young People as the study moves forward.

DIOCESAN POLICY: The Diocese of Amarillo will be open to full participation and compliance with the U.S. Conference of Catholic Bishops and its Committee for the Protection of Children and Young People.

CHARTER ARTICLE 11: The President of the Conference is to inform the Holy See of this revised Charter to indicate the manner in which we, the Catholic bishops, together with the entire Church in the United States, intend to continue our commitment to the protection of children and young people. The President is also to share with the Holy See the annual reports on the implementation of the Charter.

DIOCESAN POLICY: The Bishop of the Diocese of Amarillo will continue his commitment to the protection of children and young people.

To Protect the Faithful:

CHARTER ARTICLE 12: Dioceses/eparchies are to maintain “safe environment” programs which the diocesan/eparchial bishop deems to be in accord with Catholic moral principles. They are to be conducted cooperatively with parents, civil authorities, educators, and community organizations to provide education and training for minors, parents, ministers, employees, volunteers, and others about ways to make clear to clergy and all members of the community the standards of conduct for clergy and other persons with regard to minors.

DIOCESAN POLICY: The Diocese of Amarillo is fully committed to preventing the sexual abuse and/or exploitation of minors or vulnerable adults, and to identifying any instance in which it does occur. To this end, all Church Personnel with regular contact with minors must receive specific training in identifying and responding to potential incidents of sexual misconduct within 45 days of position commencement. Although education alone cannot prevent or change inappropriate sexual behavior, it is essential to help each person to grow and mature in understanding their own sexuality, and thereby reducing risks to minors. See Appendix “A” – “L”.

The Director has approved certain curriculum for minors in our parishes and schools, which provides age-appropriate instruction in child sexual abuse. The lessons in this curriculum will be given annually to all minors in Kindergarten through Twelfth Grade in all Diocesan elementary and high
schools and parish religious education programs, youth programs, etc. In order to ensure all institutions participate, the month of October has been designated as the “Safe Environment Month” during which time such training will be provided. See Appendix H.

Should a Catholic School utilize another safe environment program, the Director of Safe Environment must approve it.

Those Church Personnel who are approved by the Administrator (Pastor, Principal) may train Children and Youth. This is usually done in the context of Faith Formation.

If parents choose not to have their children participate in the safe environment training, they must sign an opt-out form, and be provided with age-appropriate safe environment training materials that they can use with their children. These materials and forms will be available from the appropriate parish/school representative, and/or available of the Diocesan website. If the parents decline to sign such a form, a notation of this should be made in the record maintained by the school or religious education program. See Appendix H.

Parishes and Catholic Schools must make every effort to ensure any and all minors attending any programs involving children and youth will receive Safe Environment Training. Such training must be offered as many times as is needed to reasonably ensure every minor has attended.

After a reasonable effort to train all minors at an Institution, those that have somehow somehow not received training their parents must be provided with the age appropriate materials. Such resolution must be documented noting the child’s name, parent’s name, and the date the materials were given to the parents.

**CHARTER ARTICLE 13:** The Diocesan/eparchial bishop is to evaluate the background of all incardinated priests and deacons. When a priest or deacon, not incardinated in the diocese/eparchy, is to engage in ministry in the diocese/eparchy, regardless of the length of time, the evaluation of his background may be satisfied through a written attestation of suitability for ministry supplied by his proper ordinary/major superior to the diocese/eparch. Diocese/eparchies are to evaluate the background of all their respective diocesan/eparchial and parish/school or other paid personnel and volunteers whose duties include contact with minors. Specifically, they are to utilize the resources of law enforcement and other community agencies. In addition, they are to employ adequate screening and evaluative techniques in deciding the fitness of candidates for ordination (See United States Conference of Catholic Bishops, *Program of Priestly Formation*, [Fifth Edition], 2006, no. 39 and the *National Directory for the Formation Ministry and Life of Permanent Deacons in the United States, n.178j*).

**DIOCESAN POLICY:** All “Church Personnel” and Applicants of the Diocese whose position or duties place them in regular or scheduled contact with minors must submit to a background (criminal history) check, administered by the Safe Environment Office and must be so cleared prior to beginning their service. See Appendix A, B, C, I, J, & K.

Conducting background checks is an indispensable tool for creating a safe environment. These checks can identify those whose background poses a substantial risk to minors. They can also ensure that the identity of all personnel of the Diocese has been fully verified. Background checks and their results must be handled with the highest degree of discretion, in order to protect the privacy of all personnel, and to ensure that negative information is not improperly revealed. At the same time, any information that suggests a risk to minors must be treated very seriously.

The Director will review all negative (criminal history) reports on all Church Personnel, in consultation with the following “Administrators” (if applicable):
a. Clergy members -- the Vicar of Clergy.
b. Members of Religious Communities -- the Major Superior.
c. Department of Education staff and teachers -- the Principal.
d. Parish Employees/Volunteers -- Pastor
e. Diocesan Entities -- the Executive Director or related position.
f. Chancery -- Appropriate Supervisor/Administrator/Moderator of the Curia

The Director will evaluate whether the nature of the negative report warrants possible action, and verify that the report does indeed relate to the applicant. Any action taken with regard to any negative report will comply with state and federal law, and the Safe Environment Diocesan Policy. See Appendix J.

Any and all visiting Priests or Deacons, who are to function in any manner to include liturgical, academic, mission, retreats, etc. within the Diocese of Amarillo will forward a written attestation of suitability (testimonial letter) for ministry supplied by their proper ordinary/major superior to the Diocese of Amarillo. This would not be applied to those clerics who are merely attending a mission, retreat, social event, or some academic gathering. See Appendix B.

CHARTER ARTICLE 14: Transfers of priests and deacons who have committed an act of sexual abuse against a minor for residence, including retirement, shall be as in accord with Norm 12 of the Essential Norms. (See Proposed Guidelines on the Transfer or Assignment of Clergy and Religious, adopted by the USCCB, the Conference of Major Superiors of Men (CMCM), the Leadership Conference of Women Religious (LCWR), and the Council of Major Superiors of Women Religious (CMSWR) in 1993.)

DIOCESAN POLICY: The Diocese of Amarillo will ensure that no cleric who has committed an act of sexual abuse of a minor will be transferred to another diocese/eparchy for ministerial assignment. Should such a priest and/or deacon relocate his residence to another diocese/eparchy; the Bishop will provide such information, in a confidential manner, to appropriate diocese/eparchy personnel. In case a priest and/or deacon relocate to the Diocese of Amarillo, the suitability for ministry will be addressed under the direction of the Bishop and/or his designee.

CHARTER ARTICLE 15: To ensure continuing collaboration and mutuality of effort in the protection of children and young people on the part of the bishops and religious ordinaries, two representatives of the Conference of Major Superiors of Men are to serve as consultants to the Committee for the Protection of Children and Young People. At the invitation of the Major Superiors, the Committee will designate two of its members to consult with its counterpart at CMSM. Diocesan/eparchial bishops and major superiors of clerical institutes or their delegates are to meet periodically to coordinate their roles concerning the issue of allegations made against a cleric member of a religious institute ministering in a diocese/eparchy.

DIOCESAN POLICY: The Bishop of Amarillo will meet or communicate in some manner periodically with major superiors of clerical institutions to coordinate their roles concerning issues of allegations made against a cleric member of a religious institution ministering in the diocese.

CHARTER ARTICLE 16: Given the extent of the problem of the sexual abuse of minors in our society, we are willing to cooperate with other churches and ecclesial communities, other religious bodies, institutions of learning, and other interested organizations in conducting research in this area.

DIOCESAN POLICY: The Diocese of Amarillo will cooperate with other churches and ecclesial communities, other religious bodies, institutions of learning, and other interested organizations in conducting research in the area of Safe Environment and Sexual Abuse of Minors.
CHARTER ARTICLE 17: …

We commit ourselves to work individually in our dioceses/eparchies and together as a Conference, through the appropriate committees, to strengthen our programs both for initial priestly and diaconal formation and their ongoing formation. With renewed urgency, we will promote programs of human formation for chastity and celibacy for both seminarians and priests based upon the criteria found in Pastores Dabo Vobis, the Program of Priestly Formation, and the Basic Plan for the Ongoing Formation of Priests as well as similar, appropriate programs for deacons based upon the criteria found in the National Directory for the Formation, Ministry and Life of Permanent Deacons in the United States.

We will continue to assist priests, deacons, and seminarians in living out their vocation in faithful and integral ways.

DIOCESAN POLICY: The Diocese of Amarillo will ensure that all seminarians receive appropriate human formation in regards to chastity and celibacy, and continued human formation for priests. Deacon formation programs and Deacon continuing education will provide related Safe Environment Training in conjunction with on-going human formation.

Conclusion

As we wrote in 2002, “It is within this context of the essential soundness of the priesthood and of the deep faith of our brothers and sisters in the Church that we know that we can meet and resolve this crisis for now and the future.”

We reaffirm that the vast majority of priests and deacons serve their people faithfully and that they have their esteem and affection. They also have our love and support and our commitment to their good names and well-being.

An essential means of dealing with the crisis is prayer for healing and reconciliation, and acts of reparation for the grave offense to God and the deep wound inflicted upon his holy people. Closely connected to prayer and acts of reparation is the call to holiness of life and the care of the diocesan/eparchial bishop to ensure that he and his priests and deacons avail themselves of the proven ways of avoiding sin and growing in holiness of life.

It is with reliance on grace of God and in a spirit of prayer and penance that we renew the pledges which we made in the 2002 Charter:

We pledge most solemnly to one another and to you, God’s people, that we will work to our utmost for the protection of children and youth.

We pledge that we will devote to this goal the resources and personnel necessary to accomplish it.

We pledge that we will do our best to ordain to the diaconate and priesthood and put into positions of trust only those who share this commitment to protecting children and youth.

We pledge that we will work toward healing and reconciliation for those sexually abused by clerics.

Much has been done to honor these pledges. We devoutly pray that God who has begun this good work in us will bring it to fulfillment.
This Charter is published for the dioceses/eparchies of the United States. It is to be reviewed again after seven years by the Committee on the Protection of Children and Young People with the advice of the National Review Board. The results of this review are to be presented to the full Conference of Bishops for confirmation. Authoritative interpretations of its provisions are reserved to the Conference of Bishops.

NOTES

1  * For purposes of this Charter, the offense of sexual abuse of a minor will be understood in accord with the provisions of Sacramentorum sanctitatis tutela (SST), article 6, which reads:

   §1. The more grave delicts against morals which are reserved to the Congregation for the Doctrine of the Faith are:
   1° the delict against the sixth commandment of the Decalogue committed by a cleric with a minor below the age of eighteen years; in this case, a person who habitually lacks the use of reason is to be considered equivalent to a minor.
   2° the acquisition, possession, or distribution by a cleric of pornographic images of minors under the age of fourteen, for purposes of sexual gratification, by whatever means or using whatever technology;

   §2. A cleric who commits the delicts mentioned above in §1 is to be punished according to the gravity of his crime, not excluding dismissal or deposition.

   In view of the Circular Letter from the Congregation for the Doctrine of the Faith, dated May 3, 2011, which calls for “making allowance for the legislation of the country where the Conference is located,” Section III(g), we will apply the federal legal age for defining child pornography, which includes pornographic images of minors under the age of eighteen, for assessing a cleric’s suitability for ministry and for complying with civil reporting statutes.

   If there is any doubt whether a specific act qualifies as an external, objectively grave violation, the writings of recognized moral theologians should be consulted, and the opinions of recognized experts should be appropriately obtained (Canonical Delicts Involving Sexual Misconduct and Dismissal from the Clerical State, 1995, p. 6). Ultimately, it is the responsibility of the diocesan bishop/eparch, with the advice of a qualified review board, to determine the gravity of the alleged act.

2  *In 2009, after consultation with the members of the USCCB Committee on the Protection of Children and Young People and the Conference of Major Superiors of Men and approval from the USCCB Committee on Canonical Affairs and Church Governance, additional Model Letters of Suitability, now available on the USCCB website, were agreed upon and published for use by bishops and major superiors in situations which involved both temporary and extended ministry for clerics.

[Diocesan Note: While the above pertains to clerics (Priests and Deacons) none-the-less, such behavior will not be tolerated be it clerics, religious, employees, volunteers, or any church personnel serving under the authority of the Catholic Diocese of Amarillo.]
Norms

1. These Essential Norms have been granted recognitio by the Holy See. Having been legitimately promulgated in accordance with the practice of the United States Conference of Catholic Bishops on May 5, 2006, they constitute particular law for all the dioceses/eparchies of the United States of America.

2. Each diocese/eparchy will have a written policy on the sexual abuse of minors by priests and deacons, as well as by other church personnel. This policy is to comply fully with, and is to specify in more detail, the steps to be taken in implementing the requirements of canon law, particularly CIC, canons 1717-1719, and CCEO, canons 1468-1470. A copy of this policy will be filed with the United States Conference of Catholic Bishops within three months of the effective date of these norms. Copies of any eventual revisions of the written diocesan/eparchial policy are also to be filed with the United States Conference of Catholic Bishops within three months of such modifications.

