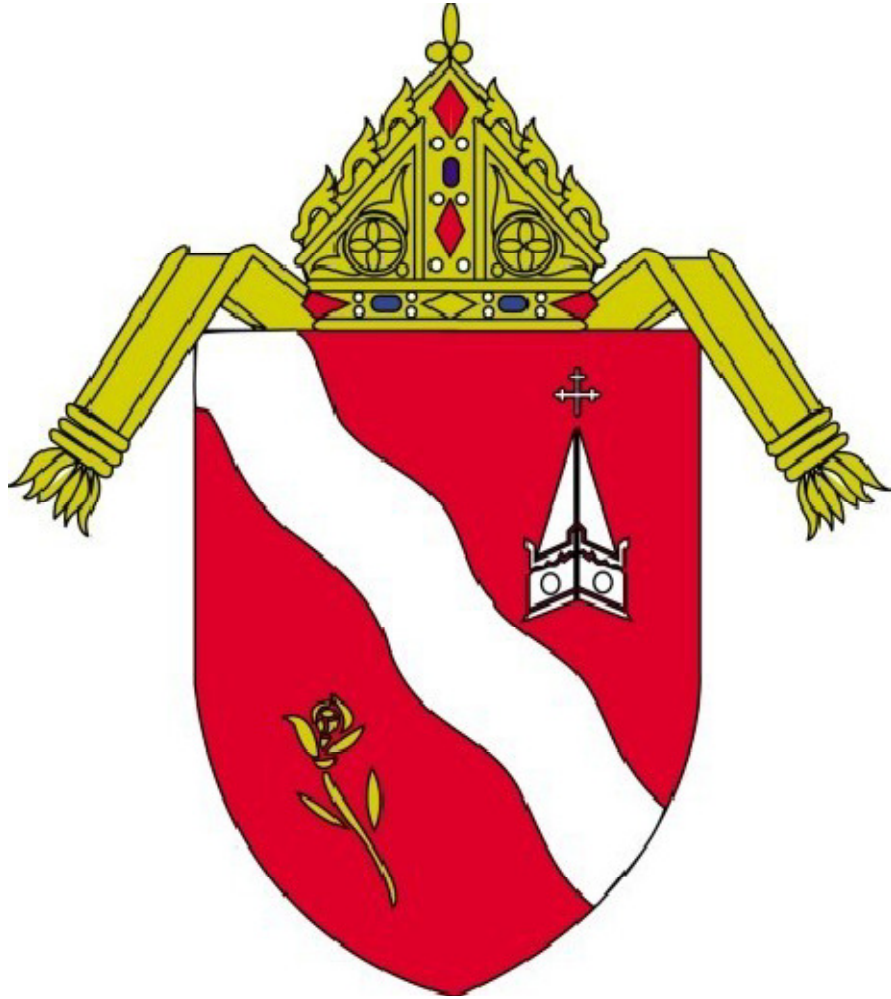


# Diocese of Laredo

## Safe Environment Policies



## **SECTION 9 ETHICAL AND PERSONAL CONDUCT POLICIES**

### LAREDO DIOCESE - AUTHORITY TO PROMULGATE RULES AND REGULATIONS

The Bishop of Laredo from time to time may issue mission statements, policies and guidelines for the Diocese necessary and proper to carry out its duties which are applicable to all clergy, religious, lay employees and volunteers.

#### **9.01 BASIC ETHICAL STANDARDS**

##### **I. PURPOSE**

This policy establishes some basic standards of ethical behavior and personal conduct for all personnel associated with the Diocese of Laredo and its parishes, schools and other affiliated organizations (collectively "the Diocese"). Fundamental to our mission is the personal integrity and the highest ethical standards of all those who represent the Diocese. The intent of this policy is to insure that the Diocese's strong moral, ethical, and social standards of conduct dictated by the Catholic Church and our community at large are followed by all personnel of the Diocese.

Relationships among people are the foundation of Christian ministry and are central to Church life. Defining healthy and safe relationships is not meant, in any way, to undermine the strength and importance of personal contact or the ministerial role. Rather, it is to assist all who fulfill the many roles that create the living Church to demonstrate their love and compassion for children and adults in the most sincere and genuine relationships.

It is with the intention that relationships in ministry be experienced at all times as charitable and without intention to do harm or allow harm to occur, that the following Code of Ethics has been adopted by the Diocese of Laredo. All Church personnel are asked to carefully consider each standard in the Code and within the Policies on Ethics and Integrity in Ministry before agreeing to adhere to the standards and continue in service to the Diocese.

- Church personnel will exhibit the highest Christian ethical standards and personal integrity.
- Church personnel will conduct themselves in a manner that is consistent with the discipline and teachings of the Catholic Church.
- Church personnel shall provide a professional work environment that is free from physical, psychological, written, or verbal intimidation or harassment.
- Church personnel will avoid taking unfair advantage of a counseling relationship for the benefit of oneself.
- Church personnel will not physically, sexually or emotionally abuse or neglect a minor or an adult.

- Church personnel will share concerns about suspicious or inappropriate behavior with their pastor, their principal, the Vicar General or the Chancellor.
- Church personnel will report any suspected abuse or neglect of a minor to the Texas Department of Family and Protective Services.
- Church personnel will accept their personal responsibility to protect minors and adults from all forms of abuse.

## II. SCOPE

This policy applies to all Diocesan personnel associated with the Diocese of Laredo and its parishes, schools and other affiliated organizations (collectively the "Diocese").

