

BOOK 1: THE PEOPLE OF GOD

of the

Code of Particular Law of the Diocese of Austin

Published with Binding Instructions, and Supplemental Material

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of

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BOOK 1: THE PEOPLE OF GOD

Title 1: Priests

Numbering: The first digit of a section number indicates the Book, the second digit indicates the Title, and the third digit indicates the Chapter – e.g., Book 1, Title 1, Chapter 1, Section 01.

Terms: Definition of terms follows the convention described in the Preface of this Code of Particular Law.

Chapter 1: The Rights and Obligations of Priests

Section

- 111.01 Application. Unless expressed otherwise in a section, the norms of this Chapter apply only to priests who are:
- (a) incardinated in the Diocese of Austin; or
 - (b) entrusted with an ecclesiastical office or function by the Bishop of Austin.
- 111.02 The Spiritual Life of Priests.
- (a) Every priest is obliged to make an annual retreat of not less than four days; either a retreat sponsored by the Diocese or another retreat.¹
 - (b) The cost of the retreat is to be borne by the Parish or institution which the priest serves, not to exceed the amount specified in the instructions of the Local Ordinary.
 - (c) If a priest fulfills his retreat obligation at a retreat not sponsored by the Diocese, he is to inform the Vicar for Priests of the time and place of his retreat.
 - (d) Every priest is to have a spiritual director. Upon request, the Minister for Priests is to assist priests in finding a spiritual director.
 - (e) Priests are urged to approach the sacrament of penance frequently.²
 - (f) Priests are strongly encouraged to attend the Advent and Lenten days of prayer sponsored by the Diocese.
 - (g) Priests are encouraged to foster fraternal relations with other priests by means of gatherings for prayer, priestly support groups, and associations which are in keeping with their ministry as priests.³
- 111.03 The Continuing Formation of Priests.
- (a) A priest may not be absent from the annual priest convocation except for a just cause and with the previous permission of the Local Ordinary.

¹ See c. 276

² See c. 276

³ See c. 278

- (b) Priests are encouraged to attend the summer gathering of priests hosted by the Diocese.
- (c) The cost for each priest to attend the convocation and summer gathering is borne by the Parish or institution which he serves, not to exceed the amount specified in the instructions of the Local Ordinary.
- (d) An additional allowance for expenses relating to continuing education is to be made available to each priest by the Parish or institution which he serves not to exceed the amount specified in the instructions of the Local Ordinary.

111.04 Vacation and Time Off.

- (a) Every priest is entitled to 30 days of vacation each calendar year.⁴
- (b) The time required for the annual retreat is not computed as part of the 30 days of vacation.
- (c) Time dedicated to pilgrimages is computed as part of the 30 days of vacation.
- (d) Travel time for vacation is included as part of the 30 days of vacation.
- (e) Vacation in excess of 30 days requires the permission of the Local Ordinary.
- (f) In addition to the 30 days of vacation granted to a priest, every priest is entitled to 1 day off each week. He is urged not to omit his weekly day off.
- (g) A priest incardinated in the Diocese or holding an office in the Diocese may not be absent from the Diocese for more than 1 month without the permission of the Local Ordinary.
- (h) Expenses related to the vacation of a priest are the personal responsibility of the priest.

111.05 Other Rights and Obligations.

- (a) Every priest is encouraged to have an annual physical.
- (b) The Diocese will ensure that priests have access to mental health care as necessary.
- (c) Priests are to wear suitable ecclesiastical garb while engaged in the exercise of their ministry.⁵
- (d) A Pastor or Parochial Vicar does not have authority to lend Parish funds to himself or to any other person.
- (e) Priests may not engage in commerce or trade, either for their own benefit or that of others, without the permission of the Local Ordinary.⁶
- (f) Priests incardinated in the Diocese must participate in the social security system and may not withdraw from participation, even if permitted to do so by civil law.

⁴ See. cc. 283, 533, 550

⁵ See c. 284

⁶ See c. 286

- (g) Every priest incardinated in the Diocese is to provide the following documents to the Chancellor:
 - (1) a will, which is to be updated at least once every 10 years;
 - (2) an inventory of personal material belongings;
 - (3) a written statement specifying the location of financial documents which are not otherwise listed or defined in the priest's will;
 - (4) a list, including names and addresses, of the priest's next of kin;
 - (5) a copy of any medical power of attorney or advance directive to physicians; and
 - (6) instructions regarding the priest's preferences regarding his funeral liturgy and burial.
- (h) Each document listed in Subsection (g) is to be placed in a separate envelope with the title of the document on the envelope and are to be archived with the Chancellor in the Diocese's Archives.

Chapter 2: Financial Support of Priests

Section

- 112.01 Application. Unless expressly stated otherwise, the norms in this section apply only to priests incardinated in the Diocese.
- 112.02 Agreements for Priests Not Incardinated in Diocese. The Local Ordinary is to enter into agreements which govern the financial support of priests not incardinated in the Diocese who have a priestly assignment in the Diocese.⁷
- 112.03 Definitions of Remuneration and Sustenance.
 - (a) “*Remuneration*” means payment, in the form of money or benefits, to priests who dedicate themselves to ecclesiastical ministry by which they provide for the necessities of their life and for the equitable payment of those whose services they need.⁸
 - (b) “*Sustenance*” means care, in the form of money or benefits given to a priest who does not receive Remuneration in order to sustain or support his necessities to live simply as is appropriate for his state.⁹
 - (c) The right to receive, the form of, and the amount of Remuneration is determined by the norms in this Chapter and by the instructions issued by the Local Ordinary.
 - (d) The right to receive Sustenance is determined by the norms in this Chapter. The amount and form of the Sustenance is determined by the Diocesan Bishop as he determines appropriate and reasonable under the circumstances.

⁷ These agreements are entered into with the individual or with the relevant diocese or religious community according to the circumstances. “*Priestly assignment*” means an ecclesiastical office, ministry, or function which the Diocesan Bishop formally entrusts to a priest, or to which the priest dedicates himself at the direction of the Diocesan Bishop.

⁸ See c. 281.

⁹ The amount of Sustenance includes consideration for living quarters; utilities for electricity, water, sewer, and garbage services; food; healthcare; clothing; telephone; transportation; typical personal items; and reimbursement of other expenses which may be granted on a case-by-case basis.

112.04 Entitlement to Remuneration or Sustenance.

- (a) Priests in any of the following categories are to receive Remuneration.
 - (1) Priests assigned to a Parish in the Diocese as a Pastor or Parochial Vicar.
 - (2) Priests assigned to the Diocese's offices.
 - (3) Priests assigned as Chaplains or Rectors in the Diocese.
 - (4) Priests assigned to serve in another diocese or in an institution in the Diocese or another diocese that offers Remuneration to the priest. If the other diocese or institution offers less Remuneration than given to priests in the Diocese, the Diocesan Bishop and the assigned priest will enter into an agreement as to whether or not the Diocese will supplement the Remuneration offered by the other diocese or institution.
 - (5) Priests who are assigned to complete advanced studies. The Diocesan Bishop and the assigned priest will enter into an agreement as to whether or not the Remuneration will decrease by the amount of other benefits the priest receives.
 - (6) Priests who, with the express permission of the Diocesan Bishop, are: (i) on a nonrecurring temporary leave of absence; (ii) on a sabbatical; or (iii) participating in a nonrecurring health or wellness program. The amount of Remuneration may be modified by agreement between the Diocesan Bishop and the priest based on the circumstances of each case.
 - (7) Priests who dedicate themselves part time to an assignment in the Diocese and part time to another ministry from which they also receive Remuneration will enter into an agreement with the Diocesan Bishop about the amount of Remuneration they are to receive from the assignment in the Diocese according to equity and the circumstances of each situation.
- (b) Priests incardinated in the Diocese in any of the following categories are to receive Sustenance rather than Remuneration to the extent that their other means of support are insufficient for their Sustenance.
 - (1) Priests who are able to serve in a priestly assignment and who refuse a legitimate priestly assignment.
 - (2) Priests who are not able to serve in a priestly assignment because of a canonical irregularity, impediment, or penalty other than dismissal from the clerical state.
 - (3) Priests who are not able to serve in a priestly assignment on a long-term or permanent basis because of a physical or mental infirmity.
 - (4) Retired Priests.¹⁰
- (c) Priests formerly incardinated in the Diocese who are dismissed from the clerical state do not receive Remuneration or Sustenance. Any entitlement to a pension benefit in a pension plan are governed by the terms of the pension plan.