3. Each diocese/eparchy will designate a competent person to coordinate assistance for the immediate pastoral care of persons who claim to have been sexually abused when they were minors by priests or deacons.

4. To assist diocesan/eparchial bishops, each diocese/eparchy will also have a review board which will function as a confidential consultative body to the bishop/eparch in discharging his responsibilities. The functions of this board may include

   a. advising the diocesan bishop/eparch in his assessment of allegations of sexual abuse of minors and in his determination of suitability for ministry;

   b. reviewing diocesan/eparchial policies for dealing with sexual abuse of minors; and

   c. offering advice on all aspects of these cases, whether retrospectively or prospectively.

5. The review board, established by the diocesan/eparchial bishop, will be composed of at least five persons of outstanding integrity and good judgment in full communion with the Church. The majority of the review board members will be lay persons who are not in the employ of the diocese/eparchy; but at least one member should be a priest who is an experienced and respected pastor of the diocese/eparchy in question, and at least one member should have particular expertise in the treatment of the sexual abuse of minors. The members will be appointed for a term of five years, which can be renewed. It is desirable that the Promoter of Justice participate in the meetings of the review board.

6. When an allegation of sexual abuse of a minor by a priest or deacon is received, a preliminary investigation in accordance with canon law will be initiated and conducted promptly and objectively (CIC, c. 1717; CCEO, c. 1468). During the investigation the accused enjoys the presumption of innocence, and all appropriate steps shall be taken to protect his reputation. The accused will be encouraged to retain the assistance of civil and canonical counsel and will be promptly notified of the results of the investigation. When there is sufficient evidence that sexual abuse of a minor has occurred, the Congregation of the Doctrine of the Faith shall be notified. The bishop/eparch shall then apply the precautionary measures mentioned in CIC, canon 1722, or CCEO, canon 1473—i.e., withdraw the accused from exercising the sacred ministry or any ecclesiastical office or function, impose or prohibit
residence in a given place or territory, and prohibit public participation in the Most Holy Eucharist pending the outcome of the process.  

7. The alleged offender may be requested to seek, and may be urged voluntarily to comply with, an appropriate medical and psychological evaluation at a facility mutually acceptable to the diocese/eparchy and to the accused.

8. When even a single act of sexual abuse by a priest or deacon is admitted or is established after an appropriate process in accord with canon law, the offending priest or deacon will be removed permanently from ecclesiastical ministry, not excluding dismissal from the clerical state, if the case so warrants (SST, Art. 6; CIC, c. 1395 §2; CCEO, c. 1453 §1).  

a. In every case involving canonical penalties, the processes provided for in canon law must be observed, and the various provisions of canon law must be considered (cf. Canonical Delicts Involving Sexual Misconduct and Dismissal from the Clerical State, 1995; Letter from the Congregation for the Doctrine of the Faith, May 18, 2001). Unless the Congregation for the Doctrine of the Faith, having been notified, calls the case to itself because of special circumstances, it will direct the diocesan bishop/eparch to proceed (Article 13, “Procedural Norms” for Motu proprio Sacramentorum sanctitatis tutela, AAS, 93, 2001, p. 787). If the case would otherwise be barred by prescription, because sexual abuse of a minor is a grave offense, the bishop/eparch may apply to the Congregation for the Doctrine of the Faith for a derogation from the prescription, while indicating relevant grave reasons. For the sake of canonical due process, the accused is to be encouraged to retain the assistance of civil and canonical counsel. When necessary, the diocese/eparchy will supply canonical counsel to a priest. The provisions of CIC, canon 1722, or CCEO, canon 1473, shall be implemented during the pendency of the penal process.

b. If the penalty of dismissal from the clerical state has not been applied (e.g., for reasons of advanced age or infirmity), the offender ought to lead a life of prayer and penance. He will not be permitted to celebrate Mass publicly or to administer the sacraments. He is to be instructed not to wear clerical garb, or to present himself publicly as a priest.

9. At all times, the diocesan bishop/eparch has the executive power of governance, within the parameters of the universal law of the Church, through an administrative act, to remove an offending cleric from office, to remove or restrict his faculties, and to limit his exercise of priestly ministry.  

Because sexual abuse of a minor by a cleric is a crime in the universal law of the Church (CIC, c. 1395 §2; CCEO, c. 1453 §1) and is a crime in all civil jurisdictions in the United States, for the sake of the common good and observing the provisions of canon law, the diocesan bishop/eparch shall exercise this power of governance to ensure that any priest or deacon who has committed even one act of sexual abuse of a minor as described above shall not continue in active ministry.

10. The priest or deacon may at any time request a dispensation from the obligations of the clerical state. In exceptional cases, the bishop/eparch may request of the Holy Father the dismissal of the priest or deacon from the clerical state ex officio, even without the consent of the priest or deacon.

11. The diocese/eparchy will comply with all applicable civil laws with respect to the reporting of allegations of sexual abuse of minors to civil authorities and will cooperate in their investigation. In
every instance, the diocese/eparchy will advise and support a person’s right to make a report to public authorities.  

12. 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/eparchy. Every bishop/eparch who receives a priest or deacon from outside his jurisdiction will obtain the necessary information regarding any past act of sexual abuse of a minor by the priest or deacon in question.

Before such a diocesan/eparchial priest or deacon can be transferred for residence to another diocese/eparchy, his diocesan/eparchial bishop shall forward, in a confidential manner, to the bishop of the proposed place of residence any and all information concerning any act of sexual abuse of a minor and any other information indicating that he has been or may be a danger to children or young people.

In the case of the assignment for residence of such a clerical member of an institute or a society into a local community within a diocese/eparchy, the major superior shall inform the diocesan/eparchial bishop and share with him in a manner respecting the limitations of confidentiality found in canon and civil law all information concerning any act of sexual abuse of a minor and any other information indicating that he has been or may be a danger to children or young people so that the bishop/eparch can make an informed judgment that suitable safeguards are in place for the protection of children and young people. This will be done with due recognition of the legitimate authority of the bishop/eparch; of the provisions of CIC, canon 678 (CCEO, canons 415 §1 and 554 §2), and of CIC, canon 679; and of the autonomy of the religious life (CIC, c. 586).

13. Care will always be taken to protect the rights of all parties involved, particularly those of the person claiming to have been sexually abused and of the person against whom the charge has been made. When an accusation has been shown to be unfounded, every step possible will be taken to restore the good name of the person falsely accused.

Notes
1 These Norms constitute particular law for the dioceses, eparchies, clerical religious institutes, and societies of apostolic life of the United States with respect to all priests and deacons in the ecclesiastical ministry of the Church in the United States. When a major superior of a clerical religious institute or society of apostolic life applies and interprets them for the internal life and governance of the institute or society, he has the obligation to do so according to the universal law of the Church and the proper law of the institute or society.

2 If there is any doubt whether a specific act qualifies as an external, objectively grave violation, the writings of recognized moral theologians should be consulted, and the opinions of recognized experts should be appropriately obtained (Canonical Delicts, p. 6). Ultimately, it is the responsibility of the diocesan bishop/eparch, with the advice of a qualified review board, to determine the gravity of the alleged act.

3 Due regard must be given to the proper legislative authority of each Eastern Catholic Church.

4 Article 19 Sacramentorum sanctitatis tutela states, “With due regard for the right of the Ordinary to impose from the outset of the preliminary investigation those measures which are established in can. 1722 of the Code of Canon Law, or in can. 1473 of the Code of Canons of the Eastern Churches, the respective presiding judge may, at the request of the Promoter of Justice, exercise the same power under the same conditions determined in the canons themselves.”

5 Removal from ministry is required whether or not the cleric is diagnosed by qualified experts as a pedophile or as suffering from a related sexual disorder that required professional treatment. With regard to the use of the phrase
“ecclesiastical ministry,” by clerical members of apostolic life, the provisions of canons 678 and 738 also apply, with due regard for canons 586 and 732.

6 Cf. CIC, cc. 35-58, 149, 157, 187-189, 192-195, 277 §3, 381 §1, 383, 391, 1348, and 1740-1747. Cf. also CCEO, cc. 1510 §1 and 2, 1*-2*, 1511, 1512 §§1-2, 1513 §§2-3 and 5, 1514-1516, 1517 §1, 1518, 1519 §2, 1520 §§1-3, 1521, 1522 §1, 1523-1526, 940, 946, 967-971, 974-977, 374, 178, 192 §§1-3, 193 §2, 191, and 1389-1396.

7 The diocesan bishop/eparch may exercise his executive power of governance to take one or more of the following administrative actions (CIC, cc. 381, 129ff.; CCEO, cc. 178, 979ff.):

a. He may request that the accused freely resign from any currently held ecclesiastical office (CIC, cc. 187-189; CCEO, cc. 967-971).

b. Should the accused decline to resign and should the diocesan bishop/eparch judge the accused to be truly not suitable (CIC, c. 149 §1; CCEO, c. 940) at this time for holding an office previously freely conferred (CIC, c. 157), then he may remove that person from office observing the required canonical procedures (CIC, cc. 192-195, 1740-1747; CCEO, cc. 974-977, 1389-1396).

c. For a cleric who holds no office in the diocese/eparchy, any previously delegated faculties may be administratively removed (CIC, cc. 391 §1 and 142 §1; CCEO, cc. 191 §1 and 992 §1), while any de iure faculties may be removed or restricted by the competent authority as provided in law (e.g., CIC, c. 764; CCEO, c. 610 §§2-3).

d. The diocesan bishop/eparch may also determine that circumstances surrounding a particular case constitute the just and reasonable cause for a priest to celebrate the Eucharist with no member of the faithful present (CIC, c. 906). The bishop may forbid the priest to celebrate the Eucharist publicly and to administer the sacraments, for the good of the Church and for his own good.

e. Depending on the gravity of the case, the diocesan bishop/eparch may also dispense (CIC, cc. 85-88; CCEO, cc. 1536 §1–1538) the cleric from the obligation of wearing clerical attire (CIC, c. 284; CCEO, c. 387) and may urge that he not do so, for the good of the Church and for his own good.

These administrative actions shall be taken in writing and by means of decrees (CIC, cc. 47-58; CCEO, cc. 1510 §2, 1*-2*, 1511, 1513 §§2-3 and 5, 1514, 1517 §1, 1518, 1519 §2, 1520) so that the cleric affected is afforded the opportunity of recourse against them in accord with canon law (CIC, cc. 1734ff.; CCEO, cc. 999ff.).

8 The necessary observance of the canonical norms internal to the Church is not intended in any way to hinder the course of any civil action that may be operative. At the same time, the Church reaffirms her right to enact legislation binding on all her members concerning the ecclesiastical dimensions of the delict of sexual abuse of minors.
A Statement of Episcopal Commitment

We bishops pledge again to respond to the demands of the Charter in a way that manifests our accountability to God, to God’s people, and to one another. Individually and together, we acknowledge mistakes in the past when some bishops transferred, from one assignment to another, priests who abused minors. We recognize our roles in the suffering this has caused, and we continue to ask forgiveness for it.

Without at all diminishing the importance of broader accountability, this statement focuses on the accountability which flows from our episcopal communion and fraternal solidarity, a moral responsibility we have with and for each other.

While bishops are ordained primarily for their diocese or eparchy, we are called as well to protect the unity and to promote the common discipline of the whole Church (CIC, c. 392; CCEO, c. 201). Participating in the college of bishops, each bishop is responsible to act in a manner that reflects both effective and affective collegiality.

Respecting the legitimate rights of bishops who are directly accountable to the Holy See, in a spirit of collegiality and fraternity we renew our commitment to the following:

1. Within each province, we will assist each other to interpret correctly and implement the Charter for the Protection of Children and Young People, always respecting Church law and striving to reflect the Gospel.

2. We will apply the requirements of the Charter also to ourselves, respecting always Church law as it applies to bishops. Therefore, if a bishop is accused of the sexual abuse of a minor, the accused bishop is obliged to inform the Apostolic Nuncio. If another bishop becomes aware of the sexual abuse of a minor by another bishop or of an allegation of the sexual abuse of a minor by a bishop, he too is obliged to inform the Apostolic Nuncio and comply with applicable civil laws.

3. In cases of financial demands for settlements involving allegations of any sexual misconduct by a bishop, he, or any of us who become aware of it, is obliged to inform the Apostolic Nuncio.

4. Within each of our provinces, as an expression of collegiality, including fraternal support, fraternal challenge and fraternal correction, we will engage in ongoing mutual reflection upon our commitment to holiness of life and upon the exercise of our episcopal ministry.

In making this statement, we firmly uphold the dignity of every human being and renew our commitment to live and promote the chastity required of all followers of Christ and especially of deacons, priests and bishops.