### DEFINITION OF DIOCESAN PERSONNEL:

For the purposes of this policy, the following are included in the definition of Church personnel:

- a. Priests incardinated in the Diocese of Laredo.
- b. Priests who are members of religious institutes assigned to pastoral work in the Diocese of Laredo.
- c. Priests of other jurisdictions who are assigned to pastoral work in the Diocese of Laredo; priests seeking incardination in the Diocese of Laredo; other priests including those who are retired, or who request canonical faculties to do part-time or supply ministry.
- d. Permanent and transitional deacons incardinated in the Diocese of Laredo; permanent deacons but with canonical faculties to function in the Diocese of Laredo.
- e. Seminarians and those enrolled in the Permanent Diaconate Formation Program of the Diocese of Laredo.
- f. Women religious and religious brothers working for the Diocese of Laredo, its parishes, schools or agencies.
- g. Individuals in other forms of consecrated life who are associated with the Diocese of Laredo.
- h. All paid personnel whether employed in areas of ministry or other kinds of services by the Diocese of Laredo, its parishes, schools or other agencies; also, those who contract their services to Church agencies.
- i. All volunteers. This includes any person who enters into or offers himself/herself for a Church related service of his/her own free will.

### III. POLICY

A person working for the Church enjoys a vocation built not only on ethical conduct but on the gospel of Jesus Christ, as well as public trust and confidence. The success of our mission depends on a favorable perception of the conduct of Diocesan personnel by parishioners, as well as the public at large. It is essential that Diocesan personnel view their own actions and intentions objectively to assure that no observer would have grounds to believe the slightest irregularity in conduct exists. Clergy, religious, and lay leaders have a responsibility to uphold standards of the Catholic Church, but they cannot be the only guardians of Church ethics. All Diocesan personnel must understand and live by sound Catholic moral standards in their day-to-day work.

#### A. Confidentiality

Diocesan personnel may deal from time to time with sensitive and confidential information. In no instance should confidential information be used for one's own or another's benefit. In no instance should confidential information be disclosed to non-Diocesan personnel including family or associates, or even other Diocesan personnel who have no need for such information in discharging their duties to the Diocese.

#### B. Conflicting Loyalties and Interests

No Diocesan personnel shall serve as a director of a board or be part of any organization which advocates positions in direct conflict with the teachings and moral standards of the Catholic Church.

If any Diocesan personnel, or any member of his/her immediate family has any financial interest in any transaction or proposed transaction with the Diocese, such person shall promptly disclose to his/her immediate superior the nature of the financial interest and the related transaction or proposed transaction.

#### C. Personal Responsibility

Diocesan personnel should conduct their personal financial affairs in a responsible manner so as to be above criticism, e.g., by promptly paying personal bills and avoiding overdrafts in personal checking accounts. Business credit cards and expense account reimbursements are intended only for those items directly related to church and parish purposes. Salary advances are not allowed.

#### D. Public Statements

In order that public statements made on behalf of the Diocese or its subsidiaries have the benefit of current policy and to assure consistency, all statements to the media will be handled by a member of the Chancery office designated by the Bishop. With respect to parish affairs, the Pastor or his designee may speak to reporters, but should inform the Bishop or his designee of any media inquiries as soon as possible.

E. Advertising Policy

All Diocesan personnel involved in the preparation and distribution of advertising for the Church shall ensure that the content and impact of all media presentations made by or on behalf of the Diocese, or its subsidiaries are in accordance with sound Catholic moral values and accepted principles.

F. Use of Letterhead

It is inappropriate for any Diocesan personnel to use official stationery for personal or non-job related purposes, particularly when such use implies endorsement by the Diocese, or makes reference to Diocesan employment in matters of personal dispute.

IV. PERSONAL CONDUCT

1. Dishonesty

Diocesan personnel who commit an act constituting breach of trust or dishonesty, e.g., theft or fraud or misrepresentation or falsification of any type of records, will be subject to disciplinary action up to and including termination.

2. Major Infractions

It is the Diocesan policy to investigate thoroughly all reports of any major infraction, and to appropriately discipline the responsible person, up to and including termination. Major infractions include, but are not limited to, the following examples:

- a. Any action which renders a person an unacceptable security risk, adversely affects the Diocesan or parish's public image, or causes embarrassment to the Diocese or its parishioners.
- b. Unauthorized disclosure of confidential information, or use of confidential information for personal gain.
- c. Unauthorized possession, distribution, or use of any illegal drug or narcotic or controlled substance.
- d. Inability to perform work due to consumption of alcohol.
- e. Fighting.
- f. Removal or borrowing of Diocesan or parish property without permission.
- g. Persistent personal financial irresponsibility.
- h. Willful failure to follow instructions or directives.
- i. Unauthorized possession of weapons.

- j. Willful destruction, or waste of property belonging to the Diocese, other Diocesan personnel, or parishioners.
- k. Failure to report to work without proper notification to supervisors.
- l. Teaching doctrines contrary to the Faith or promotion of causes in direct conflict with the teachings of the Catholic Church.

v. ADMINISTRATION AND RESPONSIBILITIES

Primary operational accountability for the standards set forth above, as well as other related procedures, rests with all proper supervisors including, but not limited to Vicars, Pastors, Directors, and other Supervisors throughout the Diocese. The practice of sound ethical standards is the responsibility of every one in the Diocese.

VI. EFFECTIVE DATE

This Policy is effective January 1, 2003.

## 9.02 USE OF CONTROLLED SUBSTANCES

### I. PURPOSE

This policy establishes the basic standards of the Diocese of Laredo relative to use, abuse, sale, and possession of alcohol or drugs (legal or illegal) which impair a person's ability to perform his/her job.

### II. SCOPE

This policy applies to all Diocesan personnel associated with the Diocese of Laredo and its parishes, schools and other affiliated organizations (collectively the "Diocese").

#### DEFINITION OF DIOCESAN PERSONNEL:

For the purposes of this policy, the following are included in the definition of Church personnel:

- a. Priests incardinated in the Diocese of Laredo.
- b. Priests who are members of religious institutes assigned to pastoral work in the Diocese of Laredo.
- c. Priests of other jurisdictions who are assigned to pastoral work in the Diocese of Laredo; priests seeking incardination in the Diocese of Laredo; other priests including those who are retired, or who request canonical faculties to do part-time or supply ministry.
- d. Permanent and transitional deacons incardinated in the Diocese of Laredo; permanent deacons but with canonical faculties to function in the Diocese of Laredo.
- e. Seminarians and those enrolled in the Permanent Diaconate Formation Program of the Diocese of Laredo.
- f. Women religious and religious brothers working for the Diocese of Laredo, its parishes, schools or agencies.
- g. Individuals in other forms of consecrated life who are associated with the Diocese of Laredo.
- h. All paid personnel whether employed in areas of ministry or other kinds of services by the Diocese of Laredo, its parishes, schools or other agencies; also, those who contract their services to Church agencies.
- i. All volunteers. This includes any person who enters into or offers himself/herself for a Church related service of his/her own free will.

