

Policies for Youth Protection

*Policies and Procedures in Response to Allegations of
Sexual Abuse*

Pastoral Code of Conduct

Policy for Personnel Screening and Training

Revised August 2012



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Policies and Procedures for Response to Allegations of Sexual Abuse¹

General Statement of Guidelines

Revised August 2012

The Diocese of Altoona-Johnstown will manage the issue of sexual abuse by clergy, staff, and volunteers in an open and straightforward manner. We must respond with compassion to those who have been harmed, take action to redress the wrongs, extend God's healing love to all those injured, and protect and promote the safety of children. We must strengthen the education program for all clergy and religious, staff, and volunteers on maintaining appropriate boundaries and on the issue of sexual abuse of children.

We must support clergy and religious, staff, and volunteers serving as ministers while maintaining the right of the people to a safe and secure environment in which to worship and pray together. Our actions must be grounded in a commitment to justice, accountability, and mercy.

We are committed to continuously review and refine policies and procedures. We will comply with all laws regarding the reporting of allegations of sexual abuse against children to the proper civil authorities for investigation. When civil authorities are involved with a criminal investigation, the diocese will defer to the civil/criminal process and use every available means to continue the investigation of allegations.

Section 1: Prevention, Education and Reporting

1.1 Educating priests, deacons, and religious.

The clergy and religious of the Diocese of Altoona-Johnstown shall complete the diocesan online training program that includes but is not limited to the following subjects:

- a. Appropriate boundaries in ministry.
- b. Nature of the problem of sexual abuse.
- c. Signs and symptoms of sexual abuse in children and youth.
- d. Policies and procedures for prevention of sexual abuse by clergy or other Church personnel.
- e. Policies and procedures for prevention of sexual abuse on any Church-owned property or at Church-sponsored events and activities.
- f. Policies and procedures for reporting allegations of sexual abuse, both canonical and civil.
- g. Types of disclosures and how to respond appropriately.

¹For purposes of this document, "sexual abuse" is defined as: Any sexual activity with a child—whether in the home by a caretaker, in a daycare situation, a foster/residential setting, or in any other setting, including on the street by a person unknown to the child. The abuser may be an adult, an adolescent, or another child, provided the child is four years older than the victim.

h. Policies and procedures for responding to allegations of sexual abuse.

1.2 Educating staff and volunteers.

Each staff member and every volunteer who works with or has regular contact with children and young people shall be required to complete the diocesan online training program that includes, but is not limited to, the following subjects:

- a. Appropriate boundaries in ministry.
- b. Nature of the problem of sexual abuse with children.
- c. Signs and symptoms of sexual abuse in children and youth.
- d. Policies and procedures for prevention of sexual abuse by clergy or other Church personnel.
- e. Policies and procedures for prevention of sexual abuse on any Church-owned property or at Church-sponsored events and activities.
- f. Reporting allegations of sexual abuse, both civil and canonical.
- g. Types of disclosures and how to respond appropriately.
- h. Policies and procedures for responding to allegations of sexual abuse.

Deadline for completing training:

- a. Before assuming duties: New staff and volunteers who will work with or have direct contact with children.
- b. Within 30 days of assuming duties: Staff and volunteers who do not work directly with or have regular contact with children and youth.

Availability of training:

Training shall be available at all times online. New staff and volunteers may complete the course at their convenience.

Section 2: Civil and Canonical Responsibilities (reporting and investigation)

2.1 State laws mandate that certain persons report suspected incidents of child sexual abuse to civil authorities. All clergy, staff, and volunteers, even those not mandated by state law, must report suspicion, knowledge or belief that a child is the victim of abuse to Pennsylvania Department of Public Welfare or Childline.

2.2 Clergy, staff, volunteers, or other agents of the Church or religious institution must report suspected abuse if he or she:

- a. Has actual knowledge that a child is the victim of abuse.

- b. Has reasonable cause to suspect that a child has been sexually abused.

“Reasonable cause” means a reason that would motivate a person of ordinary intelligence under the circumstances to believe, based on observations or conversations that a child has been or is being abused.

Mandating reporting does not apply with regard to the sacrament of reconciliation or spiritual/pastoral counseling. However, any priest who hears the confession of someone who abuses children or someone who is the victim of abuse shall urge the penitent to report the abuse to the proper civil and Church authorities.