This Statement of Episcopal Commitment will be reviewed by the Committee on Clergy, Consecrated Life and Vocations upon the next review of the Charter.
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APPENDIX A
Church Personnel

A-1 Personnel “who have regular or scheduled contact with minors” will hereafter be referred to as Church Personnel:

The “Charter for the Protection of Children and Young People” article 13 states: “Diocese are to evaluate the background of all incardinated and non-incardinated priests and deacons who are engaged in ecclesiastical ministry in the diocese and of all diocesan and parish/school or other paid personnel and volunteers whose duties include contact with children.”

Therefore, all Church Personnel in every Institution who have regular contact with minors must comply fully with the Safe Environment Requirements. A person will be considered to have “regular contact with minors” if they participate in activities directly with minors on a routine, planned, scheduled, or regular on-going basis, particularly if their involvement would permit them to be alone with a minor.

Certain job descriptions should always be deemed to have “regular contact with minors” such as school administrators and administrative staff, teachers, teacher aides, substitute teachers, school or classroom volunteers, guidance counselors, catechists, catechist aides, youth ministers, athletic coaches and volunteers, youth choir directors, trainers of altar servers, and all priests and deacons.

All persons who are involved in overnight activities with minors in any institution or program, even if only on one occasion, will be deemed to have “regular contact with minors”. This includes all chaperones involved in any activity.

A-2 Factors to consider in determining if a person has "regular contact with minors”:

To determine whether a person’s contact with minors is “regular”, the following factors should be considered. If the answer to one of these questions is “yes”, then the person should be considered to have “regular contact with minors” and classified as “Church Personnel”.

a. Is the person’s contact with minors direct, usual, planned, scheduled, or frequent (as opposed to incidental)?
b. Do the person’s duties frequently bring them into a school, or the location of a religious education program or youth program?
c. Do the person’s duties permit them to have private face-to-face dealings with minors?
d. Do the person’s duties enable them to come into physical contact with minors?
e. Does the person have the opportunity to be with minors or teen adults in private?
f. Does the person ever have direct supervisory responsibility over minors?
g. Do minors or teen adults typically come into the person’s private workspace?
h. Does the person have keys and/or codes to the institution?
If there is any doubt about whether a person’s contact with minors and teen adults is “regular”, the question should be resolved in favor of requiring them to comply with the Safe Environment requirements.

A-3 Personnel “who do not have regular contact with minors”:

People are deemed “not to have regular contact with minors” if:

a. They participate in activities with minors only on an isolated or incidental basis;

b. Their involvement in the activity would not ordinarily permit them to be alone with a minor; and

c. They are under the direct supervision of Church Personnel who are in full compliance with the Safe Environment requirements and who are actually present at the activity.

Personnel, whose only contact with minors is in the course of the Sacred Liturgy, should not, in the absence of other factors, be deemed to have “regular contact with minors”, such as: lectors, Eucharistic ministers, ushers, choir members, music ministers and leaders of song.

The Diocese of Amarillo recognizes the inherent danger of establishing lists of those ministries which are more inclined to have regular contact with minors versus those ministries which are less inclined and whose only (minimal and highly visible) contact is in the course of the Sacred Liturgy or related activity. The bottom line is the Administrator knows his facility and personnel best, thus “common sense” must be used in determining who requires and who does not require Safe Environment Screening and Training.

Every person serving in those positions must be made aware, during their particular ministry’s training, of the necessity to maintain proper respect for the position/ ministry and the understanding of appropriate boundaries. The Safe Environment Training is available to everyone and all are encouraged to so attend. Furthermore, the Administrator may, if deemed appropriate, require the full Safe Environment Training and/or Background for any and all persons in those positions.

(For additional information see Appendixes B, I, K.)

A-4 Diocesan, Parish, School, Other Catholic Entity Employees:

Any and all employees to include part time, full-time, and contract personnel in a parish or Catholic School, regardless as to job assignment are to conform to the standards required of Church Personnel. Those employees (part-time, full-time, etc.) at any of the entities operating under the umbrella of the Catholic Diocese of Amarillo, to include but not limited to, “Catholic Charities of the Texas Panhandle” and the “Downtown Women’s Center”, are required to comply fully with the Amarillo Diocese Safe Environment Policy if the employee will have contact with minors as described in this Appendix A-1 through A-6.

A-5 Requirement for all “Church Personnel”:

All new Church Personnel of the Diocese whose position or duties would place them in regular contact with minors must complete the Personnel Screening Process.
The Safe Environment Requirements consist of the following components:

a. Completion of a VIRTUS on-line Safe Environment Application, including providing “personal references” at least three (3) working days prior to appointment; and
b. Submitting to a background (criminal history) check along with appropriate clearance prior to position commencement.
d. Attendance at a Diocesan approved Safe Environment Training Program within 45 days.

A-6 Five-year renewal of background checks, update of application in the system database, and attendance at a Safe Environment refresher course:

Church Personnel will undergo (approximately 5-year intervals) a criminal background check. At that time, designated personnel will be required to log into the VIRTUS website and follow the instructions for updating their application and to attend a Safe Environment refresher course.

A-7 Institution Safe Environment Trainers of Children and Youth:

Those Church Personnel as per the procedures listed herein and along with the approval by the Administrator (Pastor, Principal) may train Children and Youth during regularly scheduled Faith Formation Classes and/or as circumstance require.

A-8 New Church Personnel

New persons with other Safe Environment Training and/or Criminal Background Checks from outside the Diocese of Amarillo must fully comply with the Safe Environment Policy of the Diocese of Amarillo.

Due to Diocesan data-base, any and all persons who are to be classified as Church Personnel in the Diocese of Amarillo must fill out the appropriate VIRTUS application, undergo diocesan safe environment training, and a submit to a criminal background check.
APPENDIX B

Other Personnel

B-1  Principle:

The Diocese of Amarillo is fully committed to implementing the Bishops' “Charter for the Protection of Minors and Young Persons”. To do so effectively, it is necessary to determine which of our personnel have "regular and or scheduled contact with minors". In most cases, this determination is very easy, but in others, it will be necessary to examine the person's job requirements and the degree to which they actually come in contact with minors.

B-2  Teenage Church Personnel (14 up to 18) who are in regular, Supervised or Unsupervised, contact with children:

Supervised: Teenagers who are 14 up to 18 years old may be in contact with children only if they are under the direct supervision of an adult who is in full compliance with the Safe Environment Requirements and who is actually present at the time and place of their service. If under direct Adult supervision they do not require Safe Environment Training.

Unsupervised: For those (teenagers) Teenage Church Personnel who are left alone in “unsupervised” contact with children, will require Teen VIRTUS Safe Environment Training as noted in appendix I-3.

B-3  Youth retreats, rallies and other events:

Any and all adults who assist at Diocesan sponsored events involving youth and young people must conform to the Safe Environment Policy of the Diocese of Amarillo. Such Church Personnel include but are not limited to: sponsors, chaperons, prayer partners, teachers, speakers, retreat masters, etc. (See Appendix “A” for further information.)

B-4  Guest speakers, lecturers, presenters, liturgical celebrants, etc. from outside of the Diocese of Amarillo:

Any and all persons from outside the diocese who function or serve in Church sponsored events in the Diocese of Amarillo must have a “written attestation of suitability for ministry” (testimonial letter) supplied by the proper ordinary/major superior to the diocese/eparch from their home diocese. This letter must state that the person is in good standing, has cleared a current criminal background check, has received Safe Environment Training, and complies with the USCCB Charter. The sponsor of the event is responsible for notifying the guest of the diocesan requirements and complying with them. This compliance letter is to be forwarded to the Bishop of Amarillo. Exception to this rule is when such persons are merely attending conferences, retreats, celebrations, etc.
B-5 Personnel in “Institutions” who are employed by non-Diocesan agencies:

Personnel who are in regular contact with minors in Diocesan programs, but are employed by an outside agency (such as a cleaning contractor) or a public agency (such as a local school district), must comply with the Safe Environment requirements either of the Diocese of Amarillo or the particular entity and so document.

B-6 Personnel in programs that use Diocesan facilities:

Personnel who work with minors in programs or activities that are not sponsored or conducted by an Institution, but that use or rent diocesan facilities are not required to comply with the Safe Environment Requirements. For example, volunteers and leaders of community sports programs that merely hold games at a parish's gym are covered by the child protection requirements of those programs, and are not required to complete the Diocesan Safe Environment Requirements.

B-7 Boy Scouts:

In the case of volunteers with Boy Scout and Cub Scout troops that are sponsored by an Institution, the Safe Environment Requirements will be satisfied if they have:

a. Taken the Boy Scout Youth Protection Training Course;
b. Are up to date with their Boy Scout Youth Protection certification; and
c. Have had a background check (including criminal record and state sexual offender registry checks) within the previous three years.

Troop leaders will be Accountable for ensuring the compliance of their volunteers. They will keep appropriate records regarding all their volunteers, and will report on their compliance to the Administrator of the Institution that sponsors their troop.

B-8 Non-Institution Personnel:

Persons who are not employees or volunteers of the Institution who have keys and/or codes must fully comply with this Policy.

B-9 Perpetual or Limited Adoration Hours

Parishes blessed to have Perpetual or Limited Adoration hours, must determine how best to ensure the safety of all participants. It is recognized that having access to the Adoration Areas (Chapel and restroom facilities, etc.) often requires those adorers to have keys and codes for entry. However, such access should be limited only to those adoration areas and thus restricted in some manner (as is reasonably feasible) to other areas such as classrooms, offices, parlors, parish halls, etc.
APPENDIX C
Administrator/Shared Facility

C-1 Designation of “Administrator” for “Institutions”:

Each Institution will have an “Administrator” for the Safe Environment Program, as follows:

a. The Pastor of each parish will be the “Administrator” for the Safe Environment Program for all parish programs and activities.

b. The Principal (or equivalent officer) of each Catholic school will be the “Administrator” for that school.

c. The Director or Chief Executive Officer of other Diocesan Entities will be the designated “Administrator” for that particular entity.

d. The Diocesan Youth Director will be the “Administrator” for Diocesan Youth Events. He/She will ensure that any and all adults, who assist at Diocesan Youth Events, have complied fully with the Safe Environment Policy.

e. While individual tasks in connection with the Safe Environment program can be delegated to other personnel (i.e. the Director of Religious Education/DRE) to serve as the Institution “VIRTUS Coordinator (Administrator),” the “Administrator” still bears the ultimate responsibility for the implementation of the program in their Institutions and maintaining a viable roster.

C-2 The duties of the Administrator of each Institution:

The Administrator of each Institution will ensure that all Church Personnel who are in regular contact with minors have completed the Safe Environment Requirements.

The Administrator of each Institution, or a person designated by him/her as VIRTUS Coordinator (Administrator), should make sure any and all Church Personnel are trained and cleared for ministry.

C-3 Shared Facilities and Non-Institution Personnel:

Concerns arise when Institutions (e.g., schools and religious education buildings) are being shared with a non-Diocesan program (e.g., an adult education class, AA Meetings, etc.). In this case, great care must be taken to ensure that minors are protected from any contact with members of the general public.

Persons who are not employees or volunteers of the Institution who have keys and/or codes must fully comply with this Policy.

C-4 General Policy:
Institutions in which programs with minors are being held are not public places. The only people who are permitted to be in these areas are those who are directly involved in the program, or who are otherwise authorized to be present (e.g., parents, maintenance workers, etc.).

Members of the general public are never permitted to have unsupervised access to any facility or area in which minors are taking part in any Diocesan program.
APPENDIX D

Record Keeping – Church Personnel

D-1 Rosters availability on VIRTUS should be periodically reviewed by the VIRTUS Coordinator (Administrator) of every Institution:

When the Institution’s Roster is reviewed, the Administrators will ensure that:
  a. All personnel whose position or duties places them in regular contact with minors are listed, along with appropriate identifying information (name, address, position at the Institution, etc.);
  b. All such personnel have fully complied with the Safe Environment requirements (Background Check, Training);
  c. Statistics of Children’s Training should also be reviewed for accuracy and updating as needed.