### III. POLICY

It is the policy of the Diocese of Laredo to prohibit the use, possession for consumption, sale, or dispensing of illegal drugs and narcotics on its premises, and the presence on its premises of any person who is under the influence of illegal drugs or involved in the abuse of alcohol or legal drugs. The Diocese recognizes the harmful effects of drugs and will not tolerate the employment of persons who use illegal drugs or abuse alcohol or legal drugs.

#### IV. PROCEDURE

- A. All Diocesan personnel reporting to work in possession of, or under the influence of illicit drugs or who are impaired from use of alcohol will not be permitted to remain on Diocesan premises.
- B. Diocesan personnel who observe unusual behavior associated with alcohol abuse or illicit drug use should contact their supervisor immediately. In the absence of a local supervisor within the facility, Diocesan personnel should contact the Diocesan Director of Human Resources.
- C. Once a person is determined to be under the influence of illicit drugs or the effects associated with alcohol, he/she will be escorted from the premises and provided transportation home. Under no circumstances should a person be directed to leave the premises and drive home by themselves. Transportation which does not use the impaired person as a driver must be provided. Persons residing on Diocesan premises will be escorted to their quarters and await further instructions from their supervisor.
- D. If there is a question as to whether an individual is impaired by either alcohol or drugs, it is the responsibility of the individual's supervisor or Diocesan Director of Human Resources to make the determination with a primary concern for the safety of the individual and others.
- E. In cases where chemical dependence, addiction, or persistent abuse is suspected as a cause of attendance problems or deficient performance, the situation should be referred to the Director of Human Resources; if performance or attendance problems persist, the procedures outlined in the Progressive Discipline Process should be implemented.

#### V. ADMINISTRATION AND RESPONSIBILITIES

- A. Supervisors
  - 1. Ensure that Diocesan personnel understand their job responsibilities and expected level of performance.
  - 2. Manage the issue of controlled substances in accordance with this policy when required and administer corrective action when required.
  - 3. Coordinate the safe transportation of the impaired individual to his/her residence.



B. Office of Human Resources/Benefits

1. Assist clergy/supervisors in dealing with personnel suspected of use, possession, or abuse of controlled substances. This will include investigation of specific incidents involving personnel and reporting the results to the appropriate supervisor.
2. Provide advice and counsel to management and personnel regarding the intent and proper administration of this policy.
3. Facilitate the use of designated assistance agencies where available and appropriate.

C. Personnel/Employees

1. Be informed of the Diocesan policy on the use of controlled substances and act accordingly.
2. Conduct self accordingly.

II. EFFECTIVE DATE

This Policy is effective January 1, 2003.

**9.03 SEXUAL HARASSMENT AND SEXUAL MISCONDUCT**

## I. PURPOSE

- A. Sexual harassment is immoral and reprehensible and will not be tolerated by the Diocese. It subverts the mission of the Diocese, and threatens the careers, educational experience, and well-being of all affected persons. In both obvious and subtle ways, the very possibility of sexual harassment is destructive to individuals and to the Church community as a whole. When through fear of reprisal a person submits, or is pressured to submit, to unwanted sexual attention, the ability of the Diocese to carry out its mission is undermined.
- B. Sexual harassment is especially reprehensible when it evolves from relationships between priest and parishioner or staff, teacher and student, supervisor and subordinate, or staff and other staff. Sexual harassment in these situations exploits unfairly the power inherent in a priest's, teacher's or supervisor's position. Through grades, wage increases, recommendations for advancement, promotion, and the like, priests, teachers and supervisors can have a decisive influence on a person's career and beyond.
- C. While sexual harassment most often takes place in situations of a power differential between the persons involved, the Diocese also recognizes that sexual harassment may occur between persons of the same status. The Diocese will not tolerate behavior between or among members of the Diocesan community which is demeaning to any person or which creates an unacceptable working environment.
- D. Sexual misconduct is immoral, contrary to Christian principles, undermines the mission of the Diocese, and will not be tolerated by the Diocese. Trust and respect are diminished when those in positions of authority engage in immoral conduct or abuse, or appear to abuse, their power.
- E. Supervisors exercise power over subordinates, whether in giving praise, criticism, or evaluation. Any amorous or sexual relationship between supervisors and subordinates increases the chances that a supervisor will abuse his or her power and sexually exploit the subordinate. Other persons may be affected by the sexual misbehavior because it places the supervisor in a position to favor or advance one person's interests at the expense of others and implicitly makes obtaining benefits contingent on amorous or sexual favors. Therefore, the Diocese views it as unethical if any Diocesan personnel engage in immoral relations with counselees, with students enrolled in classes or subject to their supervision or with subordinates whom they supervise, even when both parties appear to have consented to the relationship.

## II. SCOPE

This policy applies to all Diocesan personnel associated with the Diocese of Laredo and its parishes, schools and other affiliated organizations (collectively the "Diocese").

### DEFINITION OF DIOCESAN PERSONNEL:

For the purposes of this policy, the following are included in the definition of Church personnel:

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- b. Priests who are members of religious institutes assigned to pastoral work in the Diocese of Laredo.
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- d. Permanent and transitional deacons incardinated in the Diocese of Laredo; permanent deacons but with canonical faculties to function in the Diocese of Laredo.
- e. Seminarians and those enrolled in the Permanent Diaconate Formation Program of the Diocese of Laredo.
- f. Women religious and religious brothers working for the Diocese of Laredo, its parishes, schools or agencies.
- g. Individuals in other forms of consecrated life who are associated with the Diocese of Laredo.
- h. All paid personnel whether employed in areas of ministry or other kinds of services by the Diocese of Laredo, its parishes, schools or other agencies; also, those who contract their services to Church agencies.
- i. All volunteers. This includes any person who enters into or offers himself/herself for a Church related service of his/her own free will.

