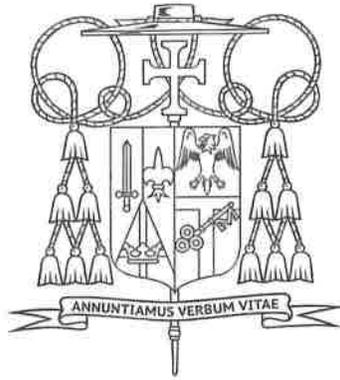


JOHN STOWE, OFM, CONV.



BISHOP OF LEXINGTON

General Executory Decree Promulgating the Revised
Code of Conduct
as Administrative Directives for the Lexington Diocese

In virtue of my pastoral office as Bishop of the Diocese of Lexington in Kentucky, I hereby issue this General Executory Decree (c. 31) promulgating the revised **Code of Conduct** as administrative directives of the Diocese of Lexington, providing a set of standards of behaviors that govern conduct for those who act on behalf of the Church as Church personnel.

The revised **Code of Conduct** is promulgated by its publication and in electronic format. The provisions of this policy shall become effective December 1, 2018 for purposes of implementation and binding January 1, 2019, for purposes of full compliance within the Diocese of Lexington, any particular legislation, directives or instructions to the contrary notwithstanding.

Given at the Chancery, Lexington, Kentucky this 9th day of November, 2018.

Most Reverend John Stowe, O.F.M. Conv.
Bishop of Lexington

Karen Abbey
Chancellor

2018:AD008



CATHOLIC DIOCESE
OF LEXINGTON

Roman Catholic Diocese of Lexington, KY

CODE OF CONDUCT

Revised November 1, 2018

PREAMBLE

The purpose of this Code of Conduct is to provide a set of standards of behaviors for those who act on behalf of the Church. It does not present an exhaustive list of expectations and requirements, rather it accompanies the Code of Canon Law, civil law and diocesan polices. Church personnel are to be aware of and committed to all of these norms that govern conduct.

For purposes of this policy, the term “Church personnel” includes any person who performs tasks for the Church under the auspices of the Diocese of Lexington. This includes the Bishop, Priests, Deacons, Seminarians, Men and Women Vowed Religious, Pastoral Ministers, Spiritual Counselors, Educators, Administrators, Lay Employees and Contract Employees who are employed by the Diocese of Lexington together with those Lay Volunteers/Interns/Practicum Students who provide services to/for the Diocese of Lexington.

For purposes of this policy, the term “minor” refers to anyone under the age of 18. The term “vulnerable adult” refers to a person (18) years of age or older who because of mental or physical dysfunctionality is unable to manage his or her own resources, carry out the activity of daily living, or protect themselves from neglect, exploitation or a hazardous or abusive situation without assistance from others and who may be in need of protective services.

Responsibility for Compliance/Enforcement

The Diocese of Lexington holds accountable all Church personnel for maintaining the integrity of their ministerial and professional relationships. Responsibility for adherence to this Code of Conduct rests with the individual. However, the promulgation of the Code of Conduct has legal implications for the conduct of all who serve in the name of the Diocese of Lexington. Violation of this Code of Conduct or any other applicable diocesan policy will lead to remedial action. Such action may take various forms, from verbal reproach to civil or canonical disciplinary action, including termination of employment or ministry, depending upon the specific nature and circumstances of the offense and the extent of the harm. In order to repair scandal, restore justice and reform offenders, appropriate action will be taken when any Church personnel disregards or fails to comply with the expectations and behaviors outlined in this Code of Conduct.

To ensure compliance, everyone with supervisory responsibilities in the Diocese, parish or affiliated organization will:

1. ensure that the Code of Conduct is provided to and reviewed with and accepted by new Church personnel.
2. share and discuss periodically the Code of Conduct with all personnel within their realm of responsibility.
3. immediately and appropriately address questions or issues resulting from application of the standards outlined in the Code of Conduct.
4. ensure the Employee Handbook is provided to and reviewed with and accepted by new employees.
5. ensure that Clergy, staff and volunteers complete mandated Safe Environment training.

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SECTION 1 – WELL-BEING

Church personnel have the duty to be responsible for their own spiritual, physical, mental and emotional health.

1. Church personnel must address their own spiritual needs. Support from a Spiritual Director is highly recommended.
2. Church personnel should be aware of warning signs that indicate potential problems with their own spiritual, physical, mental and/or emotional health.
3. Church personnel should seek help immediately whenever they notice behavioral or emotional warning signs in their own professional and/or personal lives.