- 2.3 The Code of Canon Law governs the relationship between the cleric and the Church. Careful adherence to canon law is the Church’s access to permanently removing offending clergy from ministry. The diocese will follow canon law when making decisions about the accused’s ministry and during all investigations of allegations against clergy.
- 2.4 The diocese will strictly adhere to all procedures adopted by the Congregation for the Doctrine of the Faith for reporting allegations and complaints of sexual abuse by clergy.
- 2.5 Upon receipt of a complaint of child sexual abuse by clergy, staff, or volunteers, the diocese will refer the matter to civil authorities and begin an internal investigation according to established procedures and, if the accused is clergy, in accordance with canon law. When civil authorities are conducting a criminal investigation, the diocese will defer to that investigative process.
- 2.6 The diocese shall retain all records and other materials related to the matter that may be considered evidence. The records shall contain claims, intakes, investigation reports, and records of services provided to those harmed by sexual misconduct. Files maintained on the case are confidential and may contain both privileged and non-privileged information. “Privileged” documents include records protected from disclosure by state or federal statute such as medical records, citizenship status, etc. Access to privileged documents is limited to the diocesan counsel, other necessary diocesan or organizational personnel, and those authorized through appropriate Court Order.

Section 3: Administrative Guidelines for Dealing with a Complaint

These policies are administrative, not penal, in nature and take into account the rights and duties imposed by civil and canon law. These guidelines are not intended to create any rights in any person, to obligate the diocese to take action, or to establish any responsibility of the diocese.

The diocesan response to complaints and allegations is multi-faceted and includes:

- a. The pastoral care of the victim.

- b. The well-being of the community.
 - c. A thorough, fair, and objective investigation.
 - d. The assessment and treatment of the offender.
- All persons involved shall be treated in a manner consistent with the Gospel values of dignity, compassion, understanding, and justice.

3.1 Separate guidelines shall be established for handling:

- a. Allegations of current, ongoing abuse.
- b. Allegations of past abuse.
- c. Allegations of past abuse with concerns about present risks.
- d. Allegations of abuse in another diocese, a religious community/institute, or a Church-related organization.
- e. False allegations.
- f. Unsubstantiated or unverifiable allegations.
- g. Allegations against a member of a religious community/institute that is providing services in the Diocese of Altoona-Johnstown
- h. The diocese shall maintain a list of available resources for victims, faith communities, and those accused of abuse. Those resources shall include the following disciplines:
 - a. Pastoral counseling
 - b. Law
 - c. Psychological counseling
 - d. Sociology
 - e. Medicine
 - f. Victim support groups
 - g. Treatment facilities

3.2 The diocese shall maintain records of all complaints against clergy, staff, or volunteers, including anonymous complaints. However, in the absence of accompanying verifiable facts, anonymous complaints may not be investigated. The accused shall be informed of anonymous complaints.

3.3 The Diocesan Bishop shall establish an independent review board, made up primarily of lay people, to examine and make recommendations regarding:

- a. Reports of child abuse.
- b. Actions taken in response to reports.
- c. The effectiveness of existing policies.

The board shall also make recommendations to the Diocesan Bishop regarding:

- a. Revisions to policies and procedures.
- b. Monitoring aftercare for offending clergy.

3.4 Actions taken by the diocese when an allegation is made are not an expression of judgment concerning the validity of the complaint or the veracity of the complainant. Actions are intended to indicate the serious nature of such cases and to respect the rights of all concerned.

- 3.5 Any person may secure legal representation to pursue claims. However, it is not necessary to retain an attorney or file a lawsuit to resolve a complaint with the Diocese of Altoona-Johnstown.
- 3.6 Retaliation or discrimination against a person who complains or who reports sexual abuse is strictly prohibited and will not be tolerated.
- 3.7 Individual circumstances may prescribe a course of action at variance with these guidelines. Actions that are inconsistent with these guidelines will be documented and will include a statement setting forth the circumstances requiring the variance and the actions taken in place of those prescribed in these guidelines.

Section 4: Services to Victims

- 4.1 The Diocese of Altoona-Johnstown offers pastoral, psychological, and spiritual support to victims, their families, and the faith community. Such assistance is pastoral and shall not, in any way, be considered as an indication that the diocese is legally responsible for the actions of the accused clergy, staff, or volunteer. The victim will be advised of his/her right to notify civil authorities.
- 4.2 The diocese will designate a competent victim's advocate to organize and direct outreach to victims and the delivery of victim assistance and support services to persons who claim to have been sexually abused when they were minors by priest or deacons.
- 4.3 The diocese will:
 - a. Be respectful of all persons bringing a complaint.
 - b. Provide an advocate/advisor upon request.
 - c. Help victims obtain counseling support.
 - d. Provide information about support groups.
 - e. Help victims and families obtain spiritual direction.
 - f. Help bring concerns to the proper Church officials outside the diocese when indicated.
 - g. Provide an explanation of the services available, procedures for related to the investigation of the allegation , presentation of the allegation to the Review Board and civil reporting requirements.
 - h. Make periodic public announcements about the services available and the procedures for making a complaint.
- 4.4 The Diocese of Altoona-Johnstown will not bind any complainants to a condition of confidentiality or nondisclosure of the complaint except at the specific request of the complainant for substantial reasons. The text of the agreement shall contain the reasons for the confidentiality agreement.
- 4.5 While reconciliation remains desirable as a part of the healing process for victims, the diocese will not attempt to force reconciliation between the offender and the victim. Any involvement in non-authorized reconciliation efforts by diocesan staff or agents will be considered a violation of these policies.

