

CODE OF PASTORAL CONDUCT
FOR PRIESTS, DEACONS, SEMINARIANS,
LAY EMPLOYEES AND VOLUNTEERS

DIOCESE OF STOCKTON



Promulgated by the Most Reverend Stephen E. Blaire
October 31, 2003

Code of Pastoral Conduct, Diocese of Stockton

For Priests, Deacons, Seminarians, Lay Employees, and Volunteers Working in a Designated Church Organization

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Code of Pastoral Conduct, Diocese of Stockton

For Priests, Deacons, Seminarians, Lay Employees, and Volunteers

I. Preamble

The Catholic Church is called to respond in a pastoral manner to all whom she encounters. It is this spirit that permeates all of our relationships. It is this goal for which we strive. As an employer, we are committed to treat all persons we encounter with Christian dignity and respect. A dedication to the continuous development of Christian community takes precedence over the personal goals and ambitions of individuals.

At the same time, the Catholic Church is an institution existing within a civil society. As an employer the Church promotes civil relationships that respect individual and corporate rights and responsibilities.

Priests, deacons, seminarians, lay employees and volunteers in Church organizations must uphold Christian values and conduct. The Code of Pastoral Conduct provides a set of standards for conduct in various pastoral situations.

II. Responsibility

The public and private conduct of ministers can inspire and motivate people, but it can also scandalize and undermine the people's faith. All those who work on behalf of the Church 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. Ministers who disregard this Code of Pastoral Conduct will be subject to remedial action by the responsible Church organization in accord with canon and civil law. Corrective action may take various forms: such as a verbal reproach, removal from the ministry, or report to law enforcement depending on the specific nature and circumstances of the offense and the extent of the harm.

III. Definitions for the Code of Pastoral Conduct

Church organization: All organizations listed in Section XI, page 15 of this document.

Clergy: Roman Catholic priests and deacons with an assignment by the Roman Catholic Bishop of Stockton.

Harassment: a behavior directed at a person that causes substantial emotional distress in that person and serves no legitimate purpose (See Section IV. 3.2).

Minister: For the purposes of this document, one who freely responds to God's call publicly to serve and is doing so with the support and approval of a Church organization.

Misconduct: intentional wrongdoing; deliberate violation of a law or standard.

Pastoral Counselor: For the purposes of this document, one who is a cleric, employee and/or volunteer who provides pastoral counseling services to individuals, families, or other groups under the auspices of a Church organization, excluding the Sacrament of Penance.

Sexual Abuse: Sexual behavior between a cleric, seminarian, lay employee, or volunteer and a minor or a vulnerable adult as defined by law, the Diocesan Policy Dealing with Allegations of Sexual Abuse, and/or the U.S. Conference of Catholic Bishops' "Charter for the Protection of Children and Young People."

Sexual Harassment: Any unwanted sexual behavior between co-workers (clergy, seminarians, lay employees, volunteers) in the church/workplace setting.

Sexual Misconduct: Any sexual conduct of ministers, which is unlawful as described by the laws of California or contrary to the moral instructions, doctrines and Canon Law of the Catholic Church and causes an injury to another. Sexual misconduct may include certain behaviors described as sexual harassment as defined in civil law and in the Church organization employee handbook.

Spiritual Director: For the purposes of this document, an employee and/or volunteer who provides spiritual direction to individuals under the auspices of a Church organization

Therapist: For purposes of this document, one who is a certificated or licensed employee/volunteer or independent contractor who provides therapeutic counseling services to individuals, families, or other groups under the auspices of a Church organization, excluding the Sacrament of Penance.

IV. Pastoral Standards

1. Conduct With Youth

Ministers working with youth (persons less than 18 years old) shall maintain an open and trustworthy relationship.

- 1.1. Ministers must be aware of their own and others' vulnerability when working alone with youth. Ministers should use a team approach to manage youth activities.
- 1.2. Physical contact with youth can be misconstrued and should occur (a) only when completely nonsexual and otherwise appropriate, and (b) never in private. For example, if a youth minister is refereeing a basketball game, there may be inadvertent physical contact, but it isn't "sexualized" and it isn't in a private setting.
- 1.3. Ministers must refrain from the illegal possession and/or illegal use of drugs and/or alcohol at all times.
 - 1.3.1. Ministers must refrain from the use of alcohol when working with youth.
- 1.4. Ministers should not allow individual young people to stay overnight in their private accommodations or residence.

1.5. Ministers should not provide shared, private, overnight accommodations for individual young people including, but not limited to, accommodations in any Church-owned facility, private residence, hotel room, or any other place unless there is at least one other trained adult supervisor present.