112.05 Responsibility for the Cost of Clergy Support.

- (a) If a priest is assigned full time to a Parish, the Parish is responsible for the cost of his Remuneration.
- (b) If a priest is assigned full time to the Diocese's offices, the Diocese is responsible for the cost of his Remuneration.
- (c) If a priest is assigned part-time to a Parish and part-time to the Diocese's offices or other institution, the Parish and the Diocese, or other institution, will enter into an agreement related to the equitable division of the cost to provide the Remuneration.

¹⁰ Financial support (Sustenance) of Retired Priests is addressed in Chapter 4 of this Title.

- (d) If a priest maintains a part-time schedule when assigned to a Parish or other institution because of medical conditions or other limiting conditions, the Parish or other institution and the Diocese will enter into an agreement with the Diocese related to the equitable division of the cost to provide the Remuneration.
- (e) If a priest is assigned to complete advanced studies which removes the priest from a priestly assignment on a temporary or periodic basis, the Diocese and the place of the priest's assignment will enter into an agreement related to the equitable division of the cost of the priest's Remuneration.
- (f) If a priest is on a temporary leave of absence, sabbatical, or participating in a health or wellness program, the place of the priest's assignment will continue to incur the costs of providing the priest's Remuneration. If the priest has no assignment, the Diocese will incur the costs of Remuneration.
- (g) Except as otherwise provided in this Code of Particular Law, the Diocese bears the cost of providing Sustenance to priests.
- (h) Pension contributions into and entitlement to pension payments from the Austin Pension Plan and Trust for Priests (APP&T) is governed by the APP&T's governing documents. Without prejudice to the responsibility of the Diocesan Bishop under canon law, the APP&T provides for the support of Retired Priests incardinated in the Diocese. Sustenance to Retired Priests is ordinarily provided through the Austin Pension Plan and Trust and the subsidized food and housing available at the John Paul II Residence for Priests.

112.06 Amount and Form of Remuneration.

- (a) These norms on the amount of Remuneration apply to the following priests:
 - (1) priests incardinated in the Diocese who are entitled to Remuneration according to the norms of this Chapter; and
 - (2) other priests who have been formally entrusted by the Diocesan Bishop with a full-time ministry, unless an agreement between the Diocese and the other priest, his diocese, or his religious community makes other provisions regarding Remuneration.
- (b) Priests are to receive a salary in the amount indicated in the instructions of the Local Ordinary.
 - (1) Except as specifically provided by this Code of Particular otherwise or as the Local Ordinary may grant by agreement, by canonical instruction, or in specific circumstances, Parishes, Catholic schools, and institutions in the Diocese may not give a salary to a priest which is greater or lesser than this amount.
 - (2) If a Parish, Catholic school, or institution is unable to pay the required salary, the Pastor, Parochial Administrator, Superintendent, or administrator of the institution should notify and consult with the Vicar General.
 - (3) Payments to priests under a different character, nature, or name, are prohibited unless specifically authorized in these norms, or specifically permitted by the Diocesan Bishop.
- (c) Priests are entitled to a suitable place of residence.
 - (1) Except as otherwise permitted by law, every Parish is to own a rectory within the Parish boundaries suitable for use of the priest(s) who serve the Parish.
 - (2) The Parish is responsible for the cost of maintaining the rectory.
 - (3) Priests may not receive a housing allowance from the Parish to be applied to the purchase of a priest's own dwelling or other property.

- (d) Priests are entitled to receive reasonable health insurance. The Local Ordinary determines the terms and coverages which are to be provided.
 - (1) The Diocese is to invoice each Parish or institution where a priest is serving to pay the priest's health insurance premium.
 - (2) It is the responsibility of the Parish or institution to pay the premiums for each priest who serves at the Parish or institution.
 - (3) In the case of priests whose community or religious institute maintains separate health insurance coverage for the priests in the community, the Parish or institution will pay the same premium amount (as would have been invoiced by the Diocese if the priest was enrolled in the Diocese's coverage or plan) to the priest's community for the priest's health insurance.
- (e) The Diocese is to invoice each Parish or institution for its contributions to the pension fund maintained by the Diocese that benefits Retired Priests.¹¹
- (f) The norms of universal and particular law are to be observed in all matters regarding Mass stipends and other offerings.
- (g) The amount of Remuneration which Parishes may offer to priests not assigned to the Parish for periodic or occasional ministry in the Parish is set in the instructions of the Local Ordinary.
- (h) Priests are entitled to receive reimbursement for the following expenses to the extent that such expenses are reasonable:
 - (1) expenses related to the professional use of 1 personal automobile, including gas, maintenance, minor repairs, insurance, inspection, taxes, license fee, parking fees and tolls;¹²
 - (2) expenses for equipment necessary for the exercise of the priest's ministry, as well as business-related expenses, but excluding items for personal use;
 - (3) costs of a plan for 1 mobile phone that provides sufficient minutes and data for related calls necessary for the priest's ministry;
 - (4) expenses for clothing as are authorized in the instructions of the Local Ordinary regarding reimbursement for priests' clothing;
 - (5) expenses for dues, subscriptions, or books which strengthen or support priestly life and ministry; and
 - (6) expenses for continuing education in an amount not greater than the amount specified in the instructions of the Local Ordinary.
- (i) Upon reassignment of a priest, the Parish or institution he is leaving shall pay or reimburse the priest's reasonable expenses for moving, not to exceed the amount established in the instructions of the Local Ordinary.
- (j) A priest is not entitled to receive reimbursement for other expenses not mentioned in this section.¹³

¹¹ The Austin Pension Plan and Trust for Retired Priests.

¹² As a general rule, a repair costing more than 25% of the retail value of the car is not considered minor as reasonably determined based on acceptable sources such as NADA or Kelly Blue Book.

¹³ Non-reimbursable expenses include but are not limited to: (i) the cost of purchasing an automobile, (ii) the cost of operating and maintaining a second automobile, (iii) the purchase price of a cell phone, (iv) the cost of personal

- (k) To be eligible for reimbursement, expenses must meet the conditions laid down in civil law to be a non-taxable accountable plan.¹⁴
- (l) The Parish or institution and the priest are to maintain the invoice or receipt as a record for 5 years.
- (m) When incurring reimbursable expenses, the amounts must be reasonable, and the Parish and priest must exercise good stewardship and prudence related to the purchase of such items and these expenditures should be authorized first by the Parish or institution's budget.

Chapter 3: Priest Sabbaticals

Section

113.01 Application. The norms of this Chapter apply only to priests incardinated in the Diocese.

113.02 Description of a Sabbatical. A sabbatical is an educational leave for 3 to 4 months, in which a priest takes time off from the responsibilities of his assignment to pursue a specific program of formation or a combination of different elements which fit the particular personal and ministerial needs of the priest. A sabbatical is distinguished from:

- (a) a vacation that is used solely for rest, relaxation, and recreation;
- (b) a retreat that is oriented solely toward spiritual renewal;
- (c) sick leave which is intended for the recovery of physical health;
- (d) pursuit of a graduate degree program for the purpose of specific professional development; or
- (e) a shorter program of either spiritual or intellectual pursuit.

113.03 Eligibility for a Sabbatical.

- (a) Priests incardinated in the Diocese who have completed their 10th year of ordination are eligible for a sabbatical.
- (b) Subsequent sabbaticals can be made at 7-year intervals.
- (c) Priests incardinated into the Diocese less than 10 years are eligible for a sabbatical based on the same criteria provided they have served in the Diocese for at least 5 years.