- 4.6 Families and significant others require the same consideration, compassion, and sensitivity as that for the victim in the healing process.
- 4.7 Parishes and religious communities/institutes are also victims of child sexual abuse by clergy or other Church personnel. The Church is guided by the following principles in its response to affected communities:
- a. Faith communities, organizations, and institutions undergo a complex process of grieving when they learn about accusations of child sexual abuse by a trusted and respected leader.
 - b. A critical element in healing is providing accurate information regarding the facts of the allegations and investigations.
 - c. Communication may be limited by the concern for privacy of the victim and the victim's family and the need to protect the rights of the accused, particularly when criminal charges are pending. Communication is also limited once the Diocesan Bishop notifies the Congregation for the Doctrine of the Faith of an allegation. Pontifical Secrecy is imposed and excommunication may result from violation.
 - d. The healing of a parish, organization, or religious community/institute is, to the extent possible, facilitated by the Parish Pastoral Response Team established through the Victim Advocate Program.
 - e. An official voice of the Church and/or the particular religious community/institute, or organization must meet with the community.

Section 5: The Accused

- 5.1 In both civil and canon law, a person is presumed innocent until proven guilty. The presumption of innocence does not preclude the diocese from taking immediate, prudent action to protect the community in response to complaints and before an investigation is complete.
- 5.2 After an allegation is made, no bishop or priest involved in the investigation may hear the sacramental confession of the accused.
- 5.3 When an allegation of child sexual abuse is made against a priest or permanent deacon, the Church will initiate a prompt, objective, preliminary investigation. During the investigation, the Church will take all appropriate steps to protect the reputation of the accused. When there is sufficient evidence that child sexual abuse has occurred, the Church will take appropriate measures to remove the cleric from ministry and place him on administrative leave. The Church will also notify the Congregation for the Doctrine of the Faith.
- 5.4 Administrative leave will be planned and imposed consistent with the provisions of Canon 1722. The length of time for leave will be specified along with living arrangements, location, financial

- support, treatment, conduct, and aftercare, where applicable. At the end of the imposed time limit, the need for and terms of administrative leave will be reevaluated pursuant to canon law.
- 5.5 The Vicar General for Pastoral Life and Ministry will support and assist any priest on administrative leave to find housing and other pastoral support.
- 5.6 Accused clergy will be advised to retain civil and canonical counsel. When necessary, the diocese must provide canonical counsel to the accused.
- 5.7 Non-clergy, staff, and volunteers will be placed on administrative leave during an investigation of credible complaints. The length of time for imposed administrative leave will be specified and, upon expiration, will be reevaluated. If the allegation is found to be valid, their employment shall be terminated.
- 5.8 Pastoral and psychological support is essential to the support of any staff member or clergy accused of sexual abuse.
- a. The Diocesan Bishop may refer accused clergy for assessment, evaluation, counseling, and/or treatment. If the accused clergy chooses not to cooperate, the Diocesan Bishop will be notified of the lack of cooperation. The Diocesan Bishop or his designee shall make all decisions regarding the non-cooperating accused individual's ministry and ministerial status without his input.
 - b. Non-clergy staff and volunteers accused of sexual abuse are required to participate in pastoral and psychological counseling as a condition of further employment or volunteer activities regardless of the outcome of the investigation.
- 5.9 The diocese recognizes that if a permanent deacon is accused of sexual misconduct, his family will face enormous strain. The diocese is committed to the emotional, psychosocial, and spiritual support of the deacon's spouse, children, and other family members.
- 5.10 When allegations are substantiated, the diocese may seek restitution from the offender for the services provided to persons harmed by sexual abuse by clergy or other Church personnel. The offender may be held responsible for the costs of therapy and for all other expenses incurred by the diocese, including but not limited to attorney fees, court costs, and judgments.

Section 6: Legal Representation

- 6.1 The Diocese of Altoona-Johnstown will provide information to accused clergy and other church personnel regarding their civil and canonical rights and obligations. The accused is advised to retain civil and canonical counsel if needed.

- 6.2 The diocese has a right to take action against guilty parties to recover judgments and/or legal expenses it incurs as a result of child sexual abuse by clergy, religious, staff, and/or volunteers.

Section 7: Reassignment of Clergy and Religious, Lay Employees or Volunteers

No priest, permanent deacon, religious, lay employee or volunteer who engages in sexual activities with a minor shall be allowed to return to any ministry. THERE SHALL BE NO EXCEPTIONS TO THIS POLICY.

