

**Limited, Controlled Access
of Elementary Schools
For
Parents Identified as Sexual Offenders**

Purpose: This policy is written as a guideline to assist pastors in providing a safe environment for children as well as to protect the reputation of all parties involved when a parent or guardian is a sexual offender.

Simply Defined: These guidelines are to assist in the development of a safety plan which utilizes controlled and limited access to, the elementary school, Parish Religious Education Preparation (PREP) or youth ministry.

For purposes of this policy a sexual offender is defined as someone who has been officially accused of sexual misconduct with a minor. This includes but is not limited to, those who have been arrested, pending trial or sentencing, convicted, serving a court ordered sentence or are registered in the Pennsylvania State Police Megan's Law registry.

Applicable to: This policy is applicable to all elementary schools, PREP and youth ministry programs.

Safety Plan Once the identification of a sexual offender whose own children are attending the elementary school, PREP or Youth Ministry comes to the attention of the pastor, principal, director of PREP, or the youth minister the following guidelines should be considered for the development of a safety plan.

1. Protection of all children should be the first and foremost focus of the safety plan.
2. Due consideration should be given to the sexual offender and their interest to participate in the activities of their children.
3. If the victim of the sexual offender attends the elementary school, PREP or youth ministry and in anyway would come into contact with the sexual offender then access to the school should be denied.
4. The pastor must meet with the sexual offender to acknowledge an awareness of the situation and this policy to begin development of a safety plan. The pastor may have others present, as he deems necessary.

5. Should it be determined that this parent or guardian should have limited, controlled access to the elementary school, PREP or youth ministry the pastor may inform other employees of the situation and the safety plan on an “need to know basis”.
6. Should it be determined that the parent or guardian have no access to the elementary school, PREP or youth ministry the pastor must inform the parent or guardian in writing.
7. If there is a situation that requires the parent or guardian to come to the parish, elementary school, PREP or youth ministry to pick-up their children, the safety plan should include the identification of someone who will meet the parent or guardian at the door and escort them to the appropriate office. Once the children are in the office the parent or guardian and the children must also be escorted from the building. A determination should be made as to whether or not this exchange of custody of children should be in the school office, in the parking lot or another safe and appropriate venue.
8. At no time should the parent or guardian come to the elementary school, PREP or youth ministry programs without advanced notice to the pastor.
9. This parent or guardian is never permitted to pick-up or transport children not their own.
10. If there is a need for this parent or guardian to attend a parent-teacher conference, it is recommended that this conference is scheduled at the end of the day or at a time when there will be fewer children in the school. At a parent-teacher conference, the pastor or principal needs to identify an appropriate escort. If the parent or guardian wishes to attend a school sponsored event the pastor should determine if this is a suitable venue for the parent or guardian. If the pastor determines that limited controlled access should be granted, the pastor must assign an escort to remain with the parent or guardian for the entire event. It is recommended that the escort be introduced to the parent or guardian prior to the event. The escort should be someone who is discreet, of great kindness and willing to serve in this role.

**PP Limited, Controlled Access for
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**Policy No.: SE 1300
Date: September 2009
Page No.: 3 of 3**

Notifications: To the Office of Catholic Education if the parent or guardian has children in the elementary schools.

The above situations also require notification to the Director of the Office of Child and Youth Protection at 215-587-2466.

**PP Directives for
Principals**

**Policy No.: SE 1301
Date: September 2009
Page No.: 1 of 1**

❖ Be **certain** that the following reports are on file for each teacher in your school. The Office of Catholic Education is not responsible for retaining these records...they are the employer's responsibility which is the pastor at the local level with the support of the principal. The reports **must** be on file in the school and in the rectory.

>**Child Abuse Clearance** (no older than five years and current (within the year) for any teacher new to your school regardless of the teacher bringing a copy from the former employer)

>**Police Check** (no older than five years and current (within the year) for any teacher new to your school regardless of the teacher bringing a copy from the former employer)

>**FBI Fingerprint Clearance** (no older than five years and current for any teacher new to your school regardless of the teacher bringing a copy from the former employer; this is required only of those living out of state or not within PA for the previous two years; **as of April 1, 2007**)

ANY teacher new to the school MUST obtain an FBI Fingerprint Clearance regardless of their state of residence)

>**Signature Sheet** showing attendance at Child Abuse Prevention Training with the signature sheet indicating agreement for following the Standards for the Ministerial Code of Conduct, Boundaries and Behaviors

**A detailed incident report will be due to the Office of Catholic Education the day the allegation is reported. If the allegation would involve someone from your faculty, student, staff or volunteers, you will be asked to forward a copy of the items shown above to our office. It is expected that all clearances would be up-to-date and on file both in the school and the rectory. Do not wait until you are asked to submit these items to realize you do not have them. The Office of Catholic Education has no record of teacher child abuse clearances, police checks, FBI fingerprint clearances or copies of the signature sheet for following the Standards. All of this is the responsibility of the employer at the local level.*