### III. DEFINITIONS: For the purposes of this policy only-

**"Sexual harassment"** includes any unwelcome sexual advances, request for sexual favors or other verbal or physical conduct of a sexual nature when, to a reasonable person, (1) submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment, (2) submission to or rejection of such conduct by an individual is used as a basis for employment decisions affecting such individual, or (3) when such conduct has the purpose or effect of substantially interfering with an individual's work performance or creating an intimidating, hostile or offensive working environment.

Examples of sexual harassment include, but are not limited to:

- a) Physical assault;
- b) direct or implied threats that submission to sexual advances will be a condition of employment, work status, promotion, grades, or letters of recommendation;
- c) direct propositions of a sexual nature;
- d) subtle pressure for sexual activity, an element of which may be conduct such as repeated and unwanted staring;
- e) a pattern of conduct (not legitimately related to the subject matter of a course if one is involved) intended to cause discomfort or humiliation, or both, that includes one or more of the following: (1) comments of a sexual nature, or (2) sexually explicit statements, questions, jokes, or anecdotes;
- f) a pattern of conduct that would cause discomfort for or humiliate, or both, a reasonable person at whom the conduct was directed that includes one or more of the following: (1) unnecessary touching, patting, hugging, or brushing against a person's body, (2) remarks of a sexual nature about a person's clothing or body, or (3) remarks about sexual activity or speculations about previous sexual experience.

**"Sexual misconduct"** means any sexual conduct which is:

- a) Unlawful; or
- b) Constitutes a serious breach of the moral teachings, doctrines and Code of Canon law of the Catholic Church.

#### IV. POLICY

It is the policy of the Diocese that sexual harassment and sexual misconduct by personnel is contrary to Christian principles and outside the course and scope of employment of all Diocesan personnel and will not be tolerated by the Diocese. All Diocesan personnel must comply with applicable laws regarding incidents of actual or suspected sexual harassment or sexual misconduct and the following provisions, subject to the limitations imposed by the "seal of confession".

This policy is intended to establish requirements and procedures in an effort to prevent sexual harassment and sexual misconduct by personnel and the resulting harm to others, and to provide guidance to Diocesan personnel on how to respond to allegations of sexual harassment or sexual misconduct if any do occur.

A. REPORTING INSTANCES OF SEXUAL MISCONDUCT OR HARASSMENT

Christian charity and the Church's tradition of strong moral, ethical and social standards require that sexual misconduct or sexual harassment be reported immediately to proper authorities. Attached to this Policy is the Notice of Concern, the form to be used in reporting events of sexual misconduct and/or sexual harassment.

B. EDUCATION

Education is a key element of this Diocesan Policy. Education efforts are essential to the establishment of a Diocesan milieu that is as free as possible of sexual harassment and sexual misconduct, and in which high standards of conduct in consensual relationships are observed. There are at least five goals to be achieved through education: (1) instructing potential victims, particularly young children, to avoid circumstances which are conducive to sexual harassment and sexual misconduct, (2) ensuring that all victims (and potential victims) are aware of their rights, (3) notifying individuals of conduct that is proscribed, (4) informing administrators about the proper way to address complaints of violations of this Policy, and (5) educating the insensitive about the problems this Policy addresses. Diocesan personnel and such other personnel as the Director of Human Resources may require, must attend designated education programs on methods of recognizing and preventing sexual misconduct, sexual harassment and child abuse. These shall be coordinated by the Director of Human Resources. Other volunteers are encouraged to attend such educational programs.

C. BACKGROUND AND REFERENCE CHECKS

With the publication of this Policy, all current Diocesan personnel as well as all applicants to such positions shall be required to complete an Employee Information Form. When it is contemplated that the applicant's service to the Diocese will be less than 30 days, the applicant's prospective supervisor shall be authorized to waive the applicant's completion of the Informational Questionnaire, but such supervisor shall nonetheless conduct a background investigation of the applicant appropriate for the position the applicant will have with the Diocese before the applicant commences services for the Diocese. The applicant's "prospective supervisor" shall mean, (i) in the case of parish personnel, the pastor; (ii) in the case of school personnel, the principal; and (iii) in all other cases, the designated supervisor or the Director of Human Resources.

Completed questionnaires shall be reviewed and, as appropriate, investigated by the Human Resources Department in a spirit of complete confidentiality, and shall be maintained in the personnel files of the Diocese or subsidiary, with access limited to the Bishop, Chancellor's Office, Director of Human Resources or Diocesan Human Resources Department Personnel and the Diocesan attorney.

#### D. IMPLEMENTATION AND ENFORCEMENT

This Policy shall be disseminated and implemented in accordance with the terms of this Policy. This Policy shall be enforced in accordance with its terms and in accordance with other applicable provisions of the human resources policies of the Diocese.

#### V. EFFECTIVE DATE

This Policy is effective January 1, 2003

## 9.04 CHILD ABUSE POLICIES

### I. PURPOSE

In response to the call by the United States Conference of Catholic Bishops' Charter for the Protection of Children and Young People, the Diocese of Laredo has revised and adopted the following child abuse education and prevention policies.

Abuse of children is immoral and reprehensible and will not be tolerated by the Diocese. The law requires anyone who has cause to believe that a child's physical or mental health or welfare has been or may be adversely affected by abuse or neglect must report his or her suspicions to the Texas Department of Family and Protective Services or a local state law enforcement agency. When Diocesan personnel are involved in child abuse, the Diocese's ability to carry out its mission is undermined.

### II. SCOPE

This policy applies to all Diocesan personnel associated with the Diocese of Laredo and its parishes, schools and other affiliated organizations (collectively the "Diocese").