113.04 Procedures for Application for Sabbatical.

- (a) To take a sabbatical, a priest must submit an application to the Vicar for Priests at least 1 year in advance of the sabbatical program.

clothing,(v) vacation expenses, (vi) educational expenses not provided for by these norms, (vii) cigarettes, (viii) personal care items and toiletries, (ix) international personal long distance calls, (x) cell phone expenses related to personal use, (xi) health insurance deductibles, co-pays, or co-insurance, (xii) personal fines or fees such as speeding tickets, (xiii) gym membership or personal trainer, (xiv) cost of cable over basic subscription, and (xv) subscription streaming services or other personal entertainment expenses.

¹⁴ These conditions are laid out in *IRS* pub. 463: The items reimbursed must have a business-related purpose, they must be supported by an invoice, bill, or receipt showing the date, total amount, and purpose of the expenditure, the reimbursement must match the actual cost of the expenditure, and the reimbursement must be requested and received before the end of the applicable tax year.

- (b) Applications for sabbaticals are evaluated and approved by the Vicar for Priests and confirmed by the Diocesan Bishop.

113.05 Arrangements during the Absence of a Priest for a Sabbatical.

- (a) Before taking an approved sabbatical, a priest must: (i) make arrangements for coverage by a priest(s) at his priestly assignment during his sabbatical; and (ii) obtain the approval of the Local Ordinary of such arrangements.
- (b) It is for the Diocesan Bishop, if necessary, to appoint a Parochial Administrator during the absence of a Pastor on sabbatical.

113.06 Coverage of Sabbatical Expenses.

- (a) The Diocese, the Parish, or institution served by the priest, and the priest himself, are each to pay one-third of the total expense of the sabbatical. The maximum amount of each contribution from the Diocese and the Parish or institution, may not to exceed the amount defined in the instructions of the Local Ordinary.
- (b) The Parish or institution served by the priest will cover the salary and benefits for both the priest on sabbatical and the priest who is replacing him during the time of sabbatical. Parishes that cannot afford such expense should inform the Vicar for Priests during the application process.

Chapter 4: Retirement of Priests and Care of Retired Priests

Section

114.01 Application. The norms of this Chapter apply only to priests incardinated in the Diocese.

114.02 Requesting Retirement at Age of Retirement.

- (a) Priests may retire upon reaching the age of 70 by submitting a letter of resignation to the Diocesan Bishop and requesting retirement status.
- (b) Upon reaching the age of 75, priests are to submit a letter of resignation to the Diocesan Bishop.
- (c) If a priest, having reached the age of 75, and having submitted his letter of resignation, wishes to continue to serve, he is to communicate a request to continue to the Diocesan Bishop. After weighing the circumstances pertaining to the health and ministry of the priest, the Diocesan Bishop will decide whether or not to accept the resignation or permit the priest to continue to serve.
- (d) Priests continuing to serve after having reached the age of 75 are to review their health and ministry with the Diocesan Bishop every year. They are to submit their resignation at this annual meeting if asked to do so.
- (e) A priest may request retirement status before the age of 70 by submitting his request to the Diocesan Bishop if such status is necessary for medical or personal reasons.

114.03 Support for Retired Priests.

- (a) The *Austin Pension Plan and Trust* supports Retired Priests incardinated in the Diocese of Austin according to its governing documents. The Vicar for Priest is to make a copy of these documents available to priests who request it.
- (b) “*Retired Priest*” means a priest incardinated in the Diocese who has reached the Normal Age of Retirement according to the governing documents of the Austin Pension Plan and Trust or who is a Retired Participant as defined in the same governing documents, and who no longer maintains a priestly assignment.
- (c) The Diocese provides subsidized housing and food to Retired Priests at the St. John Paul II Residence for priests in amounts determined by the Local Ordinary.
- (d) The Diocese provides for reasonable health care coverage for Retired Priests which may include supplemental coverage combined with Medicare coverage, as the Local Ordinary determines.

114.04 Additional Support for Long Term Care. When a priest can no longer live independently, and specialized care is needed, the priest is to contribute his pension and social security benefit toward the cost of assisted living or nursing home care. The Diocese will pay the remainder of the cost. If the Diocese is to pay the remainder of the cost of this care, the Local Ordinary will determine the facility at which the priest is to receive the care, and the level of care which he is to receive.

114.05 Funeral Expenses. The estate of the priest is to cover the cost of the priest’s funeral. The Diocese will cover the cost of funeral only if the priest's estate is not able to do so and the amount is reasonable and approved by the Local Ordinary.



Instruction on the Financial Support of Priests

Re: Book 1, Title 1, Code of Particular Law of the Diocese of Austin

The particular law of the Diocese of Austin ("Diocese") outlines the kinds of financial support provided to priests. This instruction contains the norms which govern certain amounts of financial support permitted by the particular law of the Diocese. Parishes and institutions in the Diocese may not adopt different amounts. The following applies to all priests unless a proper agreement exists governing these items for a particular priest (e.g., agreement with religious communities or other dioceses for extern priests). The Local Ordinary issues these instructions and revokes all prior instructions on financial support of priests.

1. Remuneration for Priests from outside the Assigned Parish or Institution.

1.1 Weekend Ministry. A priest may receive the following on weekend for ministry outside his assigned place of priestly ministry:

- (a) \$50 for each weekend Mass;
- (b) \$25 for Sacrament of Penance;
- (c) a reimbursement for mileage at the IRS if the priest is a Retired Priest [priests in active ministry do not receive mileage reimbursement]; and
- (d) the applicable Mass stipends of \$5 per Mass per day.

1.2 Weekday Ministry. A priest may receive on weekdays for ministry outside his assigned place of priestly ministry:

- (a) \$25 for each weekday Mass;
- (b) a reimbursement for mileage at the IRS rate if the priest is a Retired Priest [priests in active ministry do not receive mileage reimbursement]; and
- (c) the applicable Mass stipends of \$5 per Mass per day

2. Retreats, Days of Prayer, Convocations.

If a priest makes a retreat other than a retreat provided by the Diocese, he may be reimbursed not more than the amount charged for that calendar year's Diocesan retreat. The priest is personally responsible for all additional expenses.

3. Continuing Education.

The additional yearly allowance available to a priest by the Parish or institution he serves for continuing education purposes is \$1,200. The continuing education allowance may be used for conferences, books, software, online courses, travel and lodging expenses for continuing education, and other expenses for continuing education.

4. Priest Salary.

The monthly salary for a priest in active ministry is \$2,700.

5. Sabbatical Contributions.

The priest, Parish or place of priestly assignment, and the Diocese will each contribute one-third of the cost of a sabbatical, not to exceed \$6,000 from each.

6. Moving Expenses.

Priests who move from one assignment to another may be reimbursed not more than \$500 for their moving expenses.

7. Clothing.

7.1 Vestments, Albs, and Cassocks. Except for the cost of an alb as set forth in this provision, vestments or cassocks purchased at the expense of a Parish or other place of the priestly assignment, whether directly or by reimbursement, belong to the Parish or place of priestly assignment. A priest is obliged to personally bear the cost of any vestments he retains as his own. A Parish or place of the priestly assignment may reimburse a priest the reasonable cost of an alb if the reimbursement does not occur more than once every 3 years and the reimbursement does not exceed \$300.

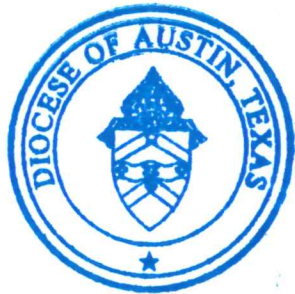
7.2 Clerical Attire. A Parish or place of priestly assignment may reimburse a priest the cost of:

- (a) clerical shirts not to exceed \$300 in any one calendar year;
- (b) clerical pants not to exceed \$160 in any one calendar year; and
- (c) a clerical suit not to exceed \$800 once every 3 years.

7.3 Personal Clothing. A Parish or place of priestly assignment may not reimburse a priest the cost of personal clothing.

Given at Austin, at the seat of the Diocesan Curia, the 1st day of July 2025.