D-2 Regular updating of the Institutional Records and Diocesan Rosters:

Each Administrator will ensure that their Institution maintains accurate records of all staff (paid and volunteer) that are in regular contact with minors. The Administrator of every Institution will ensure that all Church Personnel are in compliance with Safe Environment Requirements. These records should consist of the following items:
  a. A “VIRTUS User Report” (or similar registry) of all personnel in the Institution who are in regular contact with minors.
     i. Each Institution should keep an updated User Report as well: Changes in staff should be noted on this Report, so that there is a current list of staff.
  b. The Institutional User Report of Church Personnel who have not been cleared due to criminal history, behavioral incident, “caution or consultation required”, or who are not current with their Safe Environment Training will be duly noted.
     i. The Administrator has thirty (30) days, to resolve the above matter.
     ii. The “User Report” will contain the names of Church Personnel, along with information about whether they have had a background check and the necessary training.
     iii. This Report should be checked for accuracy, personnel should be added or deleted as necessary so that a current and accurate database can be maintained. The Changes and corrections can be made directly on the VIRTUS Report.
     iv. When noted on the VIRTUS User Report – “Consultation Required or Caution”: The Person is not cleared for ministry. The Safe Environment Office will send, or has sent, the Administrator a letter advising as to the reason why the circumstances are necessary for the Administrator to resolve with the person in question. The Administrator has thirty (30) days to determine the person’s suitability for ministry and to notify the Safe Environment Office as to the decision. If the decision is to allow the person to continue in ministry then the “Consultation Required” will be removed; on the other hand, if the decision is to prohibit ministry, then the person will be removed from the Roster, and prohibited from ministry in the diocese.
Should the Administrator fail to advise the Safe Environment Office as to his/her decision, then that person will be archived and NOT approved for ministry. (See Appendix J-10 and J-11)

D-3 Request for Parish Statistics on Minors Trained

On or before November 15th, the Parish/School will forward to the Safe Environment Office their statistics of compliance. The (a) Parish form must include information as to the number of minors enrolled, opted out, absent, the number remaining to be trained, and the explanation as to why a disparity, if any, between trained and not trained, and the expected future attempts to train all minors. The (b) Classroom Attendance Sheet must list, by name, all minors in each classroom who attended the Safe Environment Training, those who did not with an explanation has to attempts to train, and those parents who opted out. If there are parents who opted-out those (c) signed forms must be forwarded to the Safe Environment Office.

If the parish is not in compliance an additional “FOLLOW-UP REPORT” will be forwarded in January. Should the parish still not be in compliance a “LATE REPORT” will be forwarded in April with copy forwarded to the Bishop’s Office. NOTE: Every minor must be accounted for by name.

D-4 On-Site audits:

Periodically, the Safe Environment Office, or persons designated by them, may conduct on-site audits of “Institutions”, to determine the degree of compliance with the Safe Environment requirements. Prior notice of these audits will be given to the Institutions to be reviewed.

D-5 Institution Safe Environment Evaluation/Survey Instruments:

Annually, the Safe Environment Office will mail out a “Safe Environment Parish/School Charter Compliance Assessment Instrument” or “Parish Survey” to be filled out by the Pastor/Principal (may be assisted by the Staff) attesting that the parish/school is in full compliance with the “Charter for the Protection of Children and Young People” and the “Amarillo Diocese Safe Environment Policy”.

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APPENDIX E

Reporting Sexual Abuse

E-1 Principle:

All reports of alleged sexual abuse or misconduct by Church Personnel will be handled in accordance with the appropriate provisions of civil and Canon Law relating to sexual misconduct. Each reported incident will be handled with a high level of Christian care, concern and confidentiality for the alleged victim, the family of the alleged victim, the person reporting the incident, and the alleged perpetrator. See Article # 4.

E-2 Reports to Diocesan personnel and/or Church Personnel:

Any Church Personnel (cleared for service/ministry) who is apprised of information about the sexual, physical, or emotional abuse of a minor or vulnerable adult – must report that information to appropriate law enforcement officials as listed below. Such information usually would come from the victim, parent, witness, or offender.

If a report is received of alleged sexual abuse of a minor or vulnerable adult by any Church Personnel:

a. Advise the person (or their parent or guardian) to immediately report the incident to the appropriate District Attorney’s Office or Law Enforcement Agency,

b. The Victim Assistance Coordinator, and
c. The “Texas 24-Hour Child Abuse Hotline (1-800-252-5400)

d. The employee will notify the Safe Environment Office immediately (see E-4 below) or if not available
e. The Vicar of Clergy or The Vicar General

f. If in doubt - it is best to contact The Texas Child Abuse Hotline and seek their direction.

If the report is received from an alleged victim or family member, they should be referred directly to the Diocesan Victim’s Assistance Coordinator and the person receiving the complaint (information) must report the allegations to the appropriate law enforcement agency.

If a report of a violation of the Code of Conduct or any other alleged sexual misconduct by any Church Personnel is received, they will:

a. Immediately notify their supervisor;
b. Make sure that their supervisor has notified the Safe Environment Office or the Vicar General;
c. If the report is received from an alleged victim or family member, he will also refer the person directly to the Diocesan Victim’s Assistance Coordinator.
d. If in doubt - it is best to contact the Diocesan Director or The Texas Child Abuse Hotline and seek their direction.
If Church Personnel receive a report of alleged child or vulnerable adult abuse that occurred outside of a Diocesan program, they will:

a. Advise the person to immediately report the incident to:
   The appropriate law enforcement agency,
   The “Texas 24-Hour Child Abuse Hotline”.

b. It would also be advisable for the person or their supervisor to notify
   The Safe Environment Office and/or the Vicar General.

If in doubt - it is best to contact the Diocesan Director or The Texas Child Abuse Hotline and seek their direction.

E-3 How reports are to be handled by the Safe Environment Office:

If the Safe Environment Office receives a report of alleged sexual abuse of a minor, or any other alleged sexual misconduct by any Church Personnel, the Director will immediately notify the Vicar General, or as directed to the Bishop, and/or the Diocesan Attorney. If this report comes from an alleged victim or their family, the Safe Environment Office representative will also immediately refer the person to the Diocesan Victim’s Assistance Coordinator.

E-4 Record-keeping:

The Director will forward a written report of the predicate of any such allegations, contact information, action taken, and any other relevant information to the Vicar General or Vicar of Clergy.

E-5 Texas Family Code Section § 261.101: PERSONS REQUIRED TO REPORT; TIME TO REPORT.

See Appendix F: Code of Conduct Section 4 Sexual Conduct for Texas Code.
APPENDIX F
Code of Conduct

F-1  Principle:

Sexual misconduct of any kind is gravely contrary to the will of God. In keeping with this bedrock belief, the Diocese has adopted a Code of Conduct for both clergy and laity. These policies are intended to establish guidelines in an effort to prevent sexual misconduct by personnel of the Diocese. They are also intended to provide guidance to the personnel of the Diocese on how to respond to allegations of sexual misconduct if any do occur. While this policy attempts to provide guidance and direction as to appropriate behavior of Church Personnel from a Catholic canonical perspective, none-the-less, the Diocese of Amarillo and Church Personnel therein, will comply fully with any and all Federal and Texas State Criminal and Civil Statutes.

F-2  Distribution of the Code of Conduct to all personnel:

All Church Personnel will have on-line access to the Code of Conduct prior to beginning their ministry/position.

The “Code of Conduct” is a general guide as to appropriate behavior but should not be considered an all-encompassing list of acceptable or unacceptable behaviors of an adult. The best approach when interacting with others is to make sure your action does not cause the other person discomfort. {See attached pages}

F-3  Certification of receipt of the Code of Conduct:

All Church Personnel of the Diocese will be certified by VIRTUS after they have received training and understand the provisions of the Code of Conduct, as reflected by their electronic signature.

F-4  How the Policy and the Code of Conduct should be enforced:

All Church Personnel should be attentive to any violations of the Code of Conduct in their program. Any violation should be brought to the attention of their supervisor immediately. Personnel may also report violations to the Diocesan Safe Environment Office or the Vicar General.

Supervisors of Diocesan programs are accountable for ensuring that all personnel observe the “Code of Conduct”. Supervisors must immediately address any violation as soon as it comes to their attention, and take appropriate corrective and disciplinary action.

Any violation of the Code of Conduct that represents a risk to minors, adult teens, vulnerable adults, or anyone for that matter; or violations that are repeated after having been corrected, will be the basis for termination of a person's employment or volunteer service.
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CODE OF PASTORAL CONDUCT

For Priests, Deacons, Pastoral Ministers, Administrators, Staff and Volunteers (all Church Personnel) for the Roman Catholic Diocese of Amarillo

I. Preamble:

As leaders in the Church founded by Christ, those who minister within our parishes and institutions must always seek to uphold Christian values and conduct. In addition to following the Gospel and its mandates, they will want to act properly at all times in the light of contemporary society and its needs. This Code of Pastoral Conduct does not presume to provide the answers to all the ethical questions facing Church leaders. What it does establish is a set of general ethical standards for their lives and ministry. These standards will help to delineate boundaries by which ethical questions can be evaluated.

It is intended that this Code also will stimulate discussion within the Church community in order to broaden consensus on standards of practice and further refine them. This Code is not intended to supersede canon or civil law. This Code will also aid in the training and education of new Church leaders. Lastly, it will demand accountability from Church leaders who may fail to live within the ethical standards of the Code.

Priests, deacons, pastoral ministers, administrators, staff and volunteers (all Church Personnel) in our parishes, religious communities/institutes and organizations must uphold Christian values and conduct. The Model Code of Pastoral Conduct for Priests, Deacons, Pastoral Ministers, Administrators, and Volunteers (Code of Pastoral Conduct) provides a set of standards for conduct in certain pastoral situations.


Most Reverend Patrick J. Zurek  
Bishop of Amarillo

Louise Ross, Chairperson  
Charter Review Board
II. Responsibility

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

Responsibility for adherence to the Code of Pastoral Conduct rests with the individual. Clergy, staff, and volunteers who disregard this Code of Pastoral Conduct will be subject to remedial action by the Bishop of the Roman Catholic Diocese of Amarillo or his designated official. Corrective action may take various forms from a verbal reproach to removal from the ministry depending on the specific nature and circumstances of the offense and the extent of the harm.

III. Pastoral Standards

1. Conduct for Pastoral Counselors and Spiritual Directors

Pastoral Counselors and Spiritual Directors must respect the rights and advance the welfare of each person.

1.1 Pastoral Counselors and Spiritual Directors shall not step beyond their competence in counseling situations and shall refer clients to other professionals when appropriate.

1.2 Pastoral Counselors and Spiritual Directors should carefully consider the possible consequences before entering into a counseling relationship with someone with whom they have a pre-existing relationship (i.e., employees, professional colleague, friend, or other pre-existing relationship). [See Section 7.2.2]

1.3 Pastoral Counselors and Spiritual Directors should not audiotape or videotape sessions without expressed consent.

1.4 Pastoral Counselors and Spiritual Directors must never engage in sexual intimacies with the persons they counsel. This includes consensual and nonconsensual contact, forced physical contact, and inappropriate sexual comments.

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

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1 Pastoral Counselors and Spiritual Directors: Clergy, staff and volunteers who provide pastoral advice, spiritual direction, and/or therapeutic counseling services to individuals, families, or other groups.
1.6 Pastoral Counselors and Spiritual Directors assume the full burden of responsibility for establishing and maintaining clear, appropriate boundaries in all counseling and counseling-related relationships.

1.7 Physical contact of any kind (i.e., touching, hugging, holding between Pastoral Counselors or Spiritual Directors and the persons they counsel can be misconstrued and should be avoided.

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

1.8.1 No sessions should be conducted in private living quarters.

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

1.9 Pastoral Counselors and Spiritual Directors shall maintain a log of the times and places of sessions with each person being counseled.

2. **Confidentiality**

*Information disclosed to a Pastoral Counselor or Spiritual Director during the course of counseling, advising, or spiritual direction shall be held in the strictest confidence possible.*

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

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

2.1.2 Before disclosure is made, if feasible, the Pastoral Counselor or Spiritual Director should inform the person being counseled about the disclosure and the potential consequences.

2.2 Pastoral Counselors and Spiritual Directors must discuss the nature of confidentiality and its limitations with each person in counseling.

2.3 Pastoral Counselors and Spiritual Directors should keep minimal records of the content of sessions.

2.4 Knowledge that arises from professional contact may be used in teaching, writing, homilies, or other public presentations only when effective measures are taken to absolutely safeguard both the individual’s identity and the confidentiality of the disclosures.
2.5 While counseling a minor, if a Pastoral Counselor or Spiritual Director discovers that there is a serious threat to the welfare of the minor and that communication of confidential information to a parent or legal guardian is essential to the child’s health and well-being, the Counselor or Spiritual Director must:

➢ Attempt to secure written consent from the minor for the specific disclosure.
➢ If consent is not given, disclose only the information necessary to protect the health and well-being of the minor.
➢ Consultation with the appropriate Church supervisory personnel is required before disclosure.

2.6 These obligations are independent of the confidentiality of the confessional. Under no circumstances whatsoever can there be any disclosure—even indirect disclosure—of information received through the confessional.

3. Conduct with Minors\(^2\) and vulnerable adults

Church Personnel, *Clergy, staff, and volunteers working with minors shall maintain an open and trustworthy relationship between minors and adult supervisors.*

3.1 Church Personnel must be aware of their own and others’ vulnerability when working alone with minors, adult teens, and vulnerable adults. Use a team approach to managing minors’ activities.

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

3.3 Church Personnel must refrain from (a) the illegal possession and/or illegal use of drugs at all times, (b) the use of alcohol when working with or in the presence of minors, and/or (c) the use and possession of any form of pornography.

3.4 Clergy must not allow any minor to stay overnight in the cleric’s private accommodations or residence with the exception of a blood relative who is accompanied by a parent.