SECTION 2 – GENERAL CONDUCT

Church personnel represent Christ and His Church so their public and private behavior should inspire and motivate others; Church personnel must be aware of their potential to affect the faith of others.

1. Church personnel should aim to enhance the quality of life of those they serve by working collaboratively, by treating each person with dignity and respect, by practicing solidarity and working for justice, and by caring for God's creation.
2. Church personnel are to make the poor and all who are in need their priority.
3. Church personnel should maintain a professional appearance consistent with representing the Catholic Church.

In addition, Church personnel must create and maintain a safe environment.

4. Church personnel must not illegally use drugs, be under the influence of drugs that are not legally prescribed or not used in accordance with the prescribed dosage, or be in possession of illegal drugs when working in a ministerial setting. Church personnel must not distribute illegal drugs when working in a ministerial setting.
5. Church personnel must not illegally use or distribute alcohol when working in a ministerial setting.
6. Church personnel must not abuse, misuse or deliberately destroy property – whether Diocesan or another person's property.

7. The possession or use of firearms when working in a ministerial setting is prohibited except in the case of a federal, state or local law enforcement officer in good standing, who is legally carrying a weapon related to his/her job.
8. Tobacco and vapor use are prohibited, except in designated areas, in all Diocesan parish and school facilities.

SECTION 3 – ADMINISTRATION

Church personnel with supervisory responsibilities are to act justly in the day to day administrative operation of their ministries.

1. Personnel and other administrative decisions made by Church personnel shall comply with civil and canon law obligations and also reflect Catholic social teaching and this Code of Conduct.
2. Church personnel with supervisory responsibilities shall not use deception, manipulation, exploitation or intimidation in the exercise of their authority.

SECTION 4 – CONFIDENTIALITY

Different tasks performed by Church personnel require different levels of confidentiality. These levels of confidentiality are detailed in the appropriate policies and procedures governing those tasks.

1. Church personnel should discuss limitations of confidentiality when it appears that information being shared must or might be disclosed.
2. When confidentiality is requested of Church personnel, that confidentiality will be respected except for a compelling professional reason or as required by Kentucky laws for Mandatory Reporting contained in the Safe Environment Handbook-Appendix.
3. Before disclosure is made, if feasible, the Church personnel should inform the person who is the subject of the disclosure about the disclosure and the potential consequences.

SECTION 5 – CONFLICT OF INTEREST

Church personnel should disclose all potential factors that might present a conflict of interest. Even the appearance of a conflict of interest can call integrity and professional conduct into question.

1. No Church personnel should take advantage of anyone to whom they are providing services in order to further their own personal, financial, political or business interests.

2. Church personnel should inform all parties when a question of conflict of interest arises.
3. Church personnel should be aware other areas of potential conflict could arise from:
 - a. prior dealings,
 - b. becoming personally involved, or
 - c. becoming an advocate for one party against another.
4. When a conflict of interest arises, the Church personnel shall advise the parties that he or she can no longer provide services and refer them to another resource.

SECTION 6 – HARASSMENT

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

1. Harassment encompasses a broad range of physical, written or verbal behavior, including without limitation the following:
 - a. physical or mental abuse
 - b. racial insults
 - c. derogatory ethnic slurs
 - d. unwelcome sexual advances or touching
 - e. sexual comments or sexual jokes
 - f. requests for sexual favors used as:
 - 1) a condition of employment, or
 - 2) to affect other personnel decisions, such as promotion or compensation
 - g. display or sharing of offensive materials
2. Harassment can be an incident or a persistent pattern of behavior which creates a hostile, offensive or intimidating environment.
3. Sexually inappropriate conversation with anyone is prohibited.
4. Taking sexually oriented or morally inappropriate materials (magazines, calendars, cards, videos, films, website material, computer files, cell phone camera images, clothing or other items containing inappropriate materials) onto Diocesan property or showing them to anyone is prohibited.
5. Allegations of harassment should be reported to the immediate supervisor or next highest level with supervisory responsibility. It is the supervisor's responsibility to report allegations to the Director for Human Resource.