- 7.1 The Diocesan Bishop shall establish a review board to assist with assessing allegations and determining the fitness for ministry of clergy and religious suspended from ministry during an investigation of accusations of sexual abuse. The board shall:
- a. Report directly to the Diocesan Bishop or his designee.
 - b. Establish its own rules and procedures for operation.
 - c. Have access to all information in the possession of the diocese provided that all necessary releases have been secured.
 - d. Retrospectively and prospectively review allegations and advise the Diocesan Bishop as to the credibility of complaints of child sexual abuse. The board shall communicate its assessment to the victim and the accused.
 - e. Review investigation reports and make recommendations to leadership regarding actions necessary to resolve complaints.
 - f. Review and make recommendations regarding the continuation of the cleric in pastoral ministry, counseling, or aftercare.
 - g. Review and make recommendations regarding the fitness for ministry of any cleric whose ministry was restricted due to false, unsubstantiated, or unverifiable accusations of misconduct.
 - h. At least every two years, review and recommend changes to current diocesan policies regarding the response to allegations of sexual abuse and the assignment of clergy.

All information gained by the review board shall be considered confidential and may only be disclosed, under certain circumstances, to the parties involved, the Diocesan Bishop and as required by civil and/or canon law.

- 7.2 When allegations are unsubstantiated, or unverifiable, the Diocesan Bishop, in consultation with the review board, will consider the following factors in making decisions about ministry reassignment:
- a. The completed investigation report.
 - b. The assessment of the review board.
 - c. The outcome of proceedings in a civil or criminal court case.
 - d. The judgment, recommendation, and advice of professional therapists.

- e. The well-being of the faith community and all those ministered to by the Church or religious community/institute.
 - f. The concerns of complainants and their families.
 - g. The ability of the Church or religious community/institute to assure the safety of the community or organization to be served.
 - h. The ability of the clergy to provide effective ministry in light of the circumstances.
 - i. The best interests of the Diocese of Altoona-Johnstown and its people.
 - j. The stewardship of the Diocese of Altoona-Johnstown financial resources.
- 7.3 When the review board recommends that an allegation regarding a cleric is credible, it may make recommendations to the bishop regarding the Accused individual's continued ecclesiastical ministry. According to the *motu proprio* of John Paul II, the final disposition of all allegations of all sexual misconduct cases of clerics with minors are reserved to jurisdiction of the Congregation for the Doctrine of the Faith. Once an allegation is investigated by the Bishop, the matter must be referred to them. They determine whether a trial or dismissal is to take place.
- 7.4 No religious or non-incardinated priest or permanent deacon known to have sexually abused a minor will be accepted for ministry in the Diocese of Altoona-Johnstown. Furthermore, before any priest or permanent deacon transfers to or takes up residence in another diocese, for any purpose, his ordinary/hierarch shall forward an accurate and complete description of the clergy's record to the ordinary/hierarch in the new location. The description shall include any information in the transferee's background indicating that he could be a danger to children or young people. This applies to all circumstances, including clergy offenders who take up residence in a community/institute to lead a life of prayer and penance.
- 7.5 The diocese shall seek advice from the appellate review board as needed. The diocese shall advise the alleged victim and the accused of the availability of the appellate process and the procedures for initiating the process. Any bishop, alleged victim, or accused may request the appellate review board's advice within 15 days of the alleged victim or the accused receiving notification of the review board's assessment of the complaint. The appellate review board will communicate its advice within sixty (60) days of receipt of the request.

Section 8: False Accusations

When allegations are false, the diocese will work closely with the accused and the faith community to restore trust and recreate the pastoral and ministerial relationships. Particular attention will be given to the thoughts, feelings, fears, and concerns of the accused. The diocese will provide a

supportive environment and counseling or therapy to the accused to help mitigate the effects of the false accusation. The diocese, through the review board, will work with the falsely accused person to protect or, if necessary, restore his or her good name and reputation and create a workable plan for the future. The diocese will inform the faith community of the results of the investigation.

- 8.1 The diocese recognizes that the trauma of being falsely accused can do irreparable harm to the accused's ability to be effective in ministry. However, no person falsely accused of child sexual abuse should suffer any adverse consequences or have his or her future ministry opportunities compromised as a result of a false accusation. Therefore, when making decisions about the reassignment of clergy who are the subject of false allegations, the Diocesan Bishop will consider the following factors:
- a. The completed investigation report.
 - b. The recommendation of the review board.
 - c. The spiritual, emotional, and psychological well-being of the accused.
 - d. The judgment, recommendation, and advice of trained mental health professionals.
 - e. The well-being of the faith community and of all those ministered to by the Church or religious community/institute.
 - f. The ability of the cleric to provide effective ministry in light of the circumstances.
 - g. The best interests of the Diocese of Altoona-Johnstown and all its people.
- 8.2 The Vicar General responsible for staff or volunteers who are falsely accused of child sexual abuse shall provide continuing moral support to the individuals as they return to work or volunteer services. The diocese will provide necessary mental health services to assist falsely accused individuals to overcome the consequences of the accusations and to become restored to power and effectiveness in their job duties and volunteer services.