1.5.1. Ministers should use a team approach to manage emergency situations (at least two adults).

2. Sexual Conduct

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

- 2.1 Ministers who have made a public commitment to celibacy are called to be an example of celibate chastity in all relationships at all times.
- 2.2 Ministers who provide pastoral counseling or spiritual direction services must avoid developing inappropriately intimate relationships with minors. Ministers must behave in a professional manner at all times.
- 2.3 No minister may exploit another person for sexual purposes.
- 2.4 Allegations of sexual misconduct should be taken seriously and reported to the Bishop, Vicar General, or the Victim Assistance Coordinator at the Chancery.
- 2.5 Ministers must review and know the contents of the Diocesan Policy Dealing With Allegations of Sexual Abuse of Minors, child abuse regulations and reporting requirements for the state of California and should follow those mandates (Refer to Section 8).

3. Harassment

Ministers must not engage in, nor tolerate, physical, psychological, emotional, sexual, visual, written, or verbal harassment of anyone.

- 3.1 Within their work setting, ministers shall provide a professional environment that is free from harassment.
- 3.2 Harassment encompasses a broad range of physical, emotional, written, sexual, or verbal behavior, including without limitation the following:
 - Physical or mental abuse.
 - Insults or derogatory slurs.
 - Unwelcome sexual advances or touching.
 - Sexual comments, sexual jokes, signs, posters, etc.
 - 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.
- 3.3 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.
- 3.4 Allegations of harassment should be taken seriously and reported immediately to the appropriate supervisor who will also contact the Diocesan Human Resources Director. Diocesan procedures will be followed to protect the rights of all involved.

4. Records and Information

Confidentiality will be maintained in creating, storing, accessing, transferring, and appropriate disposing of all records and information. This includes but is not limited to sacramental, financial, and personnel records.

- 4.1 Church organization financial records are confidential. Contact the Chief Financial Officer of the Diocese upon receipt of any request for release of financial records.

5. Reporting Ethical or Professional Misconduct

Ministers have a duty to report professional misconduct and/or the sexual misconduct of others.

- 5.1 Ministers must hold each other accountable for maintaining the highest ethical and professional standards. When there is an indication of sexual misconduct by ministers, the appropriate supervisor should be notified immediately. If sexual misconduct concerns youth under the age of 18, local law enforcement or child protective services should be notified immediately.
- 5.2 The obligation of Ministers 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 IX. B, page 13, the Sacrament of Penance excluded.
- 5.3 If child pornography images are discovered on church, school, or agency property or in the possession of church personnel, whether on a computer or in the form of a video, printed pictures, or some other form, it must be promptly reported to law enforcement and also must be promptly reported to the Human Resources Office (209)-466-0636.

The discovery of child pornography in the hands of church personnel or on church property, including school sites, should be treated as promptly and carefully as child abuse is treated.

6. Administration

Ministers shall not use their position to exercise unreasonable or inappropriate power and authority.

- 6.1 All ministers providing services to children and youth must read and sign the Code of Pastoral Conduct before providing services.
- 6.2 Code of Canon Law, Canon # 1389 establishes a penalty for abuse of ecclesiastical power.

7. Ministers Well-being

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

- 7.1 Ministers should be aware of warning signs that indicate potential problems with their own spiritual, physical, mental, and/or emotional health.
- 7.2 Ministers should seek help immediately whenever they notice behavioral or emotional warning signs in their own professional and/or personal lives.
- 7.3 Ministers must address their own spiritual needs. Support from a Spiritual Director is recommended.
- 7.4 Inappropriate use of alcohol or use of illegal drugs is prohibited.

8. Training for adults who provide direct services to or have unsupervised contact with youth.

Ministers have a duty to protect youth and to understand how to provide and maintain a safe environment for them.

- 8.1 Ministers must attend a training session which provides the following information:
 - What constitutes child abuse, including sexual abuse
 - Actions, procedures and policies used to prevent child abuse
 - Identification of possible child abuse (victim and perpetrator)
 - Actions to take when child abuse may be occurring
 - Laws and policies regarding the reporting of child abuse
- 8.2 Mandated reporters attend training (refer to Section 8.1) every three years, except initial training is to be completed within 30 days of employment.
 - 8.2.1. Mandated reporters complete online Mandated Child Abuse Reporter training or attend Mandated Reporter Child Abuse training presented by County Child Protective Services or their agent within 90 days of their employment/assignment.
 - 8.2.2. Volunteers, within the first 30 days of their assignment, will attend Child Abuse Prevention training (refer to Section 8.1).
- 8.3 Compliance with the Bishops' Charter for the Protection of Children and Young People