Standards of Ministerial Behavior and Boundaries
5 May 2003

**For Priests, Deacons, Religious, Pastoral Ministers,
Administrators, Staff and Volunteers**

I. Introduction

The Standards of Ministerial Behavior and Boundaries (the "Standards of Ministerial Behavior" or "the Standards") are applicable to all priests, deacons, religious, pastoral ministers, administrators, staff and volunteers in the Archdiocese of Philadelphia. They are intended to provide clear standards of behavior and, in particular, a blueprint for the boundaries of appropriate behavior in all interactions with children and young people. The Standards are not intended to create any rights in any person, to obligate the Archdiocese to act at any time or in any manner, or to establish any responsibility or liability of the Archdiocese.

II. Definitions

For purposes of the Standards of Ministerial Behavior and Boundaries only, the following are definitions for terms used herein.

Child Abuse means any form of negligent, reckless, intentional or malicious infliction of injury to a child's physical, moral or mental wellbeing.

Sexual Abuse means contacts or interactions between a child and an adult where the child is being exploited or used as an object of sexual gratification for the adult.

Sexual Harassment includes unwelcome sexual advances, requests for sexual favors, and other communication (oral or written, including electronic mail) or physical behavior of a sexual nature. There are three categories. One type occurs when submitting to this type of behavior or conduct is implicitly or explicitly made a term of employment. Another type is when submitting or refusing to submit to this conduct is used as a basis for any decision affecting an individual's employment. The third type is behavior or conduct that creates a hostile environment.

Archdiocese means the Roman Catholic Archdiocese of Philadelphia, including parishes, schools, agencies and institutions which are directly accountable to the Ordinary of Philadelphia.

Church Personnel means any priest, religious, deacon, pastoral minister, administrator, employee or volunteer working on behalf of the Archdiocese, as defined above.

Child or Children means all persons under the age of eighteen or special education adults.

III. Responsibility

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

Responsibility for adherence to the Standards of Ministerial Behavior rests with the individual. Church Personnel who disregard the Standards will be subject to remedial action by the Archdiocese. Corrective action may take various forms, including but not limited to a verbal reproach, termination of employment, or removal from the ministry, depending on the specific nature and circumstances of the offense and the extent of the harm.

IV. Pastoral Standards

1. Conduct for Pastoral Counselors and Spiritual Directors

As used in this section, Pastoral Counselors and Spiritual Directors refers to clergy, religious, staff, and volunteers who provide formal and regular pastoral, spiritual, and/or therapeutic counseling services to individuals, families, or other groups.

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

Pastoral Counselors and Spiritual Directors:

- a. shall not step beyond their competence in counseling situations and shall refer persons they counsel to other professionals when appropriate.
- b. are to carefully consider the possible consequences of counseling before entering into a counseling relationship with someone with whom they have a pre-existing relationship (i.e., employee, professional colleague, friend, etc.).
- c. are not to audiotape or videotape sessions.
- d. are not to engage in any form of sexual conduct with the persons they counsel. This includes consensual sexual contact.

e. are not to engage in sexual conduct with any individual who is close to the persons they counsel such as a relative or friend of the person they counsel. Pastoral Counselors and Spiritual Directors should presume that the potential for exploitation or harm exists in such intimate relationships.

f. are responsible for establishing and maintaining clear, appropriate boundaries in all counseling and counseling-related relationships.

g. are to avoid physical contact of any kind (i.e., touching, hugging, holding hands) between themselves and the persons they counsel. Such actions can be misconstrued and should be avoided. Church Personnel should be mindful that not all members of the congregation are comfortable with physical touching and that hand-shake conduct should ordinarily suffice.

h. are to conduct counseling sessions in appropriate settings at appropriate times.

i. Counseling sessions must take place in only the professional portion of the rectory or other Church facility. Sessions are never to be conducted in the private living quarters.

ii. Counseling sessions are not to be held in places or at times that would tend to cause confusion about the nature of the relationship for the person being counseled. Counseling sessions should be held in an appropriate professional setting and should be scheduled for normal business hours - ordinarily between the hours of 7:00 a.m. and 10:00 p.m.

i. are to maintain a written log solely of the times and places of each counseling session with each person being counseled.

j. Counseling Children. Counseling children presents additional considerations for Pastoral Counselors and Spiritual Directors.

i. Counseling of a minor must take place in the public/professional areas of Church property. Counseling sessions are never to take place in private living areas or other non-public areas.

ii. The door to the room where the counseling session takes place should have a window or the door should be left open.

iii. If possible, another adult should be in close proximity during the counseling session.

iv. Unless the subject matter precludes it, the child's parent(s) or legal guardian should be present or aware of the session.

v. The relationship must always remain professional during the counseling sessions.

vi. If counseling entails more than two sessions, an evaluation of the matter is to be made with the child's parent(s) or guardian.

vii. The Pastoral Counselor and Spiritual Director need to assess regularly the relationship to determine whether the child is developing a personal/physical attraction to him or her. Such attractions need to be recognized and the child immediately referred to another Pastoral Counselor or Spiritual Director.

k. shall avoid scandal.