Section 9: Screening and Selection—Clergy, Staff and Volunteers

- 9.1 All applicants to the priesthood and/or permanent diaconate are required to participate in psychological screening and background checks to assess their fitness to the ministry and their fitness to work with minors.
- 9.2 All priests and permanent deacons seeking incardination, priests or religious seeking ministry or residency in the diocese must demonstrate their fitness to work with minors.
- a. Superiors of religious congregations proposing names of individuals for ministry or residency in a Church institution are required to state in writing that there is nothing in the person's

- history or behavior that would make him or her unsuitable to work with minors.
- b. Pastors, associate pastors, administrators, or directors of Church institutions may not grant permission for full-time, part-time, or regular weekend ministry to an external priest or permanent deacon without prior written approval of the bishop or his designee.
- 9.3 All staff and all volunteers who work with or have regular contact with children shall be screened for their fitness to work with minors. The diocese shall screen potential staff and shall conduct background checks of potential staff prior to extending an offer of employment. Applicants who refuse to grant permission for the background checks and other screening will not be considered for any staff position in Diocese of Altoona-Johnstown.
- 9.4 The basic screening program for all staff and volunteers shall include:
- a. A completed employment/volunteer application (no missing relevant information).
 - b. Collection of information for conducting a criminal background check.
 - c. A personal interview/meeting with the applicant.
 - d. Reference checks.
- 9.5 No individual who has sexually abused a minor will be employed or engaged as a volunteer for the Diocese of Altoona-Johnstown. The Diocese of Altoona-Johnstown will immediately terminate any staff member or volunteer if it discovers evidence of previous child sexual abuse by the person.
- 9.6 The Diocese of Altoona-Johnstown has adopted a code of conduct for clergy, staff, and volunteers. The Code of Conduct establishes guidelines for appropriate interactions between Church personnel and those that they serve and will establish disciplinary consequences for violations of the Code of Conduct.

Section 10: Media

- 10.1 The Secretary for Communications is the designated spokesperson for Diocese of Altoona-Johnstown. The spokesperson is responsible for responding to all inquiries and news conferences regarding allegations of sexual abuse.
- 10.2 All complaints to the Diocese of Altoona-Johnstown are treated as confidential. The Diocese of Altoona-Johnstown shall neither confirm nor deny:
- a. That a complaint has been made.
 - b. The identity of any person reporting incidents, concerns, or allegations.
 - c. The identity of any person against whom a complaint is pending (until such time as the allegation becomes public

record as a result of charges being filed or the matter is general public knowledge).

Section 11: Insurance

- 11.1 Diocesan insurance covers individuals acting within the scope of their ministry or employment within the Church.
- 11.2 Diocesan insurers shall be notified of incidents, concerns, or allegations in accordance with the terms of applicable insurance contracts.
- 11.3 The Diocesan Bishop designates who shall notify the diocesan attorney and insurance carrier.

Section 12: Conclusion

- 12.1 These policies will be reviewed and revised at least every three (3) years. Recommendations for revisions shall be presented to the Diocesan Bishop.

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Preface

The Church must be exemplary. Clergy, staff, and volunteers should and will be held accountable for their behavior. In order to maintain the highest level of accountability, there must be a clear and unambiguous blueprint of appropriate and inappropriate behavior. The Code of Pastoral Conduct provides a basic structure for identifying limits. It is intended as a “continuous improvement document.”

Preamble

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

Responsibility

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

Responsibility for adherence to the Code of Pastoral Conduct rests with the individual. Clergy, staff, and volunteers who disregard this Code of Pastoral Conduct will be subject to remedial action by the appropriate Vicar General to whom the particular individual involved is accountable. Corrective action may take various forms—from a verbal reproach to removal from the ministry—depending on the specific nature and circumstances of the offense and the extent of the harm.

Pastoral Standards

- 1. Conduct for Pastoral Counselors and Spiritual Directors²**
Pastoral Counselors and Spiritual Directors must respect the rights and advance the welfare of each person.

² Pastoral Counselors and Spiritual Directors: Clergy, staff, and volunteers who provide pastoral, spiritual, and/or therapeutic counseling services to individuals, families, or other groups.

