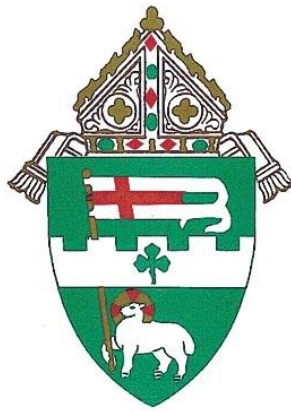


Code of Pastoral Conduct

“Living and Working with Integrity”



RC Diocese of Paterson

777 Valley Road, Clifton, New Jersey 07013

www.rcdop.org

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This policy applies to all personnel of the Diocese of Paterson

Responsibility for adherence to the Code of Pastoral Conduct rests with each individual.

Those who disregard this Code will be subject to disciplinary action by the Diocese of Paterson, up to removal from ministry and/or including termination. This policy is in accord with the United States Conference of Catholic Bishops (USCCB) *Charter for the Protection of Children and Young People*, the USCCB *Essential Norms for Diocesan Policies Dealing with Allegations of Sexual Abuse of Minors by Priests or Deacons* and the Diocese of Paterson Employee Handbook¹ up to and including termination.

For the purposes of this policy, the term “Church Personnel” is defined as follows:

- Bishops, priests and deacons .
- All Seminarians for the Diocese of Paterson
- Those who are enrolled in the Diocesan Permanent Diaconate Formation Program
- Members of Religious Institutes or Societies of Apostolic Life who are working for and/or living in the Diocese of Paterson as well as Hermits and Consecrated Virgins residing within the diocese
- All paid personnel whether employed in areas of ministry or other kinds of services by diocese, its parishes, schools, or other agencies; also those who contract their services to Catholic Church agencies.
- All volunteers

Diocesan Requirements of all Church Personnel:

Anyone who works, volunteers or provides pastoral services to children, youth and vulnerable adults² must fulfill the Safe Environment Policy requirements of the Paterson Diocese. Personnel must meet these requirements before beginning any work with children.

1. Attend a live Virtus “Protecting God’s Children training
2. Read, Understand and Agree in writing to follow this Pastoral Code of Conduct by signing an acknowledgement form
3. Submit to a criminal history background check.

¹ These documents are available on the Diocesan Website at <https://rcdop.org/child-protection>

² A vulnerable adult is any adult who is or may be for any reason unable to take care of him or herself, or unable to protect him or herself against significant harm or exploitation. This includes the elderly and disabled.

STANDARDS OF CONDUCT

Conduct with Children, Youth and Vulnerable Adults

1. **Team approach:** Church Personnel could be vulnerable when working alone with children, youth and vulnerable adults; therefore, it is always advisable to use a team approach for managing activities with children, youth and vulnerable adults. This statement should guide planning and operation of the activities with children and youth in our Diocese. Adults should not be alone with an individual child behind closed doors.
2. **Physical Contact:** Physical contact with children is prohibited unless pastorally necessary and appropriate. Child molesters typically are “touchy” and “affectionate” with children; they try to mask this behavior as “normal” and “kind” so other adults and children simply get used to it and see it as ordinary. *Repeated “appropriate” touch is inappropriate*; adults should not touch children routinely. Church Personnel must not tickle or wrestle with children, youth or vulnerable adults.
3. **Looking for affection:** No adult may initiate or request hugs or other gestures of affection with a child and or young person.
4. **Gifts are often used by predators:** Gifts are often used by child molesters to gain favor of children. Other “than for the purpose of recognition of achievement, church personnel shall not give gifts to individual children, youth and vulnerable adults without the advance permission of the immediate supervisor and the family or guardian and always done in public.
5. **Illegal Substances:** Providing alcohol, drugs or tobacco to a minor or allowing its use is strictly prohibited. The possession and/or use of products of any kind are strictly prohibited when working with children, youth and vulnerable adults. If you suspect someone is under the influence of alcohol or drugs this must be reported to a supervisor.
6. **Weapons are prohibited:** The possession and/or use of any weapons except by bona fide law enforcement personnel or in approved instructional or recreational situations, are strictly prohibited when working with children, youth and vulnerable adults. If you suspect someone is in possession of a weapon this must be immediately reported to a supervisor and law enforcement as appropriate
7. **Administering discipline:** Church personnel shall not strike, spank, shake, or slap children and/or youth or vulnerable adults, nor shall they humiliate, ridicule, threaten, or degrade children and/or youth in any way. Absolutely no abusive language or profanity is allowed in the presence of children and/or youth.
8. **Boundary Violations:** When working with children, youth or vulnerable adults, adults should always take caution not to violate personal boundaries. Boundaries in youth work exist to protect youth workers and the young people they work with. Boundaries are “limits or restrictions” to actions that serve to prevent the relationship from being adversely

affected, and are critical to maintaining the professional integrity of the relationship with children, youth and vulnerable adults.