3.5 Church Personnel must not provide shared, private, overnight accommodation for minors, adult teens and vulnerable adults, including, but not limited to, accommodations in any Church-owned facility, private residence, hotel room, or any other place where there is no other adult supervision present.

\(^2\) A minor is any person under the age of 18 years. For purposes of Canon Law and these policies and proceedings, minor has the same meaning.
3.5.1 In rare, emergency situations, when accommodation is necessary for the health and well-being of the minor, the clergy, staff, or volunteer should take extraordinary care to protect all parties from the appearance of impropriety and from all risk of harm.

3.5.2 Use a team approach to managing emergency situations.

4. Sexual Conduct

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

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

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

4.3 Church Personnel may not exploit another person for sexual purposes.

4.4 Allegations of sexual misconduct must be taken seriously and reported to the Bishop’s office or Vicar of Clergy at the Pastoral center and to civil authorities if the situation involves a minor.

Church Personnel will review and know the contents of the child abuse regulations and reporting requirements for the State of Texas and must follow those mandates.

Texas Family Code Section § 261.101. PERSONS REQUIRED TO REPORT; TIME TO REPORT.

§ 261.101 (a) A person having cause to believe that a child's physical or mental health or welfare has been adversely affected by abuse or neglect by any person shall immediately make a report as provided by this subchapter.

§ 261.101 (b) If a professional has cause to believe that a child has been abused or neglected or may be abused or neglected, or that a child is a victim of an offense, and the professional has cause to believe that the child has been abused, the professional shall make a report not later than the 48th hour after the hour the professional first suspects that the child has been or may be abused or neglected or is a victim of an offense under Penal Code. A professional may not delegate to or rely on another person to make the report. In this subsection, "professional" means an individual who is licensed or certified by the state or who is an employee of a facility licensed, certified, or operated by the state and who, in the normal course of official duties or duties for which a license or certification is required, has direct contact with children. The term includes teachers, nurses, doctors, day-care employees, employees of a clinic or health care facility that provides reproductive services, juvenile probation officers, and juvenile detention or correctional officers.

§ 261.101 (c) The requirement to report under this section 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, and an employee of a clinic or health care facility that provides reproductive services.
§ 261.101 (d) Unless waived in writing by the person making the report, the identity of an individual making a report under this chapter is confidential and may be disclosed only under statute or to a law enforcement officer for the purposes of conducting a criminal investigation of the report.

5. Harassment

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

5.1 Church Personnel shall provide a professional work environment that is free from physical, psychological, written, or verbal intimidation or harassment.

5.2 Harassment encompasses a broad range of physical, written, or verbal behavior, including without limitation the following:
  - Physical or mental abuse
  - Racial insults
  - Derogatory ethnic slurs
  - Unwelcome sexual advances or touching
  - Sexual comments or sexual jokes
  - Requests for sexual favors used as:
    - A condition of employment, or
    - To affect other personnel decisions, such as promotion or compensation
    - Display of offensive materials

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

5.4 Allegations of harassment should be taken seriously and reported immediately to the Bishop’s office or the Vicar of Clergy of the Diocese of Amarillo.

6. Parish, Religious Community/Institute, and Organizational Records and Information

Confidentiality will be maintained in creating, storing, accessing, transferring, and disposing of parish, religious community/institute, or organizational records.

6.1 Sacramental records shall be regarded as confidential. When compiling and publishing parish, religious community/institute, or organization statistical information from these records, great care must be taken to preserve the anonymity of individuals.

6.2 Most sacramental records older than 70 years are open to the public.

   6.2.1 Information regarding adoption and legitimacy remains confidential, regardless of age.
6.2.2 Only staff members who are authorized to access the records and supervise their use shall handle requests for more recent records.

6.3 Parish, religious community/institute, or organization financial records are confidential unless review is required by the Diocese or an appropriate government agency. Contact the Chief Financial Officer of the Diocese upon receipt of any request for release of financial records.

6.4 Individual contribution records of the parish, religious community/institute, or organization shall be regarded as private and shall be maintained in strictest confidence.

7. **Conflicts of Interest**

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

7.1 Church Personnel should disclose all relevant factors that potentially could create a conflict of interest.

7.2 Church Personnel should inform all parties when a real or potential conflict of interest arises. Resolution of the issues must protect the person receiving ministry services.

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

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

7.2.3 When pastoral counseling or spiritual direction services are provided to two or more people who have a relationship with each other, the Pastoral Counselor or Spiritual Director must:
   - Clarify with all parties the nature of each relationship,
   - Anticipate any conflict of interest,
   - Take appropriate actions to eliminate the conflict, and
   - Obtain from all parties’ written consent to continue services.

7.3 Conflicts of interest may also arise when a Pastoral Counselor’s or Spiritual Director’s independent judgment is impaired by:
   - Prior dealings,
   - Becoming personally involved, or
• Becoming an advocate for one (person) against another. In these circumstances, the Pastoral Counselor or Spiritual Director shall advise the parties that he or she can no longer provide services and refer them to another Pastoral Counselor or Spiritual Director.

8. Reporting Ethical or Professional Misconduct

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

8.1 Church Personnel must hold each other accountable for maintaining the highest ethical and professional standards. When there is an indication of illegal actions by clergy, staff, or volunteers, the Bishop’s office or the Vicar of Clergy and the proper civil authorities must be notified immediately.

8.2 When an uncertainty exists about whether a situation or course of Conduct violates this Code of Pastoral Conduct or other religious, moral, or ethical principles, consult with:
• Peers,
• Others knowledgeable about ethical issues, or
• The Bishop’s office or the Vicar of Clergy of the Diocese of Amarillo.

8.3 When it appears that a member of clergy, Church Personnel has violated this Code of Pastoral Conduct or other religious, moral, or ethical principles:
• Report the issue to a supervisor or next higher authority, or
• Refer the matter directly to the Bishop’s office or the Vicar of Clergy of the Diocese of Amarillo.

8.4 The obligation of Pastoral Counselors and Spiritual Directors to Report client misconduct is subject to the duty of confidentiality. However, any agreement or duty to maintain confidentiality must yield to the need to report misconduct that threatens the safety, health, or well-being of any of the persons involved except as provided for in Section 2.6.

9. Administration

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

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

9.2 No Church Personnel shall use his or her position to exercise unreasonable or inappropriate power and authority.
9.3 Church Personnel must read and sign this Code of Conduct before providing services (see Part IV).

10. Staff or Volunteer Wellbeing

Church Personnel, Clergy, staff, and volunteers have the duty to be responsible for their own spiritual, physical, mental, and emotional health.

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

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

10.3 Church Personnel must address their own spiritual needs. Support from a Spiritual Director is highly recommended.

10.4 Church Personnel must always be aware of their behavior as to the message they may be sending, especially when dealing with minors and adult teens.

10.5 Inappropriate or illegal use of alcohol and drugs is prohibited.

10.6 Possession of or display of any form of pornography in church owned property is prohibited and is contrary to the Catholic Church moral teachings.
Code of Pastoral Conduct

*Our children are the most important gifts God has entrusted to us. I promise to strictly follow the rules and guidelines in this Code of Pastoral Conduct and the Safe Environment Policy, as a condition of my service in the Diocese of Amarillo. While the below is to be applied specifically on the behalf of minors and vulnerable adults for their wellbeing; none-the-less it is must be considered appropriate behavior with any and all persons regardless as to their age or gender who are entrusted to our Catholic institutions.*

As Church Personnel be it Clergy, Staff, or Volunteer, **I will:**

- Treat everyone with respect, loyalty, patience, integrity, courtesy, dignity, and consideration.
- Avoid situations where I am alone with minors.
- Use positive reinforcement rather than criticism, competition, or comparison when working with minors.
- Refuse to accept expensive gifts from minors or their parents without prior written approval from the pastor or administration.
- Refrain from giving expensive gifts to minors without prior written approval from the parents or guardian and the pastor or administrator.
- Report suspected abuse to the pastor, administrator, or appropriate supervisor and the local Child Protection Services agency. I understand that failure to report suspected abuse to civil authorities is, according to the law, a misdemeanor.
- Cooperate fully in any investigation of abuse of minors.

As Church Personnel be it Clergy, Staff, or Volunteer, **I will not:**

- Touch and/or exploit minors or any person in a sexual or other inappropriate manner.
- Expose or participate with minors and/or adults in pornography (explicit or otherwise), via cybersex, phone sex, sexting, etc., in person, photographing, nor via email, text messages, video chat, or any other form of electronic communication or printed material.
- Engage in one-to-one electronic communications with a minor without a copy-count made available to the appropriate member of the Diocesan, Parish, School staff, and/or parent.
- Pose any health risk to minors (i.e., no fevers or other contagious situations.)
- Humiliate, ridicule, threaten, frighten or degrade minors.
- Use any physical discipline such as: striking,spanking, shaking, or slapping minors.
- Use, possess, or be under the influence of illegal drugs (including marijuana) at any time.
- Use, possess, or be under the influence of alcohol at any time while volunteering.
- Smoke, VAP, or use tobacco products in the presence of minors.
- Use profane, sexual, romantic, or other inappropriate speech in the presence of minors.
- Drive or ride in a vehicle with an unaccompanied, non-relative, minor.

I understand that working with children, or youth, I am subject to a background check including criminal history. I understand that any action inconsistent with the Code of Conduct and Safe Environment Policy or failure to take actions as so mandated may result in my removal as a Church Personnel in the Diocese of Amarillo.
APPENDIX G
Church Personnel Training

G-1 Principle:

The Diocese of Amarillo is fully committed to preventing the sexual exploitation of minors and vulnerable adults, and to identifying any instance in which it does occur. To this end, all Church Personnel must receive specific training in identifying and responding to potential incidents of sexual misconduct within 45 days of position commencement. Although education alone cannot prevent or change inappropriate sexual behavior, it is essential to help each person to grow and mature in understanding his or her own sexuality, and thereby reducing risk to minors.

G-2 General requirements:

The Safe Environment Training Requirement has three components:

a. Initial training,

b. Five-year renewal training, application update, and criminal background, and

c. Continuing education.

The Administrator of each Institution will ensure that all Church Personnel have completed the appropriate Safe Environment training.

While not every volunteer is required to attend Safe Environment Training, everyone is encouraged to attend.

G-3 Initial training for clergy and members of religious communities:

All clergy must attend a designated Safe Environment Training class. This requirement will apply to all priests, deacons, and candidates for ordination.

Members of religious communities who are active in Institutions, may satisfy their training requirement by completing the training program prescribed by their community, provided that they:

a. Present documentation to their Administrator of completion of the training program, and

b. Attend a Safe Environment class to orient them to the Diocesan Code of Conduct and reporting requirements.

G-4 Safe Environment training for Professional and Supervisory Employees in Catholic Schools:

All Catholic School personnel and volunteers must attend Diocesan Safe Environment Training.
G-5  Initial training for parish-based ministries:

All parish-based Church Personnel (whether paid or volunteer), CCD teachers, Sacramental teachers, youth workers, counselors, and youth ministers, and anyone in the parish that works with minors must undergo Diocesan Approved Safe Environment Training.

G-6  Who may facilitate a training class for adults/designated personnel:

Safe Environment Training Classes for Adults/Church Personnel are to be conducted by a VIRTUS Facilitator certified by the Director and/or his designee.

G-7  Training for Teenage Church Personnel under 18 years of age:

Personnel who are 14 up to 18 years of age and who are left alone in an “unsupervised” ministry involving contact with children must satisfy the training requirement by attending VIRTUS Teen Safe Environment Training {See Appendix “I-2 and I-3” for further information}. Personnel under the age of 14 need not attend Teen Safe Environment training.

G-8  Continuing Education:

The Director will locate, evaluate, develop and provide continuing education materials as needs dictate.

G-9  Safe Environment Training of Church Personnel will be comprised of:

a.  No less than two hours
b.  Attendance verification
c.  Safe Environment Application
   i.  Each person to fill out on VIRTUS website
   ii. Ensure application is complete
d.  Review of the Code of Pastoral Conduct
e.  Electronic Signature on Code of Pastoral Conduct
f.  “An approved” core training program and/or supplemented with the below:
g.  “VIRTUS” Adult Safe Environment Program as approved by the Diocesan Director of Safe Environment.
h.  Review the “Charter for the Protection of Children”
i.  Review the appropriate sections of “Catholic Diocese of Amarillo Safe Environment Policy”
j.  The Director will update the training materials as is reasonable and thus the above (G-9 a-i) is subject to on-going revision.
APPENDIX H
Training of Minors & Parents

H-1 Principle:

The Bishops' Charter mandates that all dioceses provide education to minors about sexual abuse and its prevention. All minors enrolled in the various programs throughout the diocese must be trained during the Safe Environment Month of October, and reported to the Safe Environment Office by November 15th.