- 1.1 Pastoral Counselors and Spiritual Directors shall not step beyond their competence in counseling situations and shall refer clients to other professionals when appropriate.
- 1.2 Pastoral Counselors and Spiritual Directors should carefully consider the possible consequences before entering into a counseling relationship with someone with whom they have a pre-existing relationship (i.e., employee, professional colleague, friend, or other pre-existing relationship). [See Section 7.2.2]
- 1.3 Pastoral Counselors and Spiritual Directors should not audiotape or videotape sessions.
- 1.4 Pastoral Counselors and Spiritual Directors must never engage in sexual intimacies with the persons they counsel. This includes consensual and nonconsensual contact, forced physical contact, and inappropriate sexual comments.
- 1.5 Pastoral Counselors and Spiritual Directors shall not engage in sexual intimacies with individuals who are close to the client—such as relatives or friends of the client—when there is a risk of exploitation or potential harm to the client. Pastoral Counselors and Spiritual Directors should presume that the potential for exploitation or harm exists in such intimate relationships.
- 1.6 Pastoral Counselors and Spiritual Directors assume the full burden of responsibility for establishing and maintaining clear, appropriate boundaries in all counseling and counseling-related relationships.
- 1.7 Physical contact between Pastoral Counselors or Spiritual Directors can be misconstrued and should occur (a) only when completely nonsexual and otherwise appropriate, and (b) never in private.
- 1.8 Sessions should be conducted in appropriate settings at appropriate times. No sessions should be conducted in private living quarters. Sessions should not be held at places or times that would tend to cause confusion about the nature of the relationship for the person being counseled.
- 1.9 Pastoral Counselors and Spiritual Directors maintain a log of session times and places.

2. Confidentiality

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

- 2.1 Information obtained in the course of sessions shall be confidential, except for compelling professional reasons or as required by law.
 - 2.1.1 If there is clear and imminent danger to the client or to others, the Pastoral Counselor or Spiritual Director may disclose only the information necessary to protect the parties affected and to prevent harm.
 - 2.1.2 Before disclosure is made, if feasible, the Pastoral Counselor or Spiritual Director should inform the person being counseled about the disclosure and the potential consequences.
- 2.2 Pastoral Counselors and Spiritual Directors should discuss the nature of confidentiality and its limitations with each person in counseling.
- 2.3 Pastoral Counselors and Spiritual Directors should keep minimal records of the content of sessions.
- 2.4 Knowledge that arises from professional contact may be used in teaching, writing, homilies, or other public presentations only when effective measures are taken to absolutely safeguard both the individual's identity and the confidentiality of the disclosures.
- 2.5 While counseling a minor, if a Pastoral Counselor or Spiritual Director discovers that there is a serious threat to the welfare of the minor and that communication of confidential information to a parent or legal guardian is essential to the child's health and well-being, the Counselor or Spiritual Director should:
 - 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.

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

3. Conduct with Youth

Clergy, staff, and volunteers working with youth shall maintain an open and trustworthy relationship between youth and adult supervisors.

- 3.1 Clergy, staff, and volunteers must be aware of their own and others' vulnerability when working alone with youth. At least two PGC trained persons must be present when conducting any activity with children/youth.
- 3.2 Physical contact with youth can be misconstrued and should occur (a) only when completely nonsexual and otherwise appropriate, and (b) never in private.
- 3.3 Clergy, staff, and volunteers should refrain from (a) the illegal possession and/or illegal use of drugs and/or alcohol at all times, and (b) the use of alcohol and drugs when working with children/ youth.
- 3.4 Clergy should not allow individual young people to stay overnight in the cleric's private accommodations or residence.
- 3.5 Staff and volunteers should not provide shared, private, overnight accommodation for individual young people including, but not limited to, accommodations in any Church-owned facility, private residence, hotel room, or any other place where there is no other adult supervision present.
 - 3.5.1 In rare, emergency situations, when accommodation is necessary for the health and well-being of the youth, the clergy, staff, or volunteer should take extraordinary care to protect all parties from the appearance of impropriety and from all risk of harm.
 - 3.5.2 A team approach is used while managing emergency situations.

4. Sexual Conduct

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

- 4.1 Clergy, religious, staff, and volunteers who are committed to a celibate lifestyle are called to be an example of celibate chastity in all relationships at all times.
- 4.2 Staff and volunteers who provide pastoral counseling or spiritual direction services must avoid developing inappropriately intimate relationships with minors, other staff, or parishioners. Staff and volunteers must behave in a professional manner at all times.
- 4.3 No clergy, staff, or volunteer may exploit another person for sexual purposes.
- 4.4 Allegations of sexual misconduct should be taken seriously and reported to the appropriate Vicar

General to whom the particular individual involved is accountable and to the civil authorities if the situation involves a minor.

Diocesan procedures will be followed to protect the rights of all involved.