#### DEFINITION OF DIOCESAN PERSONNEL:

For the purposes of this policy, the following are included in the definition of Church personnel:

- a. Priests incardinated in the Diocese of Laredo.
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- d. Permanent and transitional deacons incardinated in the Diocese of Laredo; permanent deacons but with canonical faculties to function in the Diocese of Laredo.
- e. Seminarians and those enrolled in the Permanent Diaconate Formation Program of the Diocese of Laredo.
- f. Women religious and religious brothers working for the Diocese of Laredo, its parishes, schools or agencies.
- g. Individuals in other forms of consecrated life who are associated with the Diocese of Laredo.

- h. All paid personnel whether employed in areas of ministry or other kinds of services by the Diocese of Laredo, its parishes, schools or other agencies; also, those who contract their services to Church agencies.
- i. All volunteers. This includes any person who enters into or offers himself/herself for a Church related service of his/her own free will.

### III. DEFINITIONS: For the purposes of this policy only.

1. A minor is defined as anyone under the age of 18. The term "minors" also includes adults who would be considered uniquely vulnerable to abuse because of physical or mental disabilities.
2. Physical abuse is non-accidental injury which is intentionally inflicted upon a minor.
3. Sexual abuse is any activity or contact of a sexual nature that occurs between a minor and an adult which is meant to arouse or gratify the sexual desires of the adult or minor.
4. Emotional abuse is mental or emotional injury to a minor that results in an observable and material impairment in the minor's growth, development or psychological functioning.
5. Neglect is the failure to provide for a minor's basic needs or the failure to protect a minor from harm.

### IV. STANDARDS OF CONDUCT FOR THE DIOCESE

The following guidelines are intended to assist Church personnel in making decisions about interactions with minors in Church sponsored and affiliated programs. They are not designed or intended to address interactions within families. For clarification of any guideline or to inquire about behaviors not addressed here, contact your pastor, agency director, principal or the Chancellor at 956-727-2140.

1. Church personnel are responsible for releasing minors in their care only to parents, legal guardian, or other persons designated by parents or legal guardians at the close of services or activities. In the event Church personnel are uncertain of the propriety of releasing a minor, they should immediately locate or contact their immediate supervisor before releasing the child.
2. Church personnel should report uncontrollable or unusual behavior of minors immediately to parents.



3. Church personnel are prohibited from the use, possession, or being under the influence of alcohol or any illegal drugs while working with minors.
4. Church personnel may occasionally be in a position to provide transportation for minors. The following guidelines should be strictly observed when Church personnel are involved in the transportation of minors:
  - i. Ordinarily, minors should never be transported without written permission.
  - ii. Minors should be transported directly to their destination. No unauthorized stops should be made.
  - iii. Church personnel should avoid unnecessary and/or inappropriate physical contact with minors while in vehicles.
  - iv. Drivers who are assigned to transport minors must be at least 25 years old. (Requests for specific exceptions may be submitted in writing to the Vicar General at P.O. Box 2247, Laredo, TX 78043-2247).
5. Church personnel are prohibited from speaking to minors in a way that is or could be construed by any observer as harsh, threatening, intimidating, shaming, derogatory, demeaning, or humiliating. In addition, staff and volunteers are expected to refrain from swearing in the presence of minors.
6. Church personnel are prohibited from engaging in any sexually oriented conversations with minors. However, it is expected that from time to time youth ministry lessons and discussions for teenagers may address human sexuality issues related to dating and sex. These lessons will convey to youth the Church's views on these topics. If youth have further questions not answered or addressed by their individual teachers they should be referred to their parents or guardians for clarification or counseling. In addition, Church personnel are not permitted to discuss their own sexual activities with minors.
7. Church personnel should never be nude in the presence of minors in their care. Changing and showering facilities or arrangements for adults should be separate from facilities or arrangements for minors.
8. Church personnel are prohibited from possessing any sexually oriented or morally inappropriate printed materials (magazines, cards, videos, films, clothing etc.) on Church property or in the presence of minors.
9. Church personnel are prohibited from sleeping in the same beds, sleeping bags or small tents with minors unless the adult is an immediate family member of the minor.

10. As provided for in the Supplementary Norms for Clergy and Religious, houses used for residences of priests and religious are exclusively for the use of the religious. With the exception of occasional visits from immediate family members, minors are not permitted to be overnight guests in the residence of a priest or religious.
11. Abuse of minors is contrary to the teachings of the Church and is prohibited by the Diocese. Church personnel have a responsibility to actively protect minors from all forms of abuse.

## V. PHYSICAL CONTACT WITH MINORS

The Diocese of Laredo has implemented a physical contact policy that will promote a positive, nurturing environment for our children and youth ministries while protecting our children and our Church personnel from misunderstandings. The following guidelines are to be carefully followed by all Church personnel working in children and youth programs.

1. Church personnel are prohibited from using physical discipline in any way for behavior management of minors. No form of physical discipline is acceptable. This prohibition includes spanking, slapping, pinching, hitting, or any other physical force as retaliation or correction for inappropriate behaviors by minors.
2. Appropriate affection between Church personnel and minors is important for a child's development and a positive part of Church life and ministry. The following forms of affection are regarded as appropriate examples for most Church sponsored and affiliated programs:
  - Side hugs.
  - Shoulder to shoulder or "temple" hugs.
  - Pats on the shoulder or back.
  - Hand-shakes.
  - "High-fives" and hand slapping.
  - Verbal praise.
  - Touching hands, faces, shoulders and arms of minors.
  - Arms around shoulders.
  - Holding hands while walking with small children.
  - Sitting beside small children.
  - Kneeling or bending down for hugs with small children.
  - Holding hands during prayer.
  - Pats on the head when culturally appropriate. (For example, this gesture should typically be avoided in some Asian communities).
3. Some forms of physical affection have been used by adults to initiate inappropriate contact with minors. In order to maintain the safest possible environment for minors, the following are examples of affection that are not to be used in Church sponsored and affiliated programs:
  - Inappropriate or lengthy embraces.
  - Kisses on the mouth.
  - Holding minors over two years old on the lap.