H-2 Education for Minors:

The Director has approved certain curriculum for minors in our parishes and schools, which provides age-appropriate instruction in child sexual abuse. The lessons in this curriculum will be given annually to all minors in Kindergarten through Twelfth Grade in all parish religious education and youth programs. In order to ensure all institutions participate, the month of October has been designated as the “Safe Environment Month” during which time such training will be provided. All such materials are available (password protected) for approved personnel, on the Amarillo Diocese’s website and will be updated as needed. Diocesan elementary and high schools may use other age appropriate Safe Environment Training programs if so approved by the Safe Environment Office.

H-3 Who may facilitate Safe Environment Training for Minors:

Church Personnel who have received Adult Safe Environment Training as listed herein, and who have been cleared for ministry may teach/facilitate Safe Environment Training to children and youth. This is usually done in the context of their assigned Christian Formation Class. The Pastor, Principal, Director, or Safe Environment Coordinator should approve those instructors as they would any other Christian Formation Instructor.

H-4 Education for parents:

The best way to deliver this kind of education for minors is by their parents, who are the primary educators. Parents are encouraged to attend the Safe Environment Training with their children. Resource materials for parents and guardians are available through all Catholic Schools and Parish Christian Formation programs.

H-5 Parental Choice:

If parents choose not to have their child participate in the safe environment training, the parents will be provided with the age appropriate safe environment training materials, and will be asked to sign an opt-out form acknowledging they opted out and that the materials were provided to them. These materials and forms are available on Diocesan website. If the parents decline to sign
such a form, a notation of this should be made in a record maintained by the school or religious education program.

**H-6 Record Keeping:**

Each Catholic School and Religious Education Program (Institution) in the Diocese will keep records on the number of children and parents/guardians who have received Safe Environment Education and their names as well.

All minors (Kindergarten – 12th Grade) attending Catholic Schools or parish-based programs are required to be offered Safe Environment Training during October, the Safe Environment Month, unless their parents “opt-out”. Note: Preschool children are not to be included in Safe Environment Training requirements.

Every reasonable effort must be made to provide Safe Environment Education to all minors enrolled in the particular program. Thus, the institution must offer the training as often as is necessary to ensure every child has had ample opportunity to attend.

The Diocesan Safe Environment Staff recognizes that some children will, for whatever reason, not attend Safe Environment Education Classes. None-the-less the institution must make every reasonable effort to offer such classes and record the names in attendance and those names in which training was not received. Should multiple and reasonable efforts fail to provide required training, then the appropriate materials should be forwarded to the parents and a proper notation made on the Classroom Attendance Sheet.

The parish or school Safe Environment Coordinator must use common sense as to the number of minors enrolled and the number of minors who regularly attend. If a child is registered initially, but seldom if ever attends classes, then the he or she need not be included in the statistics as either “enrolled” and/or “not trained”.

All forms (a) the Parish Report form, (b) Classroom Attendance Sheets, and (c) the parent’s signed Opt-Out form are to be mailed to the Diocesan Safe Environment Background & Statistics Coordinator by November 15th and as needed for catch-up purposes. If the parish is not in compliance an additional “FOLLOW-UP REPORT” will be forwarded in January. Should the parish still not comply, a “LATE REPORT” will be forwarded in April with copy forwarded to the Bishop’s Office. NOTE: Every minor must be accounted for by name.

All forms are available of the Diocesan Website.

It should be noted that the Classroom Attendances sheets (with names), in total should numerically correspond with the Parish Report form, as well as reports submitted to the Faith Formation Office.

While the Institution may have a Safe Environment Coordinator, the responsibility for providing accurate and current figures ultimately falls upon the Administrator.
APPENDIX I
Applicant Requirements

I-1 Safe Environment Requirements for all Applicants:

All new Applicants for positions with an “Institution”, whether paid or volunteer, whose position or duties would place them in regular contact with minors, must fully comply with the following Safe Environment requirements:

a. Complete the Personnel Screening Process (i.e., complete the VIRTUS Safe Environment Application and submit to a background check).
   i. Application is to be completed on-line no less than three (3) working days prior to assignment begin date.
   ii. Church Personnel must be cleared prior to position commencement and

b. Complete the Safe Environment Training appropriate to their position within 45 days.

If any Church Personnel of the Diocese/Institution fail to satisfy the Safe Environment requirements within the appropriate time period, they may not come into contact with minors in any program or activity in Institutions.

I-2 Teenagers who are 14 up to 18 years of age and serve in a “supervised” or “unsupervised” ministry to children:

Teenagers are not required to undergo VIRTUS Teen Safe Environment training and are permitted to assist in ministries to children only if an adult directly supervises and is present with them at all times. This adult must be in full compliance with the Safe Environment Requirements.

I-3 Teenage Church Personnel who are 14 up to 18 years of age and serve in an “unsupervised” ministry to children:

a. Those Teenage Church Personnel who are or may be left alone in an unsupervised ministry (i.e. nursery attendant) to children must attend VIRTUS Teen Safe Environment Training.

b. The above Teenagers are not required to sign-in the VIRTUS website or undergo a criminal background check. They must receive the VIRTUS Teen Training.

c. The Teen Safe Environment Training will be administered to by a VIRTUS Adult Facilitator following the VIRTUS “Healthy Relationships for Teens 2.0” guide, and watching the VIRTUS YouTube Video “Healthy Relationships for Teens”.

d. Upon turning the age of “18” they must undergo the VIRTUS Adult Safe Environment Training, sign-in on the VIRTUS website, and submit to a criminal background check.

I-4 Safe Environment Compliance for Institutions:

The Administrator is responsible to ensure that all Safe Environment Requirements are adhered to. Should, after reasonable notice and requests to comply, it is determined that the Institution/Administrator has failed to respond and/or continues to be in non-compliance, remedial action will be taken as deemed necessary by the appropriate diocesan authority.
APPENDIX J
Background Checks

J-1 Principle:

Conducting background checks is an indispensable tool for creating a safe environment. These checks can identify those whose background poses a substantial risk to minors. They can also ensure that the identity of all personnel of the Diocese has been fully verified. Background checks and their results will be handled with the highest degree of discretion, in order to protect the privacy of all personnel, and to ensure that negative information is not improperly revealed. At the same time, any information that suggests a risk to minors will be treated very seriously.

J-2 Background checks required for all personnel:

All Church Personnel and Applicants of the Diocese whose position or duties place them in regular contact with minors must submit to a background (criminal history) check, administered by the Diocesan Safe Environment Office and must be cleared prior to beginning their service/ministry.

The Administrator of each Institution will ensure that all Church Personnel and Applicants who are in regular contact with minors have submitted to a background check. All Church Personnel when filling out the VIRTUS Application will be directed to the Criminal History Service Provider to fill out that portion of the application.

Failure to submit authorization for a background check, refusal to supply a valid Social Security number, and any false statement made on the authorization form, will constitute grounds for termination of position and being barred from any contact with minors in any program or activity of the Diocese.

J-3 Background checks for those without a valid Social Security number:

For Applicants who do not have a valid Social Security number, the following procedures shall be followed:

a. The person’s supervisor will verify their identity with some form of photo identification (e.g., a driver's license, a passport, an employer-issued ID card, etc.) and photocopy.

b. The supervisor will then sign a statement verifying the person’s identity and with the photocopied identification document(s), forward same to the Diocesan Safe Environment Office.

This procedure will only be available to those who, for justifiable reasons, do not have a valid Social Security number. A person who has such a number, but refuses to submit it, may not have any contact with minors in any Diocesan program.
J-4 How the background checks will be conducted:

As part of the VIRTUS application process, each Church Personnel is required to fill out the appropriate forms for:
   a. Verification of identity;
   b. Existence of a criminal record;
   c. Listing on a sex offender registry.

Under no circumstances will the Diocesan Safe Environment Background and Statistical Office seek any financial information on the person.

J-5 Renewing background checks:

Church Personnel will be notified (approximately 5-year intervals) that they are required to undergo a renewed criminal background check. At that time, Church Personnel will be required to log on to the VIRTUS website and follow the instructions therein, etc.

J-6 Background Check Fees:

The Diocesan Safe Environment Office will cover the cost of the computerized background checks.

J-7 Institutional Record-keeping:

All records will be electronically maintained by VIRTUS. The VIRTUS Coordinator (Administrator) will have access to the user list.

J-8 How negative results will be handled:

The Director will review all negative (criminal history) reports for all Church Personnel, in consultation with the following “Administrators” (as applicable):
   a. Clergy members – the Vicar of Clergy.
   b. Members of Religious Communities – the Major Superior
   c. Department of Education staff and teachers – the Principal.
   d. Parish Employees/Volunteers – Pastor
   e. Other Entities – the Executive Director or related position.
   f. Chancery – Appropriate Supervisor/Administrator/Moderator of the Curia

The Director will evaluate whether the nature of the negative report warrants possible action, and attempt to verify that the report relates to the applicant. Any action taken with regard to any negative report will comply with state and federal law, and the Diocesan Safe Environment Policy.
J-9  Negative results that relate to immigration status:

Information regarding a person’s immigration status shall not be the basis for any adverse action in relation to the Safe Environment Program.

J-10  How negative reports regarding a “criminal record involving sexual misconduct or sex offender status” will be handled:

If the background check reveals information that falls under the Bishops’ Charter (i.e., it involves the sexual abuse of minors or young people, or is listed in a sex offender registry), the Director will notify the appropriate Administrator as soon as possible. Note the person who is listed as “Consultation Required or Caution” is NOT cleared for ministry unless Administrator advises to the contrary! {See appendix D-2 iv}

a. The Administrator, along with another authority figure if deemed necessary, shall interview the person in-question.

b. Said person will be given the opportunity to provide relevant information about the report.

c. The Administrator, if the accusation/conviction is verified, will immediately bar the person from any contact with minors.

d. The Administrator will advise the person in-question of the restrictions that apply to include:
   i. He/she is not authorized to be in the vicinity where minors tend to congregate (classrooms, youth facilities, gymnasiums) if unescorted.
   ii. He/she are not to have keys to the facility or access to security system codes.
   iii. This does not preclude the person from fully participating in Mass.

e. The Administrator knows the facility and thus should provide adequate guidance as to what the person can participate in and as to what he/she cannot. The Administrator will notify the Safe Environment Office as to the person’s status within “30” days as to his or her decision. If after “30” days the Administrator has failed to make the appropriate determination, He/She will be notified that the person in question has been archived and is “not cleared” for ministry. Only the Administrator can authorize reconsideration of the applicant’s status.

The Director will ensure that the person in-question is removed and prohibited from working at any “Institution” that serves children and young people

a. The Director will ensure that an appropriate notation is made in the diocesan file of the removed person to ensure it is fully noted for future reference

b. The Director will notify any of the following as the circumstances dictate:
   i. Bishop and/or
   ii. The Vicar General

J-11  How negative reports regarding “any other kind of criminal record” will be handled:

Background information that reveals negative information (criminal history) that may not fall specifically under the Bishops’ Charter (i.e., it does not involve the sexual abuse of minors or
young people), will be handled as follows: Note the person listed as “Consultation Required or Caution” is NOT cleared for ministry unless Administrator advises to the contrary! {See appendix D-2 iv} The Administrator will notify the Safe Environment Office as to the person’s status within “30” days as to his or her decision. If after “30” days the Administrator has failed to make the appropriate determination, He/She will be notified that the person in question has been archived and is “not cleared” for ministry. Only the Administrator can authorize reconsideration of the applicant’s status.

a. The Director may:
   i. evaluate the criminal history to determine if it may represent a risk to minors; or
   ii. evaluate the criminal history to determine as to whether it is of such a serious nature that it warrants legitimate concern for the safety and welfare of the Institution and/or
   iii. forward the criminal history to the appropriate Administrator for review for his/her determination.

b. In making this determination, the following factors shall be considered:
   i. The duties and responsibilities held by the person;
   ii. The bearing of the offense on their fitness to perform those duties;
   iii. The length of time since the commission of the offense;
   iv. The age at which the person committed the offense;
   v. The seriousness of the offense;
   vi. Any information provided by the person or someone else on their behalf.

If conditions warrant, the Administrator may bar the person from any contact with minors and/or reassign that person to responsibilities without contact with minors. Regardless as to the decision the Director will be notified.

The Diocesan Safe Environment Background & Statistics Coordinator will ensure that that any person who is removed and prohibited from employment or service at any Institution that serve minors by:

a. Making the appropriate notation in the file of the removed person to ensure it is fully noted for future reference
b. The Director will, as the situation requires, notify the Bishop and/or his designee
c. If the person is employed, the Administrator will make the determination as to employment discharge or reassignment.

J-12 Criminal Histories that are disputed:

Should the person dispute the identity or the validity of the Criminal History Report they may pursue resolution as follows:

a. Contact the law enforcement agency reporting the information and resolve accordingly.
b. Contact a local law enforcement agency, request to be fingerprinted, and have a Criminal History Check conducted and compared to the questioned report to insure proper identity versus possible identity theft.
c. If necessary, contact an attorney to represent them in resolving the reported conviction.
d. All related expenses are to be incurred by the person.
If the negative report suggests that the person may have supplied a false name or Social Security Number, the Director will notify the Administrator of appropriate Institution. The person will be asked to submit a form of identification that has been validly issued by a government agency (e.g., a valid driver license, passport, etc.). If adequate verification is obtained, no further action will be taken.