RWL
Deacon Ron Walker, Chancellor



Very Reverend James Misko, Vicar General

Supplemental Material

Re: Book 1, Title 1: Priests
Code of Particular Law of the Diocese of Austin

1. Mass Stipends

- 1.1 The law governing Mass stipends can be found in the *Code of Canon Law*, cc. 945-958 and is summarized below.
- 1.2 The Christian faithful may give an offering to apply a Mass for their intention (c. 946). This is an offering that contributes to the good of the Church and share in the support of the Church and its ministers. It is not a price paid for a Mass, and any appearance of trafficking in Mass intentions is to be avoided (c. 947). Parish staff should be trained to refer to the stipend as an offering and should avoid using expressions such as “buying” or “price” for a Mass or Mass intention. Priests and Parishes should accept a Mass intention even if no stipend is offered, especially in the case of the needy (c. 945).
- 1.3 Pastors of Parishes are obliged to offer a Mass for the people of their Parish (*pro populo*) once on each Sunday and each holy day of obligation. A priest who is Pastor of more than one Parish may offer a single Mass for the people of all his Parishes (c. 534). A Pastor does not receive a stipend for the Mass for the people, but may receive a stipend for another Mass, if he celebrates a second Mass on the same day. The obligation to offer a Mass for the people on Sundays and holy days is a personal obligation of the Pastor, who must offer the Mass himself unless legitimately impeded (c. 534). The law does not envision that a Parochial Vicar or other priest would be offering the Mass for the people unless the Pastor is for some reason unable to do so.
- 1.4 The general rule is that a separate Mass must be offered for each stipend received (c. 948). Generally, it is contrary to the law to accept intentions from multiple different people and to attempt to satisfy them with a single Mass. It is contrary to law, for example, for a Parish to accept two or three intentions for each Mass. The exception to this rule is that a Mass with a collective intention is permitted no more than twice each week if the persons making the offering are informed and give their consent that only one Mass will be offered for multiple intentions (Decree of the Congregation for the Clergy, *Mos iugiter*, Feb. 22, 1991). It is permissible for a Parish to designate up to two Masses each week for collective intentions if the aforementioned permission is obtained. If a collective Mass intention is offered, the priest is permitted to keep for himself only one of the stipends. The other stipends are to be transferred to the purposes designated by the Local Ordinary, as described below. If an individual requests a single Mass to be offered for multiple intentions or individuals (e.g. “for both of my parents,” “for the Parish staff,” “for the seminarians of our Diocese”) it would not be considered a collective Mass intention.
- 1.5 The amount of the offering which may be requested is determined by the Bishops of the Province, which is currently set for the province in which the Diocese of Austin is located at \$5 (c. 952). It is not permitted to ask for a greater sum, although a greater sum may be accepted if it is offered spontaneously (c. 952). If a greater sum is offered, the presumption is that the number of Masses to be offered is to be computed according to the established \$5 offering unless the intention of the donor can legitimately be presumed to have been for a lesser number of Masses. For example, if someone offers \$100 for a Mass intention, the presumption is that 20 Masses are to be offered for that intention, unless it can be presumed that the donor intended otherwise (c. 950).
- 1.6 If a priest celebrates multiple Masses in a single day, or if he celebrates a Mass for a collective intention, he is generally entitled to keep only one stipend for himself. The exception is Christmas

Day, when a priest is entitled to celebrate three Masses (one in the night, one at dawn, and one during the day) and to retain a stipend for each Mass he celebrates. The other stipends are to be applied to the purposes designated by the Local Ordinary (c. 951). In the Diocese of Austin, the Local Ordinary has designated three options for excess Mass stipends: i) they may be transferred to the Parish, (ii) they may be sent to help the missions, or (iii) they may be sent to the Diocese to be redistributed to Parishes without sufficient Mass intentions, or to be used for the support of retired clergy or seminarians.

2. Faculties

2.1 Faculties are granted to individual priests through their *pagella* and letters of appointment. Each priest should consult his own *pagella* and appointment letter for the precise faculties granted to him. For reference, the faculties normally granted in the Diocese of Austin to priests (either by the Diocesan Bishop or by universal canon law) are listed below.

2.2 The following faculties are usually granted to all priests in good standing:

- (a) to celebrate Mass twice on weekdays for a just cause, or even three times on Sundays and holy days of obligation in case of pastoral necessity (see c. 905.2);
- (b) to grant an individual, for a just cause, a dispensation for observing the Eucharistic fast (see c. 919.1);
- (c) to hear confessions habitually. This faculty may be exercised anywhere in the world unless the Local Ordinary has denied it in a particular case (see cc. 967.2, 969.1);
- (d) to absolve, within the sacrament of confession, from an undeclared censure of excommunication incurred *latae sententiae* for procuring a completed abortion;
- (e) to grant dispensation for himself from the obligation to recite the Liturgy of the Hours except for either morning prayer or evening prayer whenever he participates in:
 - a Mass celebrated or presided over by the Diocesan Bishop;
 - a jubilee Mass;
 - a Mass offered on the occasion of an ordination, religious investiture or profession;
 - a confirmation or Forty Hours;
 - a cursillo, retreat, or day of recollection;
 - the hearing of confession for more than two hours; or
 - trination.
- (f) to grant dispensation for himself from the entire Liturgy of the Hours on Holy Saturday, Easter Sunday, Christmas Eve, and Christmas Day, if he participates in the Easter Vigil service or a Midnight Mass respectively;
- (g) to administer confirmation in danger of death (c. 883.3);
- (h) to celebrate the Mass according to the approved liturgical books (c. 900); and
- (i) to preach the word of God everywhere, with at least the presumed consent of the rector of the church (c. 764).

2.3 The following faculties are usually granted to Pastors:

- (a) to administer confirmation to adults whom they baptize, or receive into the full communion of the Church, within the boundaries of their Parish, and within the same liturgical celebration (c. 882.2);
- (b) to dispense an individual, for a just cause, and in particular cases, from observance of a holy day of obligation or a day or penance, or to commute the observance into another pious work, provided that this faculty is exercised for the benefit of a parishioner or for anyone actually present within the Parish boundaries (c. 1245);
- (c) to assist at marriages within the boundaries of the Parish (c. 1108);
- (d) to delegate to other priests and deacons the faculty to assist at marriages within the boundaries of the Parish. This faculty may be delegated for a specific marriage, or even generally. In the latter case, it must be given in writing. (c. 1111);
- (e) to dispense from private vows, or to commute them to a lesser good provided no injury is done to the acquired rights of others and provided that this faculty is exercised in favor of a parishioner, or anyone actually present within the Parish boundaries (c. 1196, 1197);
- (f) to baptize those who have completed their 14th year (c. 863);
- (g) to allow funeral rites for an unbaptized child, if the parents had intended to have the child baptized (c. 1183.2); and
- (h) to allow funeral rites for a baptized person belonging to a non-Catholic church or ecclesial community, provided this is not clearly contrary to the wishes of the deceased and provided a minister of the faith of the deceased is not available (c. 1183.3).

2.4 The following faculties are usually granted to Parochial Vicars:

- (a) to baptize those who have completed their 14th year (c. 863);
- (b) to receive baptized non-Catholics into the full communion of the Catholic Church;
- (c) to administer confirmation to adults whom they baptize, or receive into the full communion of the Church, within the boundaries of their Parish, and within the same liturgical celebration (c. 882.2);
- (d) to dispense an individual, for a just cause, and in particular cases, from observance of a holy day of obligation or a day or penance, or to commute the observance into another pious work. The faculty may be exercised for the benefit of a parishioner, or for anyone actually present within the Parish boundaries (c. 1245);
- (e) to assist at marriages within the boundaries of their Parish (c. 1111);
- (f) to delegate other priests or deacons the faculty to assist at marriages, but only in individual cases and for specific marriages (c.137.3);
- (g) to allow funeral rites for an unbaptized child, if the parents had intended to have the child baptized (c. 1183.2);
- (h) to allow funeral rites for a baptized person belonging to a non-Catholic church or ecclesial community, provided this is not clearly contrary to the wishes of the deceased and provided

a minister of the faith of the deceased is not available (c. 1183.3); and

- (i) to dispense from private vows, or to commute them to a lesser good provided no injury is done to the acquired rights of others. This faculty may be exercised in favor of a parishioner, or anyone actually present within the Parish boundaries (c. 1196, 1197).