- Touching bottoms, chests or genital areas.
- Showing affection in isolated areas of the program such as bedrooms, closets, staff only areas or other private rooms.
- Sleeping in bed with a child.
- Touching knees or legs of minors.
- Wrestling with minors.
- Tickling minors.
- Piggyback rides.
- Any type of massage given by minor to adult.
- Any type of massage given by adult to minor.
- Any form of unwanted affection.
- Compliments that relate to physique or body development.

## VI. SCREENING OF CHURCH PERSONNEL WHO WORK WITH MINORS

All **NEW EMPLOYMENT APPLICANTS** for Church personnel positions working with minors will be required to complete the following without exception (*new employees will be those hired on or after January 1, 2003*):

1. A standard employment application
2. A release of information to conduct background AND CRIMINAL RECORDS check for the State of Texas and any other state where the applicant has resided.
3. Applicants will also be required to read and sign a Code of Ethics for Church personnel.
4. Additional screening procedures, such as reference checks and face-to-face interviews are recommended for new applicants.

All **CURRENT OR EXISTING EMPLOYEES** (*as of January 1, 2003*) in the Diocese of Laredo (*this includes all Church personnel as defined by this policy manual*) holding positions working with minors will be required to complete the following without exception:

1. All Employees working in a parish or school must have a completed an Employee Information Form on file in the Diocesan Human Resources Department.
2. All Employees must have completed a criminal background check within the past three years through the Diocesan Human Resources Department.
3. Criminal records checks may be conducted periodically during Church employee's term of employment.

All **VOLUNTEERS** in the Diocese of Laredo (*this includes all Church personnel as defined by this policy manual*) working with minors will be required to complete the following without exception:

1. **New Volunteers** for programs working with minors in parishes must have a Volunteer Informational Form and a Volunteer Criminal Records Background Check. They should be registered members of the parish for at least six months before being placed in a volunteer position with minors. After careful consultation, exceptions may be made for parents of minors in the specific programs in which their child or children are participating.
2. For **Existing Volunteers** working in the parish or school, who have not already done so by January 1, 2003, a new Volunteer Information Form and a criminal records/background check must be completed and submitted to the Diocesan Human Resources Department.
3. Criminal records/background checks will be conducted every three years of a Church Personnel Volunteer term. It is mandatory that Parishes and Schools track such records.

#### VII. TRAINING FOR CHURCH PERSONNEL WHO WORK WITH MINORS

1. Church personnel employees and volunteers are required to review the Diocese of Laredo Policies on Ethical & Personal Conduct and agree to comply with Diocesan Code of Ethics.
2. Members of the clergy, religious, employees, and all volunteers who work with minors will be required to participate in training which addresses their role in protecting minors in the Diocese of Laredo.

#### VIII. SUPERVISION OF PROGRAMS THAT INVOLVE MINORS

1. Parents are encouraged to be a part of any and all services and programs in which their children are involved in the Diocese of Laredo. Parents have an open invitation to observe programs and activities in which their children are involved. However, parents who desire to participate in or have continuous, ongoing contact with their child's programs in the Church will be required to complete the volunteer application process.
2. Pastors, Principals, and Department and/or Ministry Heads are responsible for the supervision of programs for minors.
3. Church personnel under the age of 21 must work under the direction of an adult supervisor.
4. Church personnel in leadership roles must be aware of all programs for minors that are sponsored by a parish or school. A list of these programs should be maintained in the central office and include activities, purpose, sponsors or coordinators of the programs, meeting times and locations. Leaders are encouraged to examine these programs and consider whether they have adequate supervision.
5. Because new programs for minors are far more likely to have difficulties than established ones, individual Church personnel should not be permitted to

develop new programs for minors without proper consent and review within the parish or school. Requests to develop new programs should be submitted in writing to the pastor/principal.

The pastor/principal should consider whether the plan for a new program includes adequate adult supervision and will be structured to comply with the guidelines for interactions with minors defined in this section.

## IX. POLICY

It is the policy of the Diocese that child abuse, including but not limited to sexual abuse of children, by personnel is contrary to Christian principles and outside the course and scope of employment of all Diocesan personnel. Diocesan personnel are strictly prohibited from committing any act or omission included within the definition of "child abuse." All Diocesan personnel must comply with applicable laws regarding incidents of actual or suspected child abuse and the following provisions, subject to the limitations imposed by the "seal of confession".

This policy is intended to establish requirements and procedures in an effort to prevent child abuse by personnel and the resulting harm to others, and to provide guidance to Diocesan personnel on how to respond to allegations of child abuse if any do occur.

## X. REPORTING OF SUSPICIOUS OR INAPPROPRIATE BEHAVIORS WITH MINORS

1. Because the Diocese of Laredo is dedicated to the premise that abuse will not be tolerated, it is imperative for every member of this community to participate actively in the protection of minors. In every instance, the Diocese will advise and support a person or victim's right to make a report to public authorities. In the event that Church personnel observe any suspicious or inappropriate behaviors on the part of other Church personnel, it is their personal responsibility to immediately report their observations. Examples of suspicious or inappropriate behaviors would be policy violations, neglectful supervision, poor role-modeling, seeking private time with minors, taking minors on overnight trips without other adults, swearing or making suggestive comments to minors.

*Inappropriate behaviors or policy violations that relate to interactions with minors should be reported to one of the following:*

- a) The pastor of the parish;
- b) The principal of the school;
- c) The Vicar General; or
- d) The Chancellor at 956 727-2140

2. All reports of suspicious or inappropriate behavior with minors will be taken seriously. Diocesan procedures will be carefully followed to ensure that the rights of all those involved are protected.
3. When suspicious or inappropriate behaviors are reported to a pastor or a principal, he or she is asked to gather additional information about the nature of the concern and contact the Vicar General for consultation. Regardless of the outcome of initial information gathering, a Notice of Concern must be completed and faxed to the confidential fax line in the Vicar General office, 956-727-2777.
4. If at any point in gathering information about suspicious or inappropriate behavior, a concern arises that there is a possibility of abuse, the Texas Department of Family and Protective Services will be contacted and a report filed. See the next section below for additional procedures in the event that there is a suspicion of abuse of minors.
5. If at any point, policy violations with minors are confirmed, Church personnel will be subject to disciplinary action up to and including termination and possible prosecution. Disciplinary action will follow the Progressive Discipline Process outlined in Section 10.01 of these policies.