**J-13 Diocesan Record-keeping:**

VIRTUS has a secure website where all related Diocesan Safe Environment files are maintained.

**J-14 Inappropriate, Immoral, Questionable, Borderline Behavior involving minors, young adults, and vulnerable adults:**

On occasion some inappropriate, immoral, questionable or borderline behavior may be detected and brought to the attention of the Institution’s Administrator. While this behavior may not be a violation of Texas Criminal Statutes, none the less it presents a dilemma as to how to the situation should be addressed by the Administrator. For example, such behavior could be a much older person (single or married) dating or having excessive contact with an adult teen(s), an adult teen dating a minor, an adult high on drugs or alcohol in the presence of minors, a person who is employed in adult entertainment, etc. Care must be taken however in that it is often a judgment call as to what constitutes inappropriate behavior; none-the-less some behaviors clearly warrant intervention.

The Institution’s Administrator knows his facility, staff, and volunteers best, thus he/she should determine how best to resolve the situation. For example, it could be requested that the person refrain from ministry with minors, young people, teen adults, etc.
APPENDIX K

VIRTUS On-Line Application

K-1 The Safe Environment Application:

All Church Personnel and new applicants for positions in Diocesan programs, whose position or duties would place them in regular contact with minors, must complete a “VIRTUS” Safe Environment Application on-line. This requirement applies to both prospective employees and volunteers. After on-line registration, in person VIRTUS safe environment training is required.

The Safe Environment Application may include a request for the following information:
   a. Name, including all other names used;
   b. Social Security number;
   c. Driver’s license or other means of identification;
   d. Date of Birth;
   e. Current and former addresses
   f. Telephone number(s)
   g. E-mail address
   h. Names of persons who may be contacted as references to include full name, telephone number, email address, and mailing address.
   i. Whether the applicant has ever been accused, investigated, or disciplined for sexual abuse or misconduct.
   j. Other Catholic Entities where they may function.
   k. Authorization of the Diocese to conduct a criminal background history.
   l. Electronic Signature

Church Personnel and applicants must electronically sign the Safe Environment Application certifying that their answers are accurate and truthful, and acknowledging that they received the Summary of the Policy on Sexual Misconduct and the Code of Conduct and will comply with them. Applicants will also certify that they understand their responsibility to comply with the Safe Environment Requirements by the appropriate deadline.

Failure to complete the Safe Environment Application and every question therein, or making any false statements, will constitute grounds for termination of employment or volunteer service, and being barred from any contact with minors in any program or activity of the Diocese.

K-2 Application Classifications:

In as much as the Charter Audit Procedures requires six (6) “classifications” of Church Personnel, the Application offers the following categories:

   PRIESTS: include any religious order or diocesan priest in active or supply ministry (including retired priests who continue to celebrate the occasional Mass, wedding, baptism, etc.) since these activities put them in a position to be around children.
DEACONS: include any religious order or diocesan deacon in active or supply ministry (including retired deacons who continue to celebrate the occasional weddings, baptisms, etc.) since these activities put them in a position to be around children.

CANDIDATES FOR ORDINATION: This category includes seminarians and candidates for the permanent diaconate.

EDUCATORS – FULL/PART TIME: Catholic School (primary purpose to educate children in standard academic format) employee who is given payment for services (any form of compensation, whether monetary or other) rendered in which the obligation to withhold for payroll tax (FICA, Medicare, etc.) exists. Educators would be those persons who assist in some manner at a Catholic School. “Educator” does not include Christian Education Teachers, CCD Teachers or Aides, Sunday School Teachers, and Sacramental Trainers in a parish level and/or outside of a Catholic School or related sponsored event, these would be considered Volunteers as listed below.

DIOCESAN EMPLOYEES – FULL/PART TIME: are paid persons (other than priests/deacons or educators) who are employed by and work directly for the diocese to include all parishes and entities, therein. This would include but not be limited to office/chancery/pastoral center/maintenance employees, retreat facility workers, youth ministers, etc. A paid diocesan employee is one who is given payment for services (any form of compensation) rendered in which the obligation to withhold for payroll tax (FICA, Medicare, etc.) exists. NOTE: Those employees in diocesan entities such as “Catholic Charities of the Texas Panhandle”, “Downtown Women’s Center”, etc., are required to fully comply with this diocesan policy only if their personnel are in some form of contact with minors as described in the above Appendix “A”.

PARISH/SCHOOL EMPLOYEES: are paid persons (other than priests/deacons or educators) who are employed by and work directly for parishes/schools. This would include but not be limited to parish ministers, school support staff, rectory personnel, secretaries, coaches, maintenance personnel, etc. A paid parish/school employee is one who is given payment for services (any form of compensation) rendered in which the obligation to withhold for payroll tax (FICA, Medicare, etc.) exists.

VOLUNTEERS: are non-paid persons who volunteer at any Catholic parish, Catholic school, other facilities or institutions operating under the authority of, or in conjunction with the Catholic Diocese of Amarillo, that serve minors or vulnerable adults.

K-3 Incomplete or Erroneous On-Line Applications:

Upon discovery that an Application has missing, erroneous, or incomplete information, the VIRTUS on-line registration process stops until the problem area is corrected.

K-4 Five-year Resubmission of VIRTUS Application:

Church Personnel will periodically (approximately 5-year intervals) be notified that they are due to renew their criminal background check at the VIRTUS website. All Church Personnel must undergo safe environment retraining every five years.
APPENDIX L
TEXAS PENAL CODE -
Updated September 2019

TITLE 5. OFFENSES AGAINST THE PERSON  CHAPTER 21. SEXUAL OFFENSES

Sec. 21.01. DEFINITIONS. In this chapter:

(1) “Deviate sexual intercourse” means:
(A) any contact between any part of the genitals of one person and the mouth or anus of another person; or
(B) the penetration of the genitals or the anus of another person with an object.
(2) “Sexual contact” means, except as provided by Section 21.11, any touching of the anus, breast, or any part of the genitals of another person with intent to arouse or gratify the sexual desire of any person.
(3) “Sexual intercourse” means any penetration of the female sex organ by the male sex organ.
(4) “Spouse” means a person to whom a person is legally married under Subtitle A, Title 1, Family Code, or a comparable law of another jurisdiction.

Sec. 21.02. CONTINUOUS SEXUAL ABUSE OF YOUNG CHILD OR CHILDREN. (a) In this section, “child” has the meaning assigned by Section 22.011(c).

(b) A person commits an offense if:
(1) during a period that is 30 or more days in duration, the person commits two or more acts of sexual abuse, regardless of whether the acts of sexual abuse are committed against one or more victims; and
(2) at the time of the commission of each of the acts of sexual abuse, the actor is 17 years of age or older and the victim is a child younger than 14 years of age, regardless of whether the actor knows the age of the victim at the time of the offense.

(c) For purposes of this section, "act of sexual abuse" means any act that is a violation of one or more of the following penal laws:
(1) aggravate kidnapping under Section 20.04(a)(4), if the actor committed the offense with the intent to violate or abuse the victim sexually;
(2) indecency with a child under Section 21.11(a)(1), if the actor committed the offense in a manner other than by touching, including touching through clothing, the breast of a child;
(3) sexual assault under Section 22.011;
(4) aggravated sexual assault under Section 22.021;
(5) burglary under Section 30.02, if the offense is punishable under Subsection (d) of that section and the actor committed the offense with the intent to commit an offense listed in Subdivisions (1)-(4);
(6) sexual performance by a child under Section 43.25;
(7) trafficking of persons under Section 20A.02(a)(7) or (8); and
(8) compelling prostitution under Section 43.05(a)(2).

(d) If a jury is the trier of fact, members of the jury are not required to agree unanimously on which specific acts of sexual abuse were committed by the defendant or the exact date when those acts were committed. The jury must agree unanimously that the defendant, during a period that is 30 or more days in duration, committed two or more acts of sexual abuse.

(e) A defendant may not be convicted in the same criminal action of an offense listed under Subsection (c) the victim of which is the same victim as a victim of the offense alleged under Subsection (b) unless the offense listed in Subsection (c):
(1) is charged in the alternative;
(2) occurred outside the period in which the offense alleged under Subsection (b) was committed; or
(3) is considered by the trier of fact to be a lesser included offense of the offense alleged under Subsection (b).

(f) A defendant may not be charged with more than one count under Subsection (b) if all of the specific acts of sexual abuse that are alleged to have been committed are alleged to have been committed against a single victim.

(g) It is an affirmative defense to prosecution under this section that the actor:
(1) was not more than five years older than:

(A) the victim of the offense, if the offense is alleged to have been committed against only one victim; or

(B) the youngest victim of the offense, if the offense is alleged to have been committed against more than one victim;

(2) did not use duress, force, or a threat against a victim at the time of the commission of any of the acts of sexual abuse alleged as an element of the offense; and

(3) at the time of the commission of any of the acts of sexual abuse alleged as an element of the offense:

(A) was not required under Chapter 62, Code of Criminal Procedure, to register for life as a sex offender; or

(B) was not a person who under Chapter 62 had a reportable conviction or adjudication for an offense under this section or an act of sexual abuse as described by Subsection (c).

(h) An offense under this section is a felony of the first degree, punishable by imprisonment in the Texas Department of Criminal Justice for life, or for any term of not more than 99 years or less than 25 years.

Sec. 21.07. PUBLIC LEWDNESS.

(a) A person commits an offense if the person knowingly engages in any of the following acts in a public place or, if not in a public place, the person is reckless about whether another is present who will be offended or alarmed by the person's:

(1) act of sexual intercourse;

(2) act of deviate sexual intercourse; or

(3) act of sexual contact.

(b) An offense under this section is a Class A misdemeanor.

Sec. 21.08. INDECENT EXPOSURE. (a) A person commits an offense if he exposes his anus or any part of his genitals with intent to arouse or gratify the sexual desire of any person, and he is reckless about whether another is present who will be offended or alarmed by his act.

(b) An offense under this section is a Class B misdemeanor.

Sec. 21.11. INDECENCY WITH A CHILD. (a) A person commits an offense if, with a child younger than 17 years of age, whether the child is of the same or opposite sex and regardless of whether the person knows the age of the child at the time of the offense, the person:

(1) engages in sexual contact with the child or causes the child to engage in sexual contact; or

(2) with intent to arouse or gratify the sexual desire of any person:

(A) exposes the person's anus or any part of the person's genitals, knowing the child is present; or

(B) causes the child to expose the child's anus or any part of the child's genitals.

(b) It is an affirmative defense to prosecution under this section that the actor:

(1) was not more than three years older than the victim and of the opposite sex;

(2) did not use duress, force, or a threat against the victim at the time of the offense; and

(3) at the time of the offense:

(A) was not required under Chapter 62, Code of Criminal Procedure, to register for life as a sex offender; or

(B) was not a person who under Chapter 62 had a reportable conviction or adjudication for an offense under this section.

(b-1) It is an affirmative defense to prosecution under this section that the actor was the spouse of the child at the time of the offense.

(c) In this section, "sexual contact" means the following acts, if committed with the intent to arouse or gratify the sexual desire of any person:

(1) any touching by a person, including touching through clothing, of the anus, breast, or any part of the genitals of a child; or
(2) any touching of any part of the body of a child, including touching through clothing, with the anus, breast, or any part of the genitals of a person.

(d) An offense under Subsection (a)(1) is a felony of the second degree and an offense under Subsection (a)(2) is a felony of the third degree.

Sec. 21.12. IMPROPER RELATIONSHIP BETWEEN EDUCATOR AND STUDENT. (a) An employee of a public or private primary or secondary school commits an offense if the employee:

(1) engages in sexual contact, sexual intercourse, or deviate sexual intercourse with a person who is enrolled in a public or private primary or secondary school at which the employee works;
(2) holds a position described by Section 21.003(a) or (b), Education Code, regardless of whether the employee holds the appropriate certificate, permit, license, or credential for the position, and engages in sexual contact, sexual intercourse, or deviate sexual intercourse with a person the employee knows is:

(A) enrolled in a public or private primary or secondary school, other than a school described by Subdivision (1); or
(B) a student participant in an educational activity that is sponsored by a school district or a public or private primary or secondary school, if students enrolled in a public or private primary or secondary school are the primary participants in the activity; or
(3) engages in conduct described by Section 33.021, with a person described by Subdivision (1), or a person the employee knows is a person described by Subdivision (2)(A) or (B), regardless of the age of that person.

(b) An offense under this section is a felony of the second degree.