- All attendees of child abuse training (refer to Section 8.1) shall submit verification of attendance to the Safe Environment Coordinator, for tracking purposes
 - All ministers will adhere to the Bishops' Charter for the Protection of Children and Young People
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V. CODE OF PASTORAL CONDUCT – ACKNOWLEDGMENT PAGE

I hereby acknowledge receipt of the Code of Pastoral Conduct of the Diocese of Stockton. I agree to abide by this code and conduct myself in complete accordance with it. I understand that any violation of the Code of Pastoral Conduct as identified in this document will be subject to remedial action by the Church organization. Corrective action may take various forms depending on the specific nature and circumstances of the offense and the extent of the harm in accord with canon and civil law.

Date: _____

Printed Name: _____

Position: _____

Name and location of Parish, school, or agency: _____

Signature: _____

Please return signed acknowledgment form within 10 days to the:
Safe Environment Coordinator

VI. Volunteer's Code of Conduct

Our children are the most important gifts God has entrusted to us. As a volunteer, I promise to strictly follow the rules and guidelines in this Volunteer's Code of Conduct as a condition of my providing services to the children and youth of a parish, church organization or agency.

As a volunteer, I will:

- ◆ Treat everyone with respect, loyalty, patience, integrity, courtesy, dignity, and consideration.
- ◆ Avoid situations where I am alone with children and/or youth at Church activities.
- ◆ Use positive reinforcement rather than criticism, competition, or comparison when working with children and/or youth.
- ◆ Not accept expensive gifts from children and/or youth or their parents without prior written approval from the pastor or administrator.
- ◆ Refrain from giving expensive gifts to children and/or youth without prior written approval from the parents or guardian and the pastor or administrator.
- ◆ Cooperate fully in any investigation of abuse of children and/or youth.
- ◆ Attend child abuse prevention training
- ◆ Commit to respond appropriately when I suspect child abuse is occurring

As a volunteer, I will not:

- ◆ Use, possess, or be under the influence of alcohol at any time while volunteering.
- ◆ Use, possess, or be under the influence of illegal drugs at any time.
- ◆ Pose any health risk to children and/or youth (i.e., no fevers or other contagions).
- ◆ Strike, spank, shake, or slap children and/or youth.
- ◆ Humiliate, ridicule, threaten, or degrade children and/or youth.
- ◆ Touch a child and/or youth in a sexual or other inappropriate manner.
- ◆ Use any discipline that frightens or humiliates children and/or youth.
- ◆ Use profanity in the presence of children and/or youth.

I understand that as a volunteer working with children and/or youth, I am subject to a thorough background check that will include fingerprinting and criminal history review. 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 removal as a volunteer with children and/or youth.

VOLUNTEER'S PRINTED NAME: _____

SIGNATURE: _____ DATE _____

PARISH, SCHOOL, AGENCY _____

Please return the signed acknowledgement to your Supervisor within 10 days

VII. Catholic School Personnel Guidelines for Professional Relationships with Students

All those employed by Catholic schools should recognize that while on campus, or at any school-related event, they are role models and are called to treat each student with respect and care. Faculty and staff members must maintain professional relationships with students, both on and off the campus. A faculty or staff member may not be present with students or be party to activities where civil law and/or school rules are violated.

1. Students must be viewed as the “restricted individuals” that they are, that is, they are not independent persons. Wherever they are and whatever they do should be with the explicit knowledge of their parent or guardian. They are not adults and are not permitted independent decisions. All involvements/interactions should be approached from this premise.
2. Caution and professional attitudes are to be observed in all interactions with students.
3. Teacher-organized/school-sponsored activities must not require students to go to a faculty/staff member’s home, unless the teacher has provided the school administration with detailed knowledge of the activity and received administrative approval, secured the written permission of the parents, and provided for the presence of other adult chaperones.
4. Driving students is prohibited, unless it is to or from a school-sponsored activity that requires parental permission slips that indicate that the transportation is by the faculty/staff member’s personal vehicle. The school administration must approve any use of personal vehicles to transport students and such transportation is highly discouraged.
5. Student trips must have a sufficient number of adult chaperones to preclude the appearance of inappropriate personal involvement with students.
6. Games or sports activities with students should be engaged in only in the presence of others, or in a place openly accessible/visible to others.
7. A faculty or staff member may not date a student.
8. Faculty and staff members must avoid assuming the role of a “father or mother figure”, which tends to create an excessive emotional attachment for all parties.
9. Faculty and staff must never exploit their authority in their dealings with students.
10. Faculty and staff must exercise caution and discretion whenever meeting with students outside the normal instructional routine, whether individually or in small groups. These meetings should take place in areas that are easily accessible and, if possible, in locations with windows and doors that can remain open without comprising student privacy or confidentiality.
11. Discussions of a sexual nature must always take place in an appropriate educational context. Sexual jokes, slang, or innuendo must be avoided when interacting with students.
12. Topics or vocabulary that could not comfortably be used in the presence of parents or the school principal should not be employed with students.
13. Teachers must never condone, by their presence, student activity that is unethical or illegal, including the consumption of alcohol or the use of illegal drugs.
14. Teachers/staff members must respect the physical boundaries of their students. Students must never be touched in anger, nor should they be touched in any way that could be construed as inappropriately affectionate.