2. Confidentiality

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

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.

- a. At the initial meeting, Pastoral Counselors and Spiritual Directors are to discuss the nature of confidentiality and its limitations with each person in counseling.
- b. Information obtained in the course of sessions is to be confidential, except for compelling professional reasons or as required by law.
 - i. If there is clear and imminent danger to the persons they counsel or to others, the Pastoral Counselor or Spiritual Director may disclose only the information necessary to protect the parties affected and to prevent harm.
 - ii. 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.
- c. Pastoral Counselors should keep minimal records of the content of sessions.
- d. 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.
- e. 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 Pastoral Counselor or Spiritual Director is to:
 - § 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.

3. Conduct with Children

Church Personnel working with children shall maintain an open and trustworthy relationship between the child and adult supervisors.

Church Personnel can and should develop a good rapport with minors. They must also be vigilant to avoid the type of contact with children that could raise questions about the appropriateness of the contact, or which may lead to negative comments about the contact by reasonable people. Church Personnel must not only refrain from inappropriate/improper contact with children, but also refrain from engaging in any action that could give the appearance of inappropriate/improper contact.

a. Church Personnel must always exercise the highest degree of care in all of their interactions with children.

i. Children are not independent. When Church Personnel are with children, their parent(s) or guardian must always be explicitly informed of the child's location and the purpose of the interaction.

ii. Federal, state or local laws may limit or prohibit children from engaging in certain work activities. Church personnel must always ensure that any activities in which they engage with children are not prohibited by labor laws. All children are required to obtain working papers as a condition of employment.

iii. Parishes may direct any inquiries regarding the employment of children to the Archdiocese's Office for Human Resources.

b. Professional attitudes must always be observed in all interactions with minors.

c. Church Personnel are to avoid any unnatural or emotional attachment that a minor may have for them. Such attachments need to be recognized, acknowledged and properly addressed. In some instances, it may be necessary to terminate further contact with the child.

d. Church Personnel must always be aware of the "power" of their role/position.

e. When meeting with a minor, Church personnel should, whenever possible, have another adult present or nearby.

f. Discussions of a sexual nature should only occur, if necessary, to respond to a specific question. Any such discussion should use appropriate, professional language. Slang or street words or phrases should not be used.

g. Topics that could not be comfortably discussed with parents or another adult should not be discussed with children. Church Personnel should not use foul, offensive, or rough language in talking to children.

- h. Meetings with children should occur on Church property if at all possible. Children should only be allowed in professional or public sections of Church property. Children should not be invited or taken into living quarters or private areas on Church property or private homes. Church Personnel should never have children in their rooms or spend their days off with children who are not related to them.
- i. Church Personnel should avoid being alone with children.
- j. Games or sporting activities should be engaged in only in the presence of at least two adults.
- k. Alcohol, tobacco, or controlled substances are never to be supplied to children by Church Personnel.
- l. Church Personnel are not to engage in physical discipline of children. Discipline problems should be handled in coordination with the parent(s) or legal guardian of the child.
- m. Church Personnel are not to be alone with a minor in a residence, sleeping facility, locker room, restroom, dressing facility, or other closed room or isolated area that is inappropriate or inconsistent with a ministry relationship.
- n. Youth groups are to have at least two adult chaperones for any activity. While on youth group trips, Church Personnel are to maintain a professional stature and socialize along with other adult chaperones. During such youth group trips, individual Church Personnel are not to sleep alone in the same room with a child.
- o. Ordinarily, unsupervised children should not be given keys to Church facilities.
- p. Church Personnel are never to take photographs of children while they are unclothed or dressing (e.g., in locker rooms or bathing facilities).
- q. Church Personnel must be aware of their own and others' vulnerability when working alone with youth. Use a team approach to managing youth activities.
- r. Physical contact with youth can be misconstrued and should occur (a) only when completely nonsexual and otherwise appropriate, and (b) never in private.