#### XI. REPORTING ***ABUSE*** OF MINORS

1. In accordance with Texas Law, any citizen who has cause to believe a minor may have been or is being abused must report his or her suspicions to the Texas Department of Family and Protective Services (TDFPS) within 48 hours of notice. Child Protective Services maintains a 24-hour child abuse hotline at 1-800-252-5400. The Notice of Confidential Concern form may be used to maintain documentation of the report.
2. Failure to report suspected abuse of a minor in Texas is a crime punishable by fine, imprisonment or both. Reports may be made confidentially. A person who mistakenly reports suspected abuse is immune from civil or criminal liability as long as the report was made in good faith and without malice.
3. In addition to reporting to the Texas Department of Family and Protective and Services, Church personnel are strongly encouraged to report any suspected or known abuse of minors that may have been perpetrated by Church personnel directly to the Diocese of Laredo, so that immediate and proper steps may be taken to ensure the safety of alleged victims. *Reports of suspected or known abuse may be made confidentially to any of the following:*
  - a) The pastor of the parish;
  - b) The principal of the school;
  - c) The Vicar General or;
  - d) The Chancellor at 956 727-2140

4. When suspicious behavior, inappropriate behavior or suspected abuse is reported to the Texas Department of Family and Protective Services, TDFPS will inform the Diocese whether they believe a crime has been committed that would require an investigation by civil authorities.

If the situation meets the criteria for a TDFPS investigation and/or a police investigation, the Diocese will cooperate fully with the investigation and will not conduct a further investigation without approval from TDFPS or the police.

5. If an investigation by TDFPS results in a finding of "unable to determine," in allegations of sexual abuse of a minor, the Diocesan Review Board will be convened and an investigation within the Diocese will be initiated.
6. If the situation does not meet TDFPS or police criteria for investigation, the Diocesan Review Board will be convened within 24 hours and the Diocese will initiate an internal investigation.
7. During investigations by civil authorities or internal investigations, the Church personnel who are the subject of the investigation will be temporarily removed from Church responsibilities and duties.
8. Internal investigations will be documented. Documentation of internal investigations will be stored in the personnel file of the Church personnel who is the subject of the investigation and in the Chancery.
9. Internal investigations will follow Diocesan procedures and the guidance of the Diocesan Review Board.
10. At the conclusion of an internal investigation, the Diocesan Review Board will submit a recommendation for action to the Bishop or Vicar General.
11. If abuse of a minor is confirmed, Church personnel will be subject to termination in accordance with Section 11.02, which provides for termination in cases of serious and major offenses. If abuse by a member of the clergy is alleged or confirmed, procedures will follow the appropriate norms of canon law defined in the Supplementary Norms for Clergy and Religious and the provisions of the United States Conference of Catholic Bishops' Charter for the Protection of Children and Young People.
12. If abuse of a minor is confirmed through an internal investigation, the Texas Department of Family and Protective Services and the police will be re-contacted and a follow-up report will be submitted.

## XI. OUTREACH TO VICTIMS AND OTHERS AFFECTED BY SEXUAL ABUSE OF MINORS

The Diocese will 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 Diocese to these persons is for healing and reconciliation. This outreach will be made to every person who has been the victim of sexual abuse as a minor by anyone acting in the name of the Church, whether the abuse was recent or occurred many years in the past.

The Diocese will provide counseling, spiritual assistance, and other social services to the victims/survivors as agreed upon by the victim and Diocese.

The Bishop or his designated representative will offer to meet with each victim/survivor, listen with patience and compassion to their experiences and concerns, and share the profound sense of solidarity and concerns expressed by our Holy Father. The designated Victim Assistance Coordinator will begin the discussion of counseling for the victim/family, advise them of their right to report to civil authorities, and inform the victim or parents of a minor that he/she will be their communication contact with the diocese. This pastoral outreach will also be directed to the faith community in which the sexual abuse occurred.

The Diocese of Laredo will not 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.

## XII. RESPONDING TO REPORTS OF CHILD ABUSE

The Diocese will respond promptly to any allegation of child abuse where there is reason to believe that sexual abuse of a minor has occurred.

The Diocese will have a *Victim Assistance Coordinator* to aid in the immediate pastoral care of persons who claim to have been sexually abused as minors by clergy or other Church personnel.

The Diocese will have a *review board* to assist the Bishop in assessing allegations and fitness for ministry. The review board will function as a confidential consultative body to the Bishop in discharging his responsibilities. The functions of the review board shall include:

1. Advising the Bishop in his assessment of allegations of sexual abuse of minors and in his determination of suitability for ministry;
2. Reviewing diocesan policies for dealing with sexual abuse of minors; and,
3. Offering advice on all aspects of these cases, whether retrospectively or prospectively.

The review board, established by the Bishop, shall be composed of no less than five (5) persons of outstanding integrity and good judgment in full communion with the Church. The majority of the review board will be lay persons not in the employ of the Diocese.



At least one member shall be a priest who is an experienced and respected pastor of the Diocese. At least one member shall 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.

The procedures for making a complaint will be readily available in printed form and will be the subject of periodic public announcements.

Diocesan personnel who become aware of allegations of child abuse must immediately notify the Diocese (Chancellor, Vicar General or Director of Human Resources). Diocesan personnel who are accused of child abuse should not attempt to contact the accuser nor any family member of the accuser.