SECTION 7 – SEXUAL CONDUCT

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

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.
2. Church personnel who provide pastoral ministry must not develop inappropriately intimate relationships and must behave in a professional manner at all times.
3. No Church personnel may exploit another person for sexual purposes including by the possession of or promotion of pornography.
4. All allegations of sexual misconduct must be taken seriously and reported in accordance with the procedures outlined in Section 10.
5. All allegations of sexual misconduct which involve a **minor** or **vulnerable adult** must **first** be reported in accordance with Kentucky laws for mandatory reporting contained in the Safe Environment Handbook-Appendix.
6. The Diocesan Victim Assistance Coordinator must also be contacted immediately with all allegations of sexual misconduct which involve a **minor** or **vulnerable adult**.

SECTION 8 – CONDUCT WITH MINORS* AND VULNERABLE ADULTS* (*see preamble)

Church personnel must create and maintain a safe environment for minors and vulnerable adults.

1. A minor or vulnerable adult may participate in an organized program sponsored by a parish or institution of the Diocese only with the written consent of the minor's or vulnerable adult's parent or guardian. Such consent should provide for emergency care of the minor or vulnerable adult as warranted by the program or activity. Catholic Schools of the Diocese are governed by the Diocesan Catholic School Policy Manual.
2. Church personnel must be aware of their own and others' vulnerability when working with or transporting minors and vulnerable adults. Church personnel should use the "Rule of Two": ensure there are always two or more adults present and within sight of each other.
3. No minors or vulnerable adults may be disciplined corporally or with the use of abusive language.

4. All human sexuality lessons and discussions should be part of an approved Diocesan curriculum or part of normal counseling.
5. Documented parental/guardian consent needs to be obtained for personal electronic communication with minors and vulnerable adults.
6. Appropriate contact with minors or vulnerable adults should occur only when completely nonsexual and never in private.
7. Minors and vulnerable adults are not to be provided with alcoholic beverages, tobacco, drugs or anything prohibited by law.
8. Clergy should not allow individual minors or vulnerable adults to stay overnight in the cleric's private accommodations or residence.
9. Church personnel should not share overnight accommodations with an individual minor or vulnerable adult.
 - a. For group activities, sleeping accommodations should be planned accordingly.
 - b. In emergency situations when accommodation is necessary for the health and well-being of the minors or vulnerable adult, Church personnel should take extraordinary care to protect all parties from risk of harm and from the appearance of impropriety.
 - c. This does not apply to parent/legal guardian relationships.

SECTION 9 – CONDUCT FOR CHURCH PERSONNEL ACTING AS PASTORAL COUNSELORS AND SPIRITUAL DIRECTORS.

Church personnel must establish and maintain clear, appropriate boundaries.

1. Church personnel shall not step beyond their competence in counseling situations and shall refer the individual to other professionals when appropriate.
2. Church personnel should address potential conflicts of interest arising from:
 - a. personal, financial, political or business relationships.
 - b. service to two or more individuals who have a pre-existing relationship with each other.
3. Church personnel should not audiotape or videotape without the expressed written consent of the person receiving counseling or spiritual direction.
4. Church personnel must never engage in sexual intimacies with the individuals they counsel or give spiritual direction. (see Sections 6 and 7)

5. Church personnel must be aware of their own and others' vulnerability in pastoral counseling and spiritual direction.
6. It is advisable that Church personnel maintain a log of the times and places of session with each individual counseled or given spiritual direction.
7. It is advisable that pastoral counseling or spiritual direction sessions not take place in seclusion or when the counselor and individual are alone in the building.

SECTION 10 – REPORTING ETHICAL OR PROFESSIONAL MISCONDUCT

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

1. Church personnel must hold each other accountable for maintaining the highest ethical and professional standards. When there is an indication of illegal action by Church personnel, the proper civil authorities are to be notified immediately and then notify the parish, school or Diocesan office.
2. When there is an indication of illegal action by Church personnel:
 - a. report the issue to Parish Pastor, Pastoral Director, School Administrator or immediate supervisor and when appropriate refer the matter directly to the Director for Human Resource.
 - b. refer to Section 7 for situations involving minors and vulnerable adults.
3. If Church personnel become aware of information indicating that there is clear and imminent danger to a person, or persons, the Church personnel must disclose only the information necessary to protect the parties affected and to prevent harm.
4. While counseling a minor or vulnerable adult in a formal setting, Church personnel should advise the individual of reporting obligations should the situation warrant. In the event that the Church personnel discovers that there is a serious threat to the welfare of the individual, the Church personnel must follow the Kentucky laws for mandatory reporting contained in the Safe Environment Handbook-Appendix.
5. Because of the sanctity of the Seal of the Confessional (*Code of Canon Law: canons 983-984*) 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.