3. Tax Issues for Priests

- 3.1 *General.* Income and other taxes are governed by civil law, which should always be consulted. The information in this section may assist priests and Parishes in understanding tax issues related to priests.
- 3.2 *Income Taxes.* All Diocesan priests (incardinated and extern) employed by Parishes and Diocesan institutions and religious priests (including externs) employed by Parishes and Diocesan institutions who receive direct compensation (paycheck made in priest's name) are considered "employees" for income tax purposes.
 - (a) They are to receive a W-2 Form from the Parish or institution, which includes salary, allowances, and Mass stipends (if paid to the priest by a Parish check).
 - (b) The W-2 should be filled out by the employing institution by January 31 for the previous year's income.
 - (c) The foregoing does not apply to religious priests who do not receive direct compensation from the Parish (e.g., religious orders receive a contractual fee from the Parish or Diocese in lieu of compensation to priests).
- 3.3 *Social Security Tax.* The Internal Revenue Service treats priests as "self-employed" for social security purposes.
 - (a) The priest is responsible for the entire social security tax payment.
 - (b) Diocesan and extern priests must participate in the social security system and may not opt out.
- 3.4 *Exemption for religious priests.* Religious priests are exempt from taxes due to their vows of poverty and the fact that any compensation for services in ministry is paid to and belongs to the priest's community. In rare circumstances, religious priests may be instructed by their communities to receive the compensation and pay the tax as if the compensation belonged to the priest.
- 3.5 *Withholding.* Priests have the option to have taxes withheld from their regular paychecks; or to file quarterly tax payments (*Form 1040 ES*). If a priest opts for the Parish to withhold, he must complete Form W-4 at the beginning of the year, declaring the amount to withhold, based on his estimated total taxable compensation (salary, stipends, earned income, etc.) and not solely on his salary.
- 3.6 *Mileage Log.* It is prudent for a priest to maintain a mileage log. It may assist the priest illustrate to the Internal Revenue Service that the vehicle is used entirely or mostly for ministerial purposes. It may help avoid questions from the Internal Revenue Service about the reimbursements and use of the vehicle.

- 3.7 *Stipends, Mass Intentions, Stole Fees.* Stipends, Mass intentions, and stole fees are taxable income. The priest should account for the receipt of such Remuneration and report such income on his 1040.
- (a) The Parish must include stole fees, Mass intentions, and stipends paid by the Parish in the priest's gross wages and report it in his annual W-2.
 - "Stipends" include Mass stipends and payments for other services.
 - "Stole fees" are gifts in connection with a priestly service.
 - (b) If a person gives a priest a gift in exchange for or in thanksgiving for a priestly service, it is taxable income to the priest (regardless of whether the gift was solicited). Gifts that are not taxable are those gifts that are not related to priestly service from the faithful (e.g., Christmas gift, birthday gift, etc.)
- 3.8 *Fair Rental Value for Housing.* The fair rental value of a rectory is excludable only for federal income tax purposes.
- (a) The priest must include the amount of the fair rental value of a rectory for Social Security of Medicare coverage purposes.
 - (b) The fair market value (FMV) of the rental value of the priest's rectory should be estimated and reported as additional income.
 - (c) Each Parish should evaluate the specific living situation of its priests to determine the fair market rental amount to report.
 - (d) It is prudent to keep the calculations for arriving at the FMV on file.
 - (e) The Parish is required by the Internal Revenue Service to provide the Pastor with a FMV Letter at the time he is provided a W-2.

Title 2: Deacons

Numbering: The first digit of a section number indicates the Book, the second digit indicates the Title, and the third digit indicates the Chapter – e.g., Book 1, Title 2, Chapter 1, Section 01.

Terms: Definition of terms follows the convention described in the Preface of this Code of Particular Law.

Chapter 1: The Rights and Obligations of Deacons

Section

- 121.01 Application. Unless otherwise evident, the provisions of this Title apply only to permanent deacons. Transitional deacons are governed by the norms of universal law, and by the instructions issued for seminarians by the Local Ordinary.
- 121.02 The Spiritual Life of Deacons.
- (a) Deacons are obliged to make an annual retreat of at least 40 continuous hours. It is earnestly recommended that each deacon make a longer retreat of at least 5 days.
 - (b) Deacons are to have a spiritual director, who is to be a priest or a spiritual director who has completed a course of study in spiritual direction sponsored by the Diocese or who has been otherwise approved by the Diocesan Bishop.
 - (c) Deacons are to meet with their spiritual director at least once every 2 months unless excused by a just cause.
 - (d) Deacons are encouraged to participate daily in the Most Holy Eucharist, to approach the sacrament of penance frequently, and to cultivate mental prayer.
 - (e) Deacons are obliged to pray the liturgy of the hours according to the norms issued by the United States Conference of Catholic Bishops.
- 121.03 The Continuing Education of Deacons.
- (a) Deacons are obliged to engage in at least 30 hours of ongoing education each year in theology, canon law, or other disciplines useful to their ministry.
 - (b) At least 12 of the required hours of ongoing education must be in a formal educational program such as a formation program offered by the Diocese, courses taught through an institute of higher education, or other formal organized educational program. The remaining 18 hours may be self-study.
 - (c) Deacons are obliged to attend the annual convocation for deacons, unless excused by the Director of Diaconal Ministry for a just cause.
 - (d) Each year, before March 31, each deacon is obliged to submit a written report to the Director of Diaconal Ministry indicating how he fulfilled the obligation of retreat, spiritual direction, continuing education during the previous calendar year, and other information reasonably requested by the Director of Diaconal Ministry.

121.04 Other Rights and Obligations of Deacons.

- (a) When engaged in ministry, deacons are to wear clothing that is neat, clean, modest, dignified, and appropriate to the occasion.
- (b) Deacons may not wear clerical attire except when the Local Ordinary permits.
- (c) The proper spoken style for a deacon is "Deacon." The proper written style is "Deacon."
- (d) A deacon incardinated in the Diocese is not to be absent from the Diocese for more than 1 month without at least the presumed permission of the Local Ordinary.
- (e) Except as explicitly permitted by the liturgical books, deacons are not to utilize anointing with oils in prayer or devotional contexts in order to avoid all confusion with the sacraments.
- (f) Deacons are to submit a funeral planning form to the Director of Diaconal Ministry.

Chapter 2: The Assignment of Deacons to Ministries

Section

- 122.01 Serve at will of Diocesan Bishop. Unless a deacon's assignment is to a canonical office and the law provides otherwise, each deacon in the Diocese is freely assigned to and freely removed from ministries by the Diocesan Bishop.
- 122.02 Obligation to Accept Assignment. Deacons are obliged to accept assignments from the Diocesan Bishop unless excused by a just cause.
- 122.03 Parish Ministry. When a deacon is assigned to a Parish as a ministry, he is to assist the Pastor of the Parish by carrying out the ministry under the direction of the Pastor.
- 122.04 Written Ministry Agreement.
 - (a) Deacons assigned to a Parish and their Pastors are to create a written ministry agreement which details the ministries in which the deacon is to be involved and the scope of the time commitments he is expected to make. The ministry agreement is to be created with due consideration for the deacon's work and family responsibilities. In the case of a married deacon, the deacon's wife is also to be consulted regarding the written ministry agreement.
 - (b) If a deacon and Pastor are unable to agree on the terms of the written ministry agreement, they are to contact the Director of diaconal ministry, who is to attempt to help them to reach an agreement. If no agreement can be reached, the Local Ordinary is to decide the matter.
 - (c) A copy of the written ministry agreement, signed by the deacon and the Pastor, is to be sent to the Director of diaconal ministry.
 - (d) The written ministry agreement is to be reviewed and either confirmed or modified when:
 - (i) a deacon begins a new Parish assignment; (ii) a new Pastor is installed in the Parish; or
 - (iii) the deacon or the Pastor requests it for a just cause.