PRINTED NAME _____ SCHOOL: _____

SIGNATURE _____ DATE _____

Please return signed form to designated school personnel/Safe Environment Coordinator within 10 days

VIII. Camp Counselors, Staff Members and Volunteers Code of Conduct and Acknowledgment Page

The children and adults who attend Camp La Honda are precious in Gods eyes and He has entrusted them to us. As a Camp Counselor, I promise to strictly follow the rules and guidelines in this Camp Counselor's Code of Conduct as a condition of my providing services to the children and youth at Camp La Honda.

Camp Counselors, Staff and Volunteers:

- f* Are expected to treat campers of all ages with respect, dignity and to uphold their rights as individuals
- f* Should never be alone with a camper under any circumstances
- f* Always take another staff member when accompanying a camper to the restroom
- f* Must not allow any camper or persons to stay overnight in private quarters alone with the staff member or counselor
- f* Must have at least two adults present with campers at all times
- f* Provide guidance, supervision and nurturing when assuming the role of counselor with a child
- f* Assists and guides campers as necessary, when assuming the role of counselor with an adult
- f* Always seek assistance from the director, never taking the matter into one's own hands, if a conflict arises between a counselor and a camper
- f* Will receive an immediate change of assignment, if necessary

COUNSELOR, STAFF, VOLUNTEER'S
PRINTED NAME: _____

SIGNATURE: _____ DATE _____

Please return signed acknowledgment to the Camp Supervisor within 10 days

IX. ADDENDUM A- FOR PASTORAL COUNSELORS (INCLUDING CLERGY)
OR SPIRITUAL DIRECTORS

A. Conduct for Pastoral Counselors and Spiritual Directors

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

- A.1. Pastoral Counselors and Spiritual Directors shall not step beyond their competence in counseling or spiritual direction situations and shall refer clients to other professionals as appropriate.
- A.2. Pastoral Counselors and Spiritual Directors should carefully consider the possible consequences before entering into a counseling or spiritual direction relationship with someone with whom they have a pre-existing relationship (i.e., employee, professional colleague, friend, or other pre-existing relationship). [See Section IV.5.2.]
- A.3. Pastoral Counselors and Spiritual Directors should not audiotape or videotape sessions.
- A.5. Pastoral Counselors and Spiritual Directors assume the full burden of responsibility for establishing and maintaining clear, appropriate boundaries in all spiritual direction and counseling relationships.
- A.6. Physical contact of any kind (i.e., touching, hugging, holding) between Pastoral Counselors or Spiritual Directors and the persons they counsel can be misconstrued and should be avoided.
- A.7. Sessions should be conducted in appropriate professional settings at appropriate times of the day.
 - A.7.1. No sessions should be conducted in private living quarters.
 - A.7.2. Sessions should not be held at places or times that would tend to cause confusion about the nature of the relationship for the person being counseled or spiritually directed.
- A.9. Pastoral Counselors and Spiritual Directors must be aware that providing counseling services or spiritual direction to anyone with whom they have a business, professional, social, or personal relationship may be inappropriate. The counselor must establish and maintain clear, appropriate boundaries.
 - A.9.1. When pastoral counseling or spiritual direction services are provided to two or more people who have a relationship with each other, Pastoral Counselors or Spiritual Directors must:
 - f* Clarify with all parties the nature of each relationship,
 - f* Anticipate any conflict of interest,

- f* Take appropriate actions to eliminate the conflict, and
- f* Obtain from all parties written consent to continue services.

A.9.1.2 If a conflict of interest arises, 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.

B. Confidentiality

Information disclosed to Pastoral Counselors or Spiritual Directors during the course of counseling, advising, or spiritual direction shall be held in confidence.

Obligations in Section B are independent of the confidentiality of the Sacrament of Penance. Under no circumstances whatsoever can there be any disclosure, even indirect disclosure, of information received through the Sacrament of Penance.