(b-1) It is an affirmative defense to prosecution under this section that:
(1) the actor was the spouse of the enrolled person at the time of the offense; or
(2) the actor was not more than three years older than the enrolled person and, at the time of the offense, the actor and the enrolled person were in a relationship that began before the actor’s employment at a public or private primary or secondary school.

(c) If conduct constituting an offense under this section also constitutes an offense under another section of this code, the actor may be prosecuted under either section or both sections.

(d) The name of a person who is enrolled in a public or private primary or secondary school and involved in an improper relationship with an educator as provided by Subsection (a) may not be released to the public and is not public information under Chapter 552, Government Code.

Sec. 21.15. INVASIVE VISUAL RECORDING. (a) In this section:

(1) “Female breast” means any portion of the female breast below the top of the areola.
(2) “Intimate area” means the naked or clothed genitals, pubic area, anus, buttocks, or female breast of a person.
(3) “Changing room” means a room or portioned area provided for or primarily used for the changing of clothing and includes dressing rooms, locker rooms, and swimwear changing areas.
(4) "Promote" has the meaning assigned by Section 43.21.

(b) A person commits an offense if, without the other person's consent and with intent to invade the privacy of the other person, the person:
(1) photographs or by videotape or other electronic means records, broadcasts, or transmits a visual image of an intimate area of another person if the other person has a reasonable expectation that the intimate area is not subject to public view;
(2) photographs or by videotape or other electronic means records, broadcasts, or transmits a visual image of another in a bathroom or changing room; or
(3) knowing the character and content of the photograph, recording, broadcast, or transmission, promotes a photograph, recording, broadcast, or transmission described by Subdivision (1) or (2).

(c) An offense under this section is a state jail felony.

(d) If conduct that constitutes an offense under this section also constitutes an offense under any other law, the actor may be prosecuted under this section or the other law.
For purposes of Subsection (b)(2), a sign or signs posted indicating that the person is being photographed or that a visual image of the person is being recorded, broadcast, or transmitted is not sufficient to establish the person's consent under that subdivision.

Sec. 21.16. UNLAWFUL DISCLOSURE OR PROMOTION OF INTIMATE VISUAL MATERIAL. (a) In this section:

(1) "Intimate parts" means the naked genitals, pubic area, anus, buttocks, or female nipple of a person.
(2) "Promote" means to procure, manufacture, issue, sell, give, provide, lend, mail, deliver, transfer, transmit, publish, distribute, circulate, disseminate, present, exhibit, or advertise or to offer or agree to do any of the above.
(3) "Sexual conduct" means sexual contact, actual or simulated sexual intercourse, deviate sexual intercourse, sexual bestiality, masturbation, or sadomasochistic abuse.
(4) "Simulated" means the explicit depiction of sexual conduct that creates the appearance of actual sexual conduct and during which a person engaging in the conduct exhibits any uncovered portion of the breasts, genitals, or buttocks.
(5) "Visual material" means:

(A) any film, photograph, videotape, negative, or slide or any photographic reproduction that contains or incorporates in any manner any film, photograph, videotape, negative, or slide; or

(B) any disk, diskette, or other physical medium that allows an image to be displayed on a computer or other video screen and any image transmitted to a computer or other video screen by telephone line, cable, satellite transmission, or other method.

(b) A person commits an offense if:

(1) without the effective consent of the depicted person and with the intent to harm that person, the person discloses visual material depicting another person with the person's intimate parts exposed or engaged in sexual conduct;
(2) at the time of the disclosure, the person knows or has reason to believe that the visual material was obtained by the person or created under circumstances in which the depicted person had a reasonable expectation that the visual material would remain private;
(3) the disclosure of the visual material causes harm to the depicted person; and
(4) the disclosure of the visual material reveals the identity of the depicted person in any manner, including through:

(A) any accompanying or subsequent information or material related to the visual material; or

(B) information or material provided by a third party in response to the disclosure of the visual material.

c) A person commits an offense if the person intentionally threatens to disclose, without the consent of the depicted person, visual material depicting another person with the person's intimate parts exposed or engaged in sexual conduct and the actor makes the threat to obtain a benefit:

(1) in return for not making the disclosure; or
(2) in connection with the threatened disclosure.

d) A person commits an offense if, knowing the character and content of the visual material, the person promotes visual material described by Subsection (b) on an Internet website or other forum for publication that is owned or operated by the person.

e) It is not a defense to prosecution under this section that the depicted person:

(1) created or consented to the creation of the visual material; or
(2) voluntarily transmitted the visual material to the actor.

(f) It is an affirmative defense to prosecution under Subsection (b) or (d) that:

(1) the disclosure or promotion is made in the course of:

(A) lawful and common practices of law enforcement or medical treatment;

(B) reporting unlawful activity; or

(C) a legal proceeding, if the disclosure or promotion is permitted or required by law;

(2) the disclosure or promotion consists of visual material depicting in a public or commercial setting only a person's voluntary exposure of:
(A) the person’s intimate parts; or

(B) the person engaging in sexual conduct; or

(3) the actor is an interactive computer service, as defined by 47 U.S.C. Section 230, and the disclosure or promotion consists of visual material provided by another person.

(g) An offense under this section is a state jail felony.

(h) If conduct that constitutes an offense under this section also constitutes an offense under another law, the actor may be prosecuted under this section, the other law, or both.

Sec. 21.17. VOYEURISM. (a) A person commits an offense if the person, with the intent to arouse or gratify the sexual desire of the actor, observes another person without the other person’s consent while the other person is in a dwelling or structure in which the other person has a reasonable expectation of privacy.

(b) Except as provided by Subsection (c) or (d), an offense under this section is a Class C misdemeanor.

(c) An offense under this section is a Class B misdemeanor if it is shown on the trial of the offense that the actor has previously been convicted two or more times of an offense under this section.

(d) An offense under this section is a state jail felony if the victim was a child younger than 14 years of age at the time of the offense.

(e) If conduct that constitutes an offense under this section also constitutes an offense under any other law, the actor may be prosecuted under this section, the other law, or both.

Sec. 21.18. SEXUAL COERCION. (a) In this section:

(1) "Intimate visual material" means the visual material described by Section 21.16(b)(1) or (c).

(2) "Sexual conduct" has the meaning assigned by Section 43.25.

(b) A person commits an offense if the person intentionally threatens, including by coercion or extortion, to commit an offense under Chapter 43 or Section 20A.02(a)(3), (4), (7), or (8), 21.02, 21.08, 21.11, 21.12, 21.15, 21.16, 21.17, 22.011, or 22.021 to obtain, in return for not committing the threatened offense or in connection with the threatened offense, any of the following benefits:

(1) intimate visual material;

(2) an act involving sexual conduct causing arousal or gratification; or

(3) a monetary benefit or other benefit of value.

(c) A person commits an offense if the person intentionally threatens, including by coercion or extortion, to commit an offense under Chapter 19 or 20 or Section 20A.02(a)(1), (2), (5), or (6) to obtain, in return for not committing the threatened offense or in connection with the threatened offense, either of the following benefits:

(1) intimate visual material; or

(2) an act involving sexual conduct causing arousal or gratification.

(d) This section applies to a threat regardless of how that threat is communicated, including a threat transmitted through e-mail or an Internet website, social media account, or chat room and a threat made by other electronic or technological means.

(e) An offense under this section is a state jail felony, except that the offense is a felony of the third degree if it is shown on the trial of the offense that the defendant has previously been convicted of an offense under this section.

Sec. 21.19. UNLAWFUL ELECTRONIC TRANSMISSION OF SEXUALLY EXPLICIT VISUAL MATERIAL. (a) In this section, "intimate parts," "sexual conduct," and "visual material" have the meanings assigned by Section 21.16.

(b) A person commits an offense if the person knowingly transmits by electronic means visual material that:

(1) depicts:

(A) any person engaging in sexual conduct or with the person's intimate parts exposed; or
Texas Penal Code § 22.011. Sexual Assault

(a) A person commits an offense if:
(1) the person intentionally or knowingly:
(A) causes the penetration of the anus or sexual organ of another person by any means, without that person's consent;
(B) causes the penetration of the mouth of another person by the sexual organ of the actor, without that person's consent; or
(C) causes the sexual organ of another person, without that person's consent, to contact or penetrate the mouth, anus, or sexual organ of another person, including the actor; or
(2) regardless of whether the person knows the age of the child at the time of the offense, the person intentionally or knowingly:
(A) causes the penetration of the anus or sexual organ of a child by any means;
(B) causes the penetration of the mouth of a child by the sexual organ of the actor;
(C) causes the sexual organ of a child to contact or penetrate the mouth, anus, or sexual organ of another person, including the actor;
(D) causes the anus of a child to contact the mouth, anus, or sexual organ of another person, including the actor; or
(E) causes the mouth of a child to contact the anus or sexual organ of another person, including the actor.

(b) A sexual assault under Subsection (a)(1) is without the consent of the other person if:
(1) the actor compels the other person to submit or participate by the use of physical force, violence, or coercion;
(2) the actor compels the other person to submit or participate by threatening to use force or violence against the other person or to cause harm to the other person, and the other person believes that the actor has the present ability to execute the threat;
(3) the other person has not consented and the actor knows the other person is unconscious or physically unable to resist;
(4) the actor knows that as a result of mental disease or defect the other person is at the time of the sexual assault incapable either of appraising the nature of the act or of resisting it;
(5) the other person has not consented and the actor knows the other person is unaware that the sexual assault is occurring;
(6) the actor has intentionally impaired the other person's power to appraise or control the other person's conduct by administering any substance without the other person's knowledge;
(7) the actor compels the other person to submit or participate by threatening to use force or violence against any person, and the other person believes that the actor has the ability to execute the threat;
(8) the actor is a public servant who coerces the other person to submit or participate;
(9) the actor is a mental health services provider or a health care services provider who causes the other person, who is a patient or former patient of the actor, to submit or participate by exploiting the other person's emotional dependency on the actor;
(10) the actor is a clergyman who causes the other person to submit or participate by exploiting the other person's emotional dependency on the clergyman in the clergyman's professional character as spiritual adviser; or
(11) the actor is an employee of a facility where the other person is a resident, unless the employee and resident are formally or informally married to each other under Chapter 2, Family Code.

(c) In this section:
(1) "Child" means a person younger than 17 years of age.
(2) "Spouse" means a person who is legally married to another.
(3) “Health care services provider” means:

(A) a physician licensed under Subtitle B, Title 3, Occupations Code; 1

(B) a chiropractor licensed under Chapter 201, Occupations Code;

(C) a physical therapist licensed under Chapter 453, Occupations Code;

(D) a physician assistant licensed under Chapter 204, Occupations Code; or

(E) a registered nurse, a vocational nurse, or an advanced practice nurse licensed under Chapter 301, Occupations Code.

(4) “Mental health services provider” means an individual, licensed or unlicensed, who performs or purports to perform mental health services, including a:

(A) licensed social worker as defined by Section 505.002, Occupations Code ;

(B) chemical dependency counselor as defined by Section 504.001, Occupations Code ;

(C) licensed professional counselor as defined by Section 503.002, Occupations Code ;

(D) licensed marriage and family therapist as defined by Section 502.002, Occupations Code ;

(E) member of the clergy;

(F) psychologist offering psychological services as defined by Section 501.003, Occupations Code ; or

(G) special officer for mental health assignment certified under Section 1701.404, Occupations Code .

(5) “Employee of a facility” means a person who is an employee of a facility defined by Section 250.001, Health and Safety Code , or any other person who provides services for a facility for compensation, including a contract laborer.

(d) It is a defense to prosecution under Subsection (a)(2) that the conduct consisted of medical care for the child and did not include any contact between the anus or sexual organ of the child and the mouth, anus, or sexual organ of the actor or a third party.

(e) It is an affirmative defense to prosecution under Subsection (a)(2):

(1) that the actor was the spouse of the child at the time of the offense; or

(2) that:

(A) the actor was not more than three years older than the victim and at the time of the offense:

(i) was not required under Chapter 62, Code of Criminal Procedure, to register for life as a sex offender; or

(ii) was not a person who under Chapter 62, Code of Criminal Procedure, had a reportable conviction or adjudication for an offense under this section; and

(B) the victim:

(i) was a child of 14 years of age or older; and

(ii) was not a person whom the actor was prohibited from marrying or purporting to marry or with whom the actor was prohibited from living under the appearance of being married under Section 25.01 .

(f) An offense under this section is a felony of the second degree, except that an offense under this section is a felony of the first degree if the victim was a person whom the actor was prohibited from marrying or purporting to marry or with whom the actor was prohibited from living under the appearance of being married under Section 25.01
Bibliography

United States Conference of Catholic Bishops: “Charter for the Protection of Children and Young Adults” and revisions effective June 2018.

Stonebridge 2018-2021 Compliance Audit Instrument

Motu proprio: “Vos estis lux mundi” “You are the light of the world” by Pope Francis, May 9, 2019.

Texas Penal Code: Title 5. Offenses Against the Person - Updated September 2019

VIRTUS implementation, July 1, 2020

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