Chapter 3: The Financial Support of Deacons

Section

123.01 Remuneration.

- (a) Unless he is employed by the Parish in a paid position, a deacon does not receive Remuneration from the Parish to which he is assigned as a ministry.
- (b) Deacons who devote themselves completely to ecclesiastical ministry receive Remuneration from the Diocese, Parish, or other institution at which they are employed, according to the terms of their employment. Other deacons are generally to provide for themselves and their families by means of the civil profession which they exercise or have exercised.

123.02 Financial Assistance. A deacon incardinated in the Diocese who is not devoted completely to ecclesiastical ministry and who is unable to provide financially for himself and his dependents by means of a civil profession or otherwise may approach the Diocese to request financial assistance.

123.03 Reimbursements. Deacons are entitled to be reimbursed by the Parishes or institutions they serve for legitimate and reasonable expenses incurred in their ministry. The Pastor or administrator of the institution is competent to issue more precise norms in this matter provided that the amounts of the reimbursements are consistent with the general practices in the Diocese.

123.04 Continuing Formation Expenses. The reasonable cost of a deacon's participation in the ongoing education, annual retreat, and annual convocation is to be borne by the Parish or institution which the deacon serves. The Parish or institution is also encouraged to bear the cost of the participation of a married deacon's wife in these activities.

Chapter 4: The Retirement of Deacons and the Leave of Absence

Section

124.01 Age of Retirement. Deacons who will soon reach the age of 75 are to notify the Director of diaconal ministry of this fact not later than 6 months before their 75th birthday. Except as provided in this Chapter, a deacon who completes 75 years of age is, by that fact, placed on retired status.

124.02 Continuing in Active Ministry after 75. A deacon may request to continue in active ministry beyond his 75th birthday by submitting a written request to the Diocesan Bishop. Deacons are encouraged to submit such a request 6 months before the deacon's 75th birthday.

- (a) Such a request should be made after consultation with the deacon's Pastor or canonical supervisor and should indicate whether the Pastor or supervisor concurs with the request.
- (b) The Diocesan Bishop may grant the deacon's request to continue in active ministry or deny it. If the request is denied, the deacon's retirement status is effective on the later of his 75th birthday or when he receives notification of the denial of his request.

- (c) If a continuation in active ministry is granted, it may be renewed every year according to the same procedure by which it was initially granted according to any instructions of the Diocesan Bishop in this Code of Particular Law or in the letter granting the request to continue in ministry.

124.03 Early Retirement. A deacon may request early retirement status of the Diocesan Bishop if his years of age and years of service as a deacon total at least 85.

- (a) If a deacon's years of service and years of age do not total 85, he is not eligible for early retirement, but may be eligible to request a leave of absence.
- (b) A request for early retirement must be communicated to the Diocesan Bishop in writing and it should: (i) be made after consultation with the deacon's Pastor or canonical supervisor; and (ii) indicate whether the Pastor or supervisor concurs with the request.

124.04 Privileges of Retirement Status. A deacon who has been placed on retired status is:

- (i) no longer bound by the ministry assignment he received from the Diocesan Bishop;
- (ii) no longer obliged to participate in ongoing education, spiritual direction, the annual retreat, or the annual deacon convocation (but is encouraged to do so); and
- (iii) free to engage in occasional Parish ministry with the consent of the Pastor of the Parish in which he wishes to minister.¹⁵

124.05 Leave of Absence. A deacon who is unable to fulfill his ministry assignment and who does not qualify for early retirement may request a leave of absence from the Diocesan Bishop.

- (a) A request for a leave of absence should be made after consultation with the deacon's Pastor or canonical supervisor and should indicate whether the Pastor or supervisor concurs with the request.
- (b) If granted, a leave of absence has the same effects as retirement status, except: (i) it is granted for a definite length of time; and (ii) the deacon may not engage in ministry except as the Diocesan Bishop may permit in his instructions in the permission granting the leave of absence.
- (c) When a leave of absence has expired, the Diocesan Bishop may extend it, or may terminate it by giving the deacon a new ministry assignment. If the Diocesan Bishop does not expressly extend the leave of absence at or about the time it ends, it is to be presumed that the Diocesan Bishop has extended the leave of absence for 6 months.

¹⁵ The standard pagella for deacons in the Diocese grants deacons the faculty to assist at marriages within the boundaries of the Parish to which they have been assigned. Because a retired deacon is not assigned to a Parish, he must obtain delegation from the Pastor or other competent authority in order to validly assist at marriages.

Instructions

Re: Book 1, Title 2: Deacons
Code of Particular Law of the Diocese of Austin

RESERVED

Supplemental Material

Re: Book 1, Title 2: Deacons
Code of Particular Law of the Diocese of Austin

1. Deacon at the Mass and Other Guides. The diaconal ministry office publishes guidebooks or manuals for deacons in the Diocese, such as the “Deacon at the Mass Guide,” as well as forms to use for the submission of annual reports, burial preferences, and other communications.
2. Faculties. The following faculties are normally granted to deacons in the Diocese. Each deacon should check his own *pagella* to verify the particular faculties that were granted to him.
 - (a) Baptism: to administer Baptism solemnly to persons under the age of seven (7).
 - (b) Eucharist: to distribute the Body and Blood of Christ at Mass;
to conduct the rite of administration of holy Communion outside of Mass;
to conduct the rite of administration of viaticum and holy Communion to the sick;
to impart Eucharistic Benediction;
to exercise the office of deacon in liturgical celebrations; and
to dispense, in individual cases and for a just reason, from the Eucharistic abstinence.
 - (c) Preaching: to deliver the homily at Mass; and
to preach at other religious services.
 - (d) Scripture: to proclaim the Gospel at Mass; and
to conduct Scripture services
 - (e) Matrimony: to administer the Order of Celebrating Matrimony without Mass within the boundaries of the Parish to which he is assigned by the Diocesan Bishop;
to dispense all impediments to marriage that may be dispensed by the Local Ordinary when:
 - assisting at a marriage;
 - everything has been prepared for the marriage; and
 - the marriage cannot be delayed without probable danger of grave harm until the dispensation can be obtained from the competent authority.[NOTE: Such dispensations must be reported to the chancery within 3 days.]
to administer the nuptial blessing outside of Mass;
to administer the oath and complete the premarital investigation; and
to initiate the process for convalidation of marriages, for declarations of nullity, and/or for the dissolutions of the bond of marriage.
 - (f) Funerals: to conduct vigil services as appropriate at wakes;
to accompany the body from the funeral home to the church;
to conduct the rite of final commendation when it does not immediately follow the funeral Mass;
to lead the prayers at the cemetery;
to allow church funeral rites at the Parish to which he is assigned for an unbaptized child if the parents intended to have the child baptized; and

to allow church funeral rites at the Parish to which he is assigned for a baptized person belonging to a non-Catholic church or ecclesial community provided this is not clearly contrary to the wishes of the deceased and provided a minister of the faith of the deceased is not available.

(g) Liturgy of the Hours.

- (1) *The National Directory for the Formation, Ministry, and Life of Permanent Deacons in the United States* provides “permanent deacons are required to include as part of their daily prayer those parts of the Liturgy of the Hours known as Morning Prayer and Evening Prayer” (90).
- (2) Although permanent deacons are not bound by the universal church law to say the whole of the Liturgy of the Hours every day, permanent deacons should not hold themselves lightly excused from the obligation they have to recite morning and evening prayer.
- (3) The National Directory states that “whenever possible they (deacons) should lead those prayers (Morning and Evening Prayer) with the community to whom they have been assigned to minister.”
- (4) Deacons have the faculty of dispensing themselves from the divine office when family or work duties make it difficult to pray the Liturgy of the Hours.