4. Sexual Conduct

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

The Archdiocese strictly prohibits sexual misconduct by any Church Personnel. The Archdiocese strictly prohibits anyone from interacting with children on behalf of the Archdiocese who has a civil or criminal record of child sexual abuse, has admitted prior sexual abuse, or is known to have a diagnosis of pedophilia or ephebophilia as defined by the American Psychiatric Association. For the purpose of these Standards, sexual misconduct involving minors is defined as both sexual exploitation and sexual abuse of individuals both male and female under age 18 as defined by law.

- a. Church Personnel who are committed to a celibate lifestyle are called to be an example of celibate chastity in all relationships at all times.
- b. Church Personnel who provide pastoral counseling or spiritual direction must avoid developing intimate relationships with persons that they counsel, other staff, or parishioners. Staff and volunteers must behave in a professional manner at all times.
- c. Church Personnel may not exploit another person for sexual purposes.
- d. All allegations of sexual misconduct against a minor by Church Personnel must be taken seriously, and reported to appropriate civil authorities.
- e. Church Personnel shall review and know the contents of the child abuse regulations and reporting requirements for the Commonwealth of Pennsylvania and are to follow those mandates.

5. Harassment

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

- a. Church Personnel are to provide a professional work environment that is free from physical, psychological, written, or verbal intimidation or harassment.
- b. Some examples of behavior or environment that could be considered harassment:

- i. any derogatory jokes, comments or slurs delivered in a manner that could be considered belligerent or threatening to another;
- ii. any unwanted touching, assault, deliberate blocking or any intimidating action that interferes with free movement;
- iii. any unwelcome touching and/or demands for sexual favors, and also any unwelcome sexually oriented behavior, comments or visually derogatory or demeaning posters, written words, drawings, novelties or gestures which create a hostile or offensive environment.

The Archdiocese prohibits all such conduct, whether committed by supervisory or non-supervisory personnel as well as by a third party (i.e., non-employee of the Archdiocese of Philadelphia) engaged in business with the Archdiocese of Philadelphia.

- c. 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.
- d. Possession of any pornographic pictures, or other sexually oriented material, on Church Property is strictly prohibited.
- e. Allegations of harassment are to be taken seriously and reported immediately to the individual's immediate supervisor, or other appropriate Church authorities.

6. Reporting Misconduct

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

- a. Church Personnel must hold each other accountable for maintaining the highest ethical and professional standards. When there is an indication of misconduct by Church Personnel, the person who obtains knowledge of the misconduct should notify his/her supervisor or other appropriate Church authorities.
- b. The obligation of Pastoral Counselors and Spiritual Directors to report misconduct of the persons they counsel 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.

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.

Archdiocesan Policy on Reporting Suspected Child Abuse and Neglect

The attached appendix E titled “Guide to Disclosure of Student Information and Criminal History and Child Abuse Background Checks for School Employees in the Archdiocese of Philadelphia” details among other things the Pennsylvania Child Protective Services Act. This document, which contains the definition of child abuse whether by a parent or guardian, a school employee etc. and immunity for reporters and penalties for failure to report etc, is incorporated by reference into this policy on reporting child abuse.

The following statements go beyond the Child Protective Services Act and delineate reporting procedures based on whether or not the alleged abuser is an employee or volunteer of the Archdiocese or parish.

1. When the alleged perpetrator *is someone other than* an Archdiocesan or Parish employee or volunteer the following procedures apply:

- A. You must notify the administrator of the school, parish, religious education program or youth ministry program immediately.
- B. Once you notify the administrator of the elementary school, parish religious education or youth ministry program you must notify the pastor.
- C. The administrator must call the Department of Public Welfare Child Line at 1-800-932-0313.
- D. The administrator must contact both the Office for Child and Youth Protection at 215-587-2466 and the appropriate administrative office within the Secretariat for Catholic Education for advice and assistance*.

2. When the alleged perpetrator *is an Archdiocesan or Parish employee or volunteer* the following procedures apply:

- A. You must notify the administrator of school, parish, religious education or youth ministry program immediately.
- B. Once you notify the administrator of the elementary school, parish religious education or youth ministry program you must notify the pastor.
- C. The administrator must call the Department of Public Welfare Child Line at 1-800-932-0313.
- D. The administrator must notify the local police department. **
- E. The administrator must contact both the Office for Child and Youth Development at 215-587-2466 and the appropriate administrative office within the Secretariat for Catholic Education for advice and assistance.*

3. When the alleged perpetrator *is the administrator* to whom the report would ordinarily be made, you should bypass the administrator and immediately report the suspected abuse to the local police**

*. Depending on the program or school the administrative office could be:

- >Call Child Line at 1-800-932-0313
- >Call the Office for Child and Youth Protection at 215-587-2466
- >Call the Police and ask for the Special Victims Unit
- >Call the Office of Catholic Education at 215-587-3700

Once contacted, the Office of Child and Youth Protection will contact the legal department who in turn will notify the county district attorney as required by law.