- 4.5 Clergy, staff, and volunteers should review and know the contents of the child abuse regulations and reporting requirements for the Commonwealth of Pennsylvania and should follow those mandates.

5. Harassment

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

- 5.1 Clergy, staff, and volunteers shall provide a professional work environment that is free from physical, psychological, written, or verbal intimidation or harassment.
- 5.2 Harassment encompasses a broad range of physical, written, or verbal behavior, including without limitation the following:
- Physical or mental abuse.
 - Racial insults.
 - Derogatory ethnic slurs.
 - Unwelcome sexual advances or touching.
 - Sexual comments or sexual jokes.
 - Requests for sexual favors used as:
 - a condition of employment, or
 - to affect other personnel decisions, such as promotion or compensation.
 - Display of offensive materials.
- 5.3 Harassment can be a single severe incident or a persistent pattern of behavior where the purpose or the effect is to create a hostile, offensive, or intimidating work environment.
- 5.4 Allegations of harassment should be taken seriously and reported immediately to the appropriate Vicar General to whom the particular individual involved is accountable. Diocesan procedures will be followed to protect the rights of all involved.

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

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

- 6.1 Sacramental records shall be regarded as confidential. When compiling and publishing parish, religious community/institute, or organization statistical information from these records, great care must be taken to preserve the anonymity of individuals.
- 6.2 Most sacramental records older than 70 years are open to the public.
- 6.3 Information regarding adoption and legitimacy remains confidential, regardless of age.
- 6.4 Only staff members who are authorized to access the records and supervise their use shall handle requests for more recent records
- 6.5 Parish, religious community/institute, or organization financial records are confidential unless review is required by the diocese or an appropriate government agency. Contact the Diocesan Director of Finance upon receipt of any request for release of financial records
- 6.6 Individual contribution records of the parish, religious community/institute, or organization shall be regarded as private and shall be maintained in strictest confidence.
- 6.7 Future records of employee/volunteer screening including application, references, code of conduct, & background checks will be maintained in a secure location at the Diocesan Administration Center. Access to these documents shall be restricted to authorized persons only. Records of clergy are maintained at the Diocesan Administration Center.

7. Conflicts of Interest

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

- 7.1 Clergy, staff, and volunteers should disclose all relevant factors that potentially could create a conflict of interest.
- 7.2 Clergy, staff, and volunteers should inform all parties when a real or potential conflict

of interest arises. Resolution of the issues must protect the person receiving ministry services.

- 7.3 No clergy, staff, or volunteer should take advantage of anyone to whom they are providing services in order to further their personal, religious, political, or business interests.
- 7.4 Pastoral counselors should not provide counseling services to anyone with whom they have a business, professional, or social relationship. When this is unavoidable, the client must be protected. The counselor must establish and maintain clear, appropriate boundaries.
- 7.5 When individual pastoral counseling or spiritual direction services are provided to two or more people who have a relationship with each other (ie separate, individual counseling or direction of members of the same family, spouses, close friends, employer or employee etc.), the Pastoral Counselor or Spiritual Director must:
- Clarify with all parties the nature of each relationship,
 - Anticipate any conflict of interest,
 - Take appropriate actions to eliminate the conflict, and
 - Obtain from all parties written consent to continue services.
- 7.6 Conflicts of interest may also arise when a Pastoral Counselor's or Spiritual Director's independent judgment is impaired by:
- Prior dealings,
 - Becoming personally involved, or
 - Becoming an advocate for one (person) against another.

In these circumstances, the Pastoral Counselor or Spiritual Director shall advise the parties that he or she can no longer provide services and refer them to another Pastoral Counselor or Spiritual Director.

8. Reporting Ethical or Professional Misconduct

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

- 8.1 Clergy, staff, and volunteers must hold each other accountable for maintaining the highest ethical and professional standards. When there is an indication of illegal actions by clergy, staff, or volunteers, you should notify the proper civil authorities immediately. Also notify the appropriate Vicar General to whom the

particular individual involved is accountable. When an uncertainty exists about whether a situation or course of conduct violates this Code of Pastoral Conduct or other religious, moral, or ethical principles, consult with:

- Peers,
- Others knowledgeable about ethical issues, or
- The Chancery office and/or Vicars General.

8.2 When it appears that a member of clergy, a staff member, or a volunteer has violated this Code of Pastoral Conduct or other religious, moral, or ethical principles:

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

9. Administration.

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

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

9.2 No clergy, staff, or volunteer shall use his or her position to exercise unreasonable or inappropriate power and authority.

9.3 Each member of the clergy, religious communities, employees & volunteers providing service to children and youth must read and sign the Volunteer Code of Conduct before providing services.

10. Staff or Volunteer Well-being

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

10.2 Clergy, staff, and volunteers should be aware of warning signs that indicate potential problems with their own spiritual, physical, mental, and or emotional health.