*Within the confines of respect for the privacy and the reputation of the individuals involved, the diocese will deal as openly as possible with members of the community, particularly with regard to assisting and supporting parish communities directly affected by ministerial misconduct involving minors. Any news media inquiries regarding allegations of child abuse by diocesan personnel should be directed to the Vicar General or Chancellor of the Diocese. The diocese will not enter into confidentiality agreements except for grave and substantial reasons brought forward by the victim/survivor and noted in the text of the agreement.*

#### XIV. EDUCATION

Education is a key element of this Diocesan Policy. Education efforts are essential to the establishment of a diocesan milieu that is completely free of child abuse. The goals to be achieved through education are: (1) instructing potential victims, particularly young children, to avoid circumstances which are conducive to child abuse and sexual misconduct, (2) ensuring that all victims (and potential victims) are aware of their rights, (3) notifying individuals of conduct that is proscribed, (4) informing administrators about the proper way to address complaints of violations of this Policy, and (5) educating the insensitive about the problems this Policy addresses. Diocesan personnel and such other personnel as the Director of Human Resources may require, must attend designated education programs on methods of recognizing and preventing child abuse. These shall be coordinated by the Director of Human Resources. Other volunteers are encouraged to attend such educational programs.

The Diocese will establish a safe environment program. It will cooperate with parents, civil authorities, educators, and community organizations to provide education and training for children, youth, parents, ministers, educators, and others about ways to make and maintain a safe environment for children. The Diocese will make clear to clergy and all members of the community of the standards of conduct the clergy and

other persons in positions of trust are expected to adhere to diocesan policies with regard to sexual abuse of minors.

#### XV. CRITERIA FOR REMOVING PRIESTS OR DEACONS

When an allegation of sexual abuse of a minor by a priest or deacon is received, a preliminary investigation in harmony with canon law will be initiated and conducted promptly and objectively (c. 1717). If there is sufficient evidence that sexual abuse of a minor has occurred, the Congregation of the Doctrine of Faith shall be notified. The Bishop shall then apply the precautionary measures set forth in canon 1722, including:

1. Removing the accused from the sacred ministry or from any ecclesiastical office or function;
2. Imposing or prohibiting residence in a given place or territory; and/or,
3. Prohibiting public participation in the Most Holy Eucharist pending the outcome of the investigation.

The accused will be encouraged to retain the assistance of civil and canonical counsel and will be promptly notified of the results of an investigation.

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 and to the accused, so long as this does not interfere with the investigation by civil authorities.

All appropriate steps shall be taken to protect the reputation of the accused during an investigation. When an accusation has proved to be unfounded, every step possible will be taken to restore the good name of the accused.

When even a single act of sexual abuse of a minor \* 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 permanently removed from ecclesiastical ministry, not excluding dismissal from the clerical state, if the case so warrants. (c. 1395, 2).

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 Faith, May 18, 2001). Unless the Congregation for the Doctrine of Faith, having been notified, calls the case to itself because of special circumstances, it will direct the Bishop 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 shall apply to the Congregation for the Doctrine of the Faith for derogation from the prescription, while indicating appropriate pastoral reasons. For the sake of due process, the accused is to be encouraged to retain the assistance of civil and canonical counsel. When necessary, the Diocese will supply

canonical counsel to a priest. The provisions of canon 1722 shall be implemented during the pendency of the penal process, in accord with Article 15 of the *motu proprio*.

At all times, the Bishop has the executive power of governance, 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 is a crime, for the sake of the common good and observing the provisions of canon law, the Bishop shall exercise this power of governance to ensure that any priest who has committed even one act of sexual abuse of a minor shall not continue in active ministry.

The priest or deacon may at any time request a dispensation from the obligations of the clerical state. In exceptional cases, the Bishop 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. For the sake of due process, the accused is to be encouraged to retain the assistance of civil and canonical counsel.

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.

NOTE:

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

The more grave the 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;

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

## XVI. BACKGROUND AND REFERENCE CHECKS; REASSIGNMENT

All current Diocesan personnel as well as all applicants to such positions shall be required to complete an Informational Questionnaire. When it is contemplated that the applicant's service to the Diocese will be less than 30 days, the applicant's prospective supervisor shall be authorized to waive the applicant's completion of the Informational Questionnaire, but such supervisor shall nonetheless conduct a background investigation of the applicant

appropriate for the position that the applicant will have with the Diocese before the applicant commences services for the Diocese.

The applicant's "prospective supervisor" shall mean, (i) in the case of parish personnel, the pastor; (ii) in the case of school personnel, the principal; and (iii) in all other cases, the Department Head or a supervisor designated by the Department Head.

Completed questionnaires shall be reviewed and, as appropriate, investigated by the Human Resources Department in a spirit of complete confidentiality, and shall be maintained in the personnel files of the Diocese or subsidiary, with access limited to the Bishop, Chancellor's Office, Director of Human Resources or Diocesan Human Resources Department Personnel and the Diocesan attorney.

The Diocese will evaluate the background and conduct criminal background checks on all Diocesan personnel who have regular contact with minors.

No priest or deacon who has committed an act of sexual abuse of a minor may be transferred for ministerial assignment to another diocese/eparchy or religious province. Before a priest or deacon of the Diocese can be transferred to another diocese/eparchy or religious province, the Bishop shall forward in a confidential manner to the local bishop/eparch and religious ordinary (if applicable) of the proposed place of residency 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. This shall apply even if the priest or deacon will reside in the local community of an institute of consecrated life or society of apostolic life (or, in the Eastern Churches, as a monk or other religious, in a society of common life according to the manner of religious, in a secular institute, or in another form of consecrated life or society of apostolic life).

When the Bishop receives a priest or deacon from outside his jurisdiction, he will obtain the necessary information regarding any past act of sexual abuse of a minor by the priest or deacon in question.

## XVII. IMPLEMENTATION AND ENFORCEMENT

This policy shall be disseminated and implemented in accordance with the terms of this policy. This policy shall be enforced in accordance with its terms and in accordance with other applicable provisions of the human resources policies of the Diocese.

## XVIII. EFFECTIVE DATE

This Policy is effective January 1, 2003