Respect the personal space and privacy of all children, youth or vulnerable adults. Remember that these group may read different interpretations into our actions. It is also very easy for these situations to escalate if we are not sensitively, proactively and dynamically challenging and managing boundaries. The exception to this will always be related to safeguarding and the safe management of risk.

Examples to avoid:

- Unwarranted or unwanted touching of children, youth or vulnerable adults personally or with objects (e.g. pencil, book, ruler etc).
- Corporal punishment (physical discipline, pushing, shoving, smacking).
- Initiating, permitting or requesting inappropriate or unnecessary physical contact with children, youth or vulnerable adults (hugs, kisses, tickling, play fighting) or facilitating situations which unnecessarily result in close physical contact.

9. **Vehicles:** Church Personnel must never be alone in a vehicle with a minor who is not their child. When a child is present, there must be at least one other person (adult or minor) present in the vehicle at all times. In addition, the Diocesan Policy for Transporting Minors issued by the Risk Management Office must be followed

10. **Overnight accommodations:** Church Personnel must not be in a situation with shared or private overnight accommodations for young people where there is no other adult supervision present. This includes, but is not limited to, accommodations in any Church-owned facility, private residence or hotel room. In rare, emergency situations, when accommodation is necessary for the health and well-being of the child, youth or vulnerable adult, the clergy, staff, or volunteer should take extraordinary care to protect all parties from the appearance of impropriety and from all risk of harm and to their reputation. It is recommended that the NJ Child Protection & Permanency or other authorities be contacted to provide shelter in such situations. The Diocesan Office of Child and Youth Protection must also be notified. Use a team approach to managing emergency situations. In addition, the Diocesan Policy for Overnight Trips issued by the Risk Management Office must be followed.

Counseling, Spiritual Direction and Ministerial Relationships

Church Personnel must respect boundaries in ministerial behavior in particular with regard to counseling and spiritual direction. They must always respect the rights and advance the welfare of each person.

1. Church Personnel shall not function beyond their qualifications and competence in counseling situations and shall refer the person to other professionals when appropriate.
2. Church Personnel should carefully consider the ramifications of entering into a counseling situation with someone with whom they have a pre-existing relationship.
3. Church Personnel must never engage in sexual intimacies with the persons they counsel. This includes consensual and nonconsensual contact, forced physical contact, and inappropriate sexual comments.
4. Church Personnel assume the full burden of responsibility for establishing and maintaining clear, appropriate boundaries in all counseling and counseling-related relationships.
5. Physical contact between Church Personnel and the persons they counsel can be misconstrued and is prohibited unless pastorally necessary and appropriate. (See Examples of Physical Contact on page 10.)
6. Sessions should be conducted in appropriate settings at appropriate times, i.e. in an office or common area with unobstructed windows or an open door and during day or early evening hours.
7. No sessions should be conducted in private living quarters.
8. 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.
9. Aside from pastoral visits to those who are sick and/or homebound, sessions should not be held in private residences.

Sexual Misconduct

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

1. Church Personnel who are committed to a celibate lifestyle are called to be an example of celibate chastity in all relationships at all times.
2. Inappropriately intimate relationships with minors, other staff, or parishioners are strictly prohibited.
3. Acquisition, possession, or distribution by Church personnel of any pornographic images, including those of minors under the age of eighteen, for any reason, by whatever means or using whatever technology, are strictly prohibited.
4. Church Personnel will follow the policy of the Diocese of Paterson in handling allegations of sexual abuse and reporting such allegations. The policy includes our obligations as citizens of New Jersey, our ***“Memorandum of Understanding Among Certain Organizations and the County Prosecutors Regarding Certain Offenses”*** and the ***Charter for the Protection of Children and Young People from the United States Conference of Catholic Bishops***.