- 10.3 Clergy, staff, and volunteers should seek help immediately whenever they notice behavioral or emotional warning signs in their professional and/or personal lives.
- 10.4 Clergy, staff, and volunteers must address their own spiritual needs. Support from a Spiritual Director is highly recommended.
- 10.5 Inappropriate or illegal use of alcohol and drugs is prohibited.

Employee/Volunteer's Code of Conduct

As an employee/volunteer, I will:

- Treat everyone with respect, patience, integrity, courtesy, dignity, and consideration.
- Avoid situations where I am alone with children and/or youth at Church activities, making sure that there are always a sufficient number of chaperones.
- Use positive reinforcement rather than criticism, competition, or comparison when working with children and/or youth.
- Refuse to accept and refrain from giving expensive gifts from/to children and/or youth or their parents without prior written approval from pastor or administrator.
- Report suspected abuse to the pastor, administrator, or appropriate supervisor and the Department of Public Welfare or Childline. I understand that failure to report suspected abuse to civil authorities is, according to the law, a misdemeanor.
- Cooperate fully in any investigation of abuse of children and/or youth.

As an employee/ volunteer, I will not:

- Smoke or use tobacco products in the presence of children and/or youth.
- Use, possess, or be under the influence of alcohol or illegal drugs at any time especially while volunteering.
- Touch a child and/or youth or speak to a child and/or youth in a sexual or other inappropriate manner.
- Use any discipline that frightens, humiliates, ridicules or threatens children and/or youth.

I understand that as an employee/volunteer working with children and/or youth, I am subject to a thorough background check including criminal history. I understand that any action inconsistent with this Code of Conduct or failure to take action mandated by this Code of Conduct may result in my dismissal as an employee or removal as a volunteer with children and/or youth.

Policy for Personnel Screening & Training **Revised August 2012**

The Diocese of Altoona-Johnstown seeks to maintain a safe, secure and loving environment where clergy, religious, employees and volunteers minister appropriately to the needs of all persons. Among other efforts to preserve and maintain such an environment, it is appropriate that careful personnel screening procedures be conducted with respect to all who would be in contact with children and youth in particular. It is important to note that background checks are conducted, not because the Diocese of Altoona-Johnstown presumes any person to be unsuitable to engage in ministry. The Diocese conducts background checks to carry out its obligation to make positive efforts to create and maintain a safe environment for all persons.

The Diocese of Altoona-Johnstown will conduct routine aspects of any diligent personnel screening procedures including the use of applications prior to an individual's engagement in ministry within the diocese, consideration of information supplied by former employers and by other persons, criminal record checks and child abuse clearance.

To assure that the Diocese of Altoona-Johnstown demonstrated that it has taken all reasonable action to assure that ministry is conducted by appropriate persons, complete records will be made of all activities constituting background checks. Such records will be maintained indefinitely. Background checks will be repeated every three years for the duration of employment/volunteerism.

Basic components of personnel screening.

●Employee/Volunteers Application Form

This is the normal first step in conducting employee screening. Application forms assure that all necessary information is obtained efficiently in written form. It is desirable to have a completed form prior to personal interview, so that incomplete or questionable responses may be explored at that time. This form is intended for use of all clergy, employees and volunteers who have regular, direct and on-going contact with children.

●Personal Interview

The personal interview/meeting with persons new to the parish/school/institution provides an opportunity to explore any areas of information that is incomplete on the application and to explore any responses that raise issues of any kind. Written notes can be made of any questions asked and responses made in the course of the interview. The interview/meeting also provides an opportunity to answer questions related to the policies for the protection of children and youth.

●Reference Checks

Contacts should be made to the following:

- * All bishops having present or past canonical authority over the individual if the individual is an ordained person.
- * All education institutions attended during the past five years.
- * All employers and/or volunteer agencies for at least the past five years. If only one employer during the past five years then at least the most recent two past employers.
- *At least two personal references.

●Public Record Check

Any person who is involved with children and/or youth in any capacity within the Diocese of Altoona-Johnstown will have a criminal background check conducted by the Diocese through a reputable national company as determined by the Diocese.

Public Record Checks will be conducted every three years.

●Other follow-up

The Diocese of Altoona-Johnstown will evaluate all information gathered in the basic information and determine that all information is complete. Evaluations are made to determine whether the responses suggest that further inquiry is warranted.

●Youth Protection Training

- * All clergy, religious, lay employees and volunteers must complete the one hour online training session found on the diocesan web site at www.dioceseaj.org.
- * This training is required for all of the above who have direct contact with children and for those who are in a position of safe-guarding children from prospective abuse such as parish secretaries, maintenance and cafeteria employees, grounds-keepers, etc.
- * Any other person or employee is welcome to attend the training.