- B.1. Information obtained in the course of sessions shall be confidential, except for compelling professional reasons or as required by law.
 - B.1.1 If there is clear and imminent danger to the client or to others, Pastoral Counselors or Spiritual Directors may disclose only the information necessary to protect the parties affected and to prevent harm.
- B.2. Pastoral Counselors and Spiritual Directors should discuss the nature of confidentiality and its limitations with each person in counseling.
- B.3. 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.
- B.4. While listening to 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 is essential to the child's health and well-being, the Counselor or Spiritual Director should inform the responsible adults, which includes the parents and/or legal guardian, and if appropriate, the Pastoral Counselor or Spiritual Director's supervisor. The pastoral counselor may be required by law to report information concerning sexual or other abuse of minors.

X. ADDENDUM B- ACKNOWLEDGMENT PAGE FOR PASTORAL COUNSELORS (INCLUDING CLERGY), AND SPIRITUAL DIRECTORS

I hereby acknowledge receipt of the Addendum B, Acknowledgment Page for Pastoral Counselors (including Clergy) and Spiritual Directors. I agree to abide by this Code and conduct myself in complete accordance with it. I understand that any violation of the Code of Pastoral Conduct will be subject to remedial action by the Church organization. Corrective action may take various forms depending on the specific nature and circumstances of the offense and the extent of the harm in accord with canon and civil law.

Date: _____

Printed Name: _____

Position: _____

Name and location of Parish, school, or other: _____

Signature: _____

Please return signed acknowledgment form within 10 days to the:

Safe Environment Coordinator

XI. ADDENDUM C – CHURCH ORGANIZATIONS COVERED BY THIS CODE OF PASTORAL CONDUCT:

CALIFORNIA CORPORATIONS SOLE

1. Roman Catholic Bishop of Stockton, a corporation sole
2. Pastor of Cathedral of the Annunciation
3. Pastor of St. Bernadette Church
4. Pastor of St. George Church
5. Pastor of St. Gertrude Church
6. Pastor of St. Luke Church of Stockton
7. Pastor of St. Mary of the Assumption Church
8. Pastor of St. Michael Church of Stockton
9. Pastor of Presentation Church
10. Pastor of St. Linus Church
11. Pastor of St. Edward Church
12. Pastor of Our Lady of Guadalupe Church
13. Pastor of St. Patrick Church of Ripon
14. Pastor of St. Anne Church
15. Pastor of St. Joachim Church of Lockeford
16. Pastor of St. Anthony Church of Manteca
17. Pastor of St. Bernard Church
18. Pastor of Holy Cross Church
19. Pastor of St. Patrick Church of Angels Camp
20. Pastor of St. Andrew Church of San Andreas
21. Pastor of St. Joseph Church of Mammoth Lakes
22. Pastor of St. Jude Church
23. Pastor of St. Anthony Church of Hughson
24. Pastor of Our Lady of Fatima Church
25. Pastor of St. Joseph Church of Modesto
26. Pastor of St. Stanislaus Church
27. Pastor of St. Joachim Church of Newman
28. Pastor of St. Mary of the Annunciation Church
29. Pastor of Sacred Heart Church of Patterson
30. Pastor of St. Frances of Rome Church
31. Pastor of Sacred Heart Church of Turlock
32. Pastor of Our Lady of the Assumption of the Portuguese Church
33. Pastor of St. Patrick Church of Sonora
34. Pastor of All Saints Church of Twain Harte
35. Pastor of Holy Family
36. Pastor of All Saints University of Turlock

CALIFORNIA RELIGIOUS CORPORATIONS

1. St. Mary's High School
2. Central Catholic High School
3. Madonna of Peace Retreat Center
4. Catholic Diocese of Stockton Cemeteries

CALIFORNIA PUBLIC BENEFIT CORPORATION

1. Catholic Charities of the Diocese of Stockton

XII. ADDENDUM D - INSTRUCTIONS FOR USE

- All Ministers (includes volunteers) providing direct services to children, sign the:
 - Code of Pastoral Conduct Acknowledgment, page 8
 - Standards of Conduct for Those Working with Children and Young People, page 8A

ADDITIONAL SIGNATURES NEEDED AS FOLLOWS:

- All Volunteers
 - Volunteer Code of Conduct, page 9
- Catholic Schools Personnel
 - Catholic Schools Personnel Guidelines, page 10
- Camp Counselors, Staff and Volunteers
 - Camp Code of Conduct, page 11
- Clergy, Pastoral Counselors and Spiritual Directors
 - Acknowledgment Page for Pastoral Counselors and Spiritual Directors, page 14