Harassment and Bullying

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

1. Church Personnel shall provide a professional work and service environment that is free from physical, psychological, written, or verbal intimidation or harassment.
2. There will be zero tolerance of harassment or bullying of any kind, including, but not limited to, verbal harassment, gender bias, threats, sexual harassment, and foul language.
3. Harassment includes conduct such as any form of bullying or intimidation (including the use of electronic communication). Bullying is unreasonable behavior that generally is persistent, and that demeans, intimidates, and humiliates employees or volunteers, either as individuals or as a group.
4. Sexual harassment in the workplace is unlawful and we will not tolerate it there or in the course of volunteer service. Sexual harassment can and does vary in degree, from “locker room” jokes to explicit requests for sexual favors. Any behavior of this type, regardless of the degree, is prohibited and strictly against Diocesan policy.
5. The Diocese will not tolerate harassment or bullying by its employees, volunteers, parishioners, members of the clergy or religious, by the employees of companies with whom it does business, or from our visitors.
6. Sexual harassment does not refer to compliments of a socially acceptable nature. There are appropriate social relationships that can exist at work and in volunteer service that do not have a discriminatory impact. Rather, sexual harassment refers to behavior that is unwelcome or that is personally offensive.
7. Harassment can be a display of offensive materials, such as sexually explicit materials, pornography, expressions of hate and discrimination, sex or race based cartoons, etc.
8. All harassment and bullying must be taken seriously and reported to the appropriate supervising Church Personnel, the Office of Child and Youth Protection or Human Resources.
9. When there is an allegation of sexual harassment of an adult or child, the proper authorities, i.e., Human Resources or the General Counsel of the Diocese must be contacted immediately so that the allegations can be appropriately investigated.
10. When appropriate, the county prosecutor will be notified in accord with the Memorandum of Understanding.

11. It is inappropriate for the pastor, principal, agency staff or other parties to hold initial meetings convening all or even some of the parties involved. It is also inappropriate to investigate or attempt to broker a solution to the matter without first consulting Human Resources or the General Counsel of the Diocese.
12. The Diocese of Paterson's procedures as outlined in Employee Handbook for Employees of the Diocese of Paterson will be followed to protect the rights of all involved.

Rules for Children to follow:

In addition to our policies on the behavior of adults and those who aid in programs, we must also maintain a safe environment program among the children and teens themselves in our programs. The following behavior Code will support that safe environment for our religious education program. All adults will work to uphold these standards among our young people.

1. The use of the any electronic media, Internet, computers, iPads, tablets, video materials as well as any other hand-held electronic devices, including, but not limited to cell phones, music players, etc., must fall strictly within the guidelines of the religious education program.
2. There will be zero tolerance for disrespectful, violent, or abusive behavior of any type. Bullying, in particular, will not be tolerated.
3. There will be zero tolerance of harassment of any kind, including, but not limited to, verbal harassment, gender bias, threats, sexual harassment, and foul language.
4. There will be zero tolerance for substance abuse of any kind, including, but not limited to, drugs, inhalants, alcohol, and tobacco.
5. No object which may be construed as a weapon or use of said object as a weapon will be tolerated on-site at parish programs.

The consequences for the foregoing behavior will be immediate. Parents will be called to remove their child. As appropriate, according to the seriousness of the incident, the pastor, Director/Coordinator of Religious Education or the Coordinator of Youth Ministry, will inform the appropriate authorities, the including the NJ Child Protection & Permanency and appropriate diocesan staff.

The Director/Coordinator of Religious Education or the Coordinator of Youth Ministry will assess the incident. The Director may then decide that the child will not be re-admitted to the program until it has been determined to the satisfaction of the pastor that the child is not a danger to themselves or others and is likely to conduct themselves appropriately while participating in the program.

Examples of Physical Contact

The following forms of physical contact are generally regarded as appropriate.³

- Brief hugs initiated by a child
- Hand-shakes
- Sitting beside small children
- Verbal praise
- Pats on the shoulder or back
- "High-fives" and hand slapping
- Holding hands while walking with small children
- Holding hands during prayer

Examples of physical contact that are not appropriate include but are not limited to:

- Inappropriate or lengthy embraces
- Holding minors on the lap
- Any form of unwanted affection
- Touching knees or legs
- Tickling
- Any type of massage given by minor to adult
- Showing affection in isolated areas such as bedrooms, closets, staff-only areas or other private rooms
- Repeated "appropriate" touches
- Touching buttocks, breasts, genital areas or inner thigh
- Kissing
- Compliments that relate to physique or body development
- Wrestling
- Piggyback rides
- Any type of massage given by adult to minor
- Being in a bedroom alone with a minor

³ If at any time, an individual indicates that any of these forms of contact makes them uncomfortable, the contact should stop immediately.