(h) Other: to dispense, in individual cases and for a just reason, a parishioner or person visiting within the boundaries of the Parish to which the deacon is assigned, from the obligation of observing a day of precept or a day of penance or to commute the obligation into other pious works; and

to bestow blessings according to the rubrics of the Roman Ritual and the Book of Blessings.

Title 3: Consecrated Life

Numbering: The first digit of a section number indicates the Book, the second digit indicates the Title, and the third digit indicates the Chapter – e.g., Book 1, Title 3, Chapter 1, Section 01.

Terms: Definition of terms follows the convention described in the Preface of this Code of Particular Law.

Chapter 1: Request Permission to Minister in Diocese

Section

- 131.01 Required Letters from Superior to Engage in Ministry. A member of a Religious Institute or Society of Apostolic Life wishing to engage in ministry in an apostolate in the Diocese must submit a letter from his or her Major Superior and a letter from his or her prospective employer required by this section. A Consecrated Virgin or a Canonical Hermit wishing to engage in an apostolate or ministry in the Diocese must submit a letter from his or her Diocesan Bishop and his or her prospective employer or ministry supervisor required by this section.
- (a) The letter from the individual's Major Superior or Diocesan Bishop required under this Section 131.01 must state that:
- (1) the Major Superior or Diocesan Bishop knows of nothing in the individual's past which would compromise the individual's work or ministry in a church related apostolate or ministry;
 - (2) the Religious Institute or Society of Apostolic Life or Diocesan Bishop, as applicable, retains financial responsibility for the individual;
 - (3) the individual agrees to serve in the Diocese for at least 3 years;
 - (4) the individual is legitimately in the United States: (i) as a citizen; (ii) as a permanent resident with right to work; (iii) under a religious worker visa or other type of visa with right to work; or (iv) is in the process of obtaining a religious worker visa other type of visa with right to work; and
 - (5) the Major Superior or Diocesan Bishop, as applicable, has disclosed all known criminal background related to the individual and all complaints or allegations received involving the individual.
- (b) The letter from the prospective employer or ministry supervisor must contain:
- (1) a description of the apostolate or ministry in which the individual will be involved;
 - (2) a statement that the employer requires its employees to be compliant with Ethics and Integrity in Ministry or another acceptable safe environment program;
 - (3) a statement that a criminal background check has been completed or will be completed prior to the individual beginning work or involvement with the apostolate or ministry; and
 - (4) the individual's religious worker visa number or other visa number, as applicable.
- 131.02 Essential Norms are to be Observed. Notwithstanding any other requirement under this Title the Essential Norms for Diocesan/Eparchial Policies Dealing with Allegations of Sexual Abuse of Minors by Priests, Deacons, or Religious must always be observed.

Instructions

Re: Book 1, Title 3: Consecrated Life
Code of Particular Law of the Diocese of Austin

RESERVED

Supplemental Material

Re: Book 1, Title 3: Consecrated Life
Code of Particular Law of the Diocese of Austin

RESERVED

Title 4: Diocesan Structures

Numbering: The first digit of a section number indicates the Book, the second digit indicates the Title, and the third digit indicates the Chapter – e.g., Book 1, Title 4, Chapter 1, Section 01.

Terms: Definition of terms follows the convention described in the Preface of this Code of Particular Law.

Chapter 1. Deaneries and Deans

Section

- 141.01 Establishment, Alteration, and Suppression of Deaneries. Deaneries, their names, and their boundaries may be established, altered, or suppressed by decree of the Diocesan Bishop.
- 141.02 Appointment and Terms of Deans. The Diocesan Bishop freely appoints Deans to a term of four years.¹⁶ If the office of Dean becomes vacant before the completion of a 4-year term, however, the Diocesan Bishop may appoint a new Dean to a term that expires on the same day as the previous Dean's 4-year term would have expired.
- 141.03 Removal. The Diocesan Bishop may freely remove a Dean for a just cause according to his own prudent judgement.¹⁷

¹⁶ Primary functions of the Deans are described in Title 5, Chapter 4 of this Book and in Book 3, Title 9, Chapter 2

¹⁷ See c. 554.

Instructions

Re: Book 1, Title 4: Diocesan Structures
Code of Particular Law of the Diocese of Austin

RESERVED

Supplemental Material

Re: Book 1, Title 4: Diocesan Structures
Code of Particular Law of the Diocese of Austin

1. Diocesan Structures from Universal Law. Primary structures established by the universal law for the governance of the Diocese are briefly described in these materials.
 - 1.1 The Diocesan Bishop who is appointed by the Holy Father to shepherd the local Church. He has full executive, legislative, and judicial authority over the Diocese, and is the chief teacher of the faith and the chief priest of divine worship.
 - 1.2 A Diocesan Synod is a body which can be called into being by the Diocesan Bishop to deliberate about matters of major importance to the life of the Diocese. A Diocesan Synod is an extraordinary event in the life of the local church.
 - 1.3 The Presbyteral Council is a group of priests, some appointed by the Diocesan Bishop and some elected by the presbyterate, who advise the Diocesan Bishop on governance decisions of major importance.
 - 1.4 The college of consultors is a smaller group of priests chosen by the Diocesan Bishop from the Presbyteral Council. Their two primary functions are to give consent to major financial decisions regarding the Diocese and to elect a Diocesan administrator to temporarily govern the Diocese whenever the Diocese is in between Diocesan Bishops.
 - 1.5 The Moderator of the Curia assists the Diocesan Bishop in coordinating and managing the Pastoral Center staff.
 - 1.6 The Vicar General and Episcopal Vicars share in the Diocesan Bishop's executive power of governance over the Diocese. The Vicar General has "general" executive power of governance for all affairs which the law or the Diocesan Bishop have not reserved to the Diocesan Bishop specifically. An Episcopal Vicar has power of governance over the specific area entrusted to him. The Diocese of Austin maintains one Episcopal Vicar, the Vicar for Priests, who has executive power of governance over matters related to priests.
 - 1.7 The Chancellor is the chief notary of the Diocese, and is responsible for authenticating documents, drawing up documents, and keeping track of documents in the Diocesan Archives. The Chancellor is assisted by other notaries and by the archivist and staff.
 - 1.8 The Finance Officer and Diocesan Finance Council are the financial arm of the Diocesan administration. They prepare a budget, keep track of Diocesan resources, and advise the Diocesan Bishop on financial matters. For major financial transactions involving the Diocese, the consent of the Diocesan Finance Council is required.
 - 1.9 The Judicial Vicar and Judges share in the Diocesan Bishop's judicial power of governance. They operate the Tribunal and conduct ecclesiastical trials regarding the cases submitted to the Tribunal. They also advise the Diocesan Bishop on canonical matters. The Judicial Vicar is assisted by an Adjutant Judicial Vicar, and other officers of the Tribunal.

- 1.10 Deans, or Vicars Forane, are priests in each geographical region of the Diocese responsible for fostering cooperation between parishes in an area, and for periodically visiting the Parishes and reporting to the Diocesan Bishop about each Parish.

2. Other Diocesan Structures

- 2.1 The secretariat Directors administer the main divisions of the Diocesan Curia. They are freely appointed and freely removed by the Diocesan Bishop. They carry out the ministry entrusted to them by the Diocesan Bishop, but do not possess executive power of governance except for the Vicar General, Episcopal Vicars, and others who may receive executive power of governance by delegation.
- 2.2 The vocations Director, who is freely appointed and freely removed by the Diocesan Bishop, assists the Diocesan Bishop in the promotion of vocations and in matters related to seminarians.
- 2.3 The Director of diaconal ministry, which is freely appointed and freely removed by the Diocesan Bishop, assists the Diocesan Bishop in matters related to the promotion of vocations to the diaconate, the formation of candidates for the diaconate, and the life and ministry of permanent deacons.
- 2.4 The Priest Personnel Board, which is governed by its own statutes approved by the Diocesan Bishop, advises the Diocesan Bishop on the assignment of priests. The Priest Personnel Board possesses only a consultative vote, and the Diocesan Bishop may make priest assignments without consulting the Priest Personnel Board.
- 2.6 The Building Commission, which is governed by its own statutes approved by the Diocesan Bishop, advises the Diocesan Bishop on matters related to facilities and construction. The Building Commission possesses only a consultative vote, and the Diocesan Bishop may make decisions related to facilities and construction without consulting the Building Commission.