Reporting Requirements

**IF YOU SUSPECT A CHILD IS IN IMMINENT DANGER FROM ABUSE,
PLEASE CALL 9-1-1 IMMEDIATELY.**

We want to be certain that everyone who serves in Church ministry, or any entity affiliated with the Diocese of Paterson, is aware of the strict obligation to report promptly any sexual abuse of a minor.

To report sexual abuse perpetrated by anyone, including a member of the clergy or a church employee or volunteer or if you receive information from any source so as to give you reasonable cause to suspect that a child has been subjected to abuse or neglect, you must **IMMEDIATELY**:

1. Contact New Jersey Child Protection and Permanency (CP&P):

- CP&P Hotline: 1-877-652-2873
 - <http://www.state.nj.us/dcf/contact/dcpplocal/>

State of New Jersey law requires that any person who suspects child abuse or neglect must report it immediately to the CP&P.

2. Next, please contact your County Prosecutor:

- Morris County: (973) 285-6200
- Sussex County: (973) 383-1570
- Passaic County: (973) 881-4800

3. Finally, please report this to the Diocesan General Counsel

- Ken Mullaney - 973-777-8818, ext. 240 or email: kmullaney@patersondiocese.org

“Immediately” in the above paragraphs means that it must be done without any delay whatsoever. This will allow you to follow the law and avoid the legal consequences of a delay in reporting. The obligation to report abuse is not subject to the consent of the victim, parent, legal guardian, or person aware of the abuse.

If you wish a fuller explanation of the requirements and the legal obligations we have, go to this link on our Diocesan website for the *Memorandum of Understanding between the County Prosecutors and the Dioceses of New Jersey*: <http://www.rcdop.org/memorandum>

Responding To Victims of Abuse

The Diocese does not investigate sexual abuse allegations. Investigation is the responsibility of law enforcement, as outlined above.

When any report or allegation involving sexual abuse or misconduct is received by the Diocese, it will be responded to immediately, but in no case will it be longer than one business day.

The Diocese does have a role in helping victims of sexual abuse. Victims may contact one of the Diocesan Response Officers:

Rev. Msgr. Mark T. Condon, JCD (973) 777-8818 X 205 or
Sister Theresa Lee, F.M.A. – 973-777-8818, X 248

The Diocese also has a professional Victim Assistance Coordinator:

Dr. Kenneth McNiel, (973) 879-1489
kmcniel@patersondiocese.org

Rational for the Code of Conduct

“Blessed are the pure of heart, for they will see God” Mt. 5:8

In the United States, the Catholic Church’s Charter for the Protection of Children and Young People calls for clear and well-publicized diocesan standards of ministerial behavior and appropriate boundaries for clergy and for all other church personnel in positions of trust who have regular contact with children and young people. (Article 6) This Code is a response to that call to integrity both in our relationships with children and young people as well as with the adult faith community.

Bishops, priests, deacons, pastoral ministers, administrators, staff, and volunteers in our parishes, schools, agencies, ministries, religious communities/institutes and organizations must uphold Catholic values and conduct that are rooted in the Gospel. We must be aware of the responsibilities that accompany our work while knowing that God’s goodness and grace support us in our ministry. We should and will be held accountable for our behavior. In order to maintain the highest level of accountability, each of us is required to abide by this Code which provides a set of standards outlining that which is appropriate and inappropriate behavior in pastoral situations.



Acknowledgement & Statement of Compliance

Code of Pastoral Conduct of the Diocese of Paterson Living and Working with Integrity

I have received a copy of, read and understand, the above Code of Pastoral Conduct for the Diocese of Paterson and commit to uphold this Code in my ministry and/or work. I realize and fully understand that any violation of the Code on my part will make me subject to disciplinary action and may result in the immediate termination of my employment or volunteer service.

Signature: _____

Date: _____

Print Name: _____

Email Address: _____

Phone: _____

Please choose the role(s) you serve in the Diocese:

☐ Priest
☐ Employee

☐ Deacon
☐ Volunteer

☐ Seminarian

Parish, School, Agency, Religious Community or Organization:

Location(s): _____