3. The Diocesan Coat of Arms

- 3.1 The Diocese extends north to south from west to San Marcos and east to west from Bryan/College Station to Mason. The Diocesan coat of arms was designed by Bishop Louis J. Reicher when the Diocese was established in 1947.
- 3.2 The custom of having a coat of arms goes back to medieval times when rulers, officials, or large landowners, would have the shields of their soldiers emblazoned with a design symbolizing the family. Since the Diocese and its see city take their names from Stephen F. Austin, Bishop Reicher chose to utilize part of the Austin family coat of arms. This consisted of a horizontal bar charged with three crosses between one chevronel line above and another at the base.
- 3.3 The colors in the Coat of Arms are symbolic of the Blessed Virgin Mary, white and blue, and because the cathedral of the Diocese is dedicated to her. These are also the principal colors of the state seal of Texas.
- 3.4 The star above has a double significance. It symbolizes both the Lone Star of Texas and our Blessed Lady under the title *Stella Maris*, “Star of the Sea.”
- 3.5 The rose on the lower chevronel honors the shield of the Galveston Diocese, from which

most of the Diocese was taken in 1947. This rose symbolizes the Blessed Virgin Mary under the title of *Rosa Mystica*, “Mystical Rose” and is a symbol of new birth.

- 3.6 The wavy lines symbolize the Colorado River, which passes through the center of the Diocese. The golden heart symbolizes St. Augustine (Austin) of Hippo. The transfixed arrows, one descending and one ascending, represent St. Austin’s love for God and God’s love for St. Austin as a doctor of the church.

Title 5: Parishes

Numbering: The first digit of a section number indicates the Book, the second digit indicates the Title, and the third digit indicates the Chapter – e.g., Book 1, Title 5, Chapter 1, Section 01.

Terms: Definition of terms follows the convention described in the Preface of this Code of Particular Law.

Chapter 1: The Pastoral Council

Section

- 151.01 Pastoral Council Required. In every Parish there is to be a Parish Pastoral Council, which, according to the norm of c. 536, is to advise the Pastor and assist him in fostering pastoral activity.
- 151.02 Statutes. Each Parish Pastoral Council is to have its own statutes, approved by the Pastor. A copy of the statutes is to be deposited in the Diocesan Archives.
- (a) The Pastor is, *ex officio*, the president of the Parish Pastoral Council. The statutes may also provide for other officers but may not provide for a president or chairperson other than the Pastor.
 - (b) Parochial Vicars are *ex officio* members of the Parish Pastoral Council.
 - (c) The statutes are to provide for lay members of the Parish Pastoral Council, at least 5 in number, and no more than 12.
 - (d) The statutes are to determine the method of choosing the lay members of the Parish Pastoral Council, provided that no more than 1/3rd of the lay members are appointed by the Pastor.
 - (h) The statutes are to provide a length of term for lay members of the Parish Pastoral Council and establish whether a lay member may serve multiple or consecutive terms. Terms may not be less than 2 and not more than 5 years in length.
 - (i) The statutes are to provide for filling vacancies that may occur in the Parish Pastoral Council before a term is completed.
 - (j) The statutes are to provide for a method by which the parishioners are to be generally informed of the recommendations of the Parish Pastoral Council, whether by the publication of minutes or by some other means.
- 151.03 Eligibility to Serve and Removal of Members.
- (a) To be eligible to serve as a member of the Parish Pastoral Council, a person must be a Catholic, at least 18 years of age, must have received baptism, confirmation, and first communion, and must be of good reputation and outstanding in faith and virtue.
 - (b) The Pastor is to promptly remove a member who is not eligible to serve.
 - (c) The Pastor may also remove members for: (i) grave cause; or (ii) just cause with the consent of the Parish Pastoral Council.

- (d) A removed member may seek recourse to the Local Ordinary.
- 151.04 New Pastor's Obligation. When a new Pastor is installed, he is to confirm the existing Parish Pastoral Council in its function, unless, for grave cause, he dissolves it and causes a new Parish Pastoral Council to be selected.
- 151.05 Call of Meeting and Agenda. The Pastor convokes the Parish Pastoral Council, establishes the times and places of its meetings.
- (a) The Parish Pastoral Council must be convoked at least once each quarter.
- (b) The Pastor determines the meeting agenda.
- (c) The meetings of the Parish Pastoral Council may be open to the Parish at the discretion of the Pastor.
- 151.06 Consultive Character. The Parish Pastoral Council possesses only a consultative vote.
- 151.07 Obligation to Consult. The Pastor is to consult the Parish Pastoral Council on questions of greater importance. Failure to consult the Parish Pastoral Council, however, does not result in the invalidity of juridic acts.

Chapter 2: The Finance Council

Section

- 152.01 Finance Council Required. Every Parish is to have a Parish Finance Council according to the norm of c. 537. The Parish Finance Council is to advise the Pastor and assist him regarding the administration of the goods of the Parish.
- 152.02 Statutes. Each Parish Finance Council is to have its own statutes, approved by the Pastor, consistent with the norms of universal and particular law. A copy of the statutes is to be deposited in the Diocesan Archives.
- (a) The Pastor is, *ex officio*, the president of the Parish Finance Council.
- (b) It is for the Pastor to convoke the Parish Finance Council, to determine its agenda, and to preside over its meetings.
- (c) The statutes may provide other officers of the Parish Finance Council but may not provide for a president or chairperson other than the Pastor.
- (d) The statutes must establish the number of members of the Parish Finance Council, which must include at least 3 lay persons.
- (e) The statutes are to establish the terms of members of the Parish Finance Council, which is not to be less than 3 years nor more than 5 years. A member may be reappointed but may not serve more than 10 consecutive years. Terms must be staggered so that the members' terms do not all expire at the same time.

- (f) The statutes are to provide for the filling of vacancies which may occur in the Parish Finance Council before the expiration of a term.

152.03 Eligibility to Serve, Appointment, and Removal of Members.

- (a) Members of the Parish Finance Council must:
- (1) be Catholics who have received baptism, confirmation, and first communion;
 - (2) be at least 18 years of age;
 - (3) possess a good reputation;
 - (4) live a life outstanding in faith and virtue;
 - (5) possess expertise or experience in financial affairs or civil law; and
 - (6) not be related to the Pastor within the 4th degree of consanguinity or affinity.
- (b) Members of the Parish Finance Council are freely appointed by the Pastor. The Pastor may remove a member of the Parish Finance Council before the expiration of his or her term only for a grave cause. Recourse against a removal may be made to the Local Ordinary.

152.04 Code of Conduct. Members of the Parish Finance Council must sign the code of conduct approved by the Diocesan Finance Officer.

152.05 Call of Meetings and Agenda. The Pastor convokes the Parish Finance Council, establishes the times and places of its meetings.

- (a) The Parish Finance Council must be convoked at least once each quarter.
- (b) The Pastor determines the meeting agenda.
- (c) The meetings of the Parish Finance Council may be open to the Parish at the discretion of the Pastor.
- (d) Minutes are to be taken of every meeting of the Parish Finance Council.

152.06 Right to Review Records. Members of the Parish Finance Council have the right to review the financial records of the Parish.

152.07 Functions. The Parish Finance Council also has those functions entrusted to it in Book IV of this Code of Particular Law.

Chapter 3: Parish Employees

Section

153.01 Pastor's Authority. The Pastor has authority over matters related to employees and employment in the Parish. It is for the Pastor or his delegate to extend offers of employment.

153.02 Written Policies. Every Parish is to have a written policy regarding employees, approved by the Pastor. This policy is to regulate matters relating to the form of compensation, paid and unpaid time off, conduct in the workplace, and expected conduct outside the workplace, in addition to other matters, which, in the judgment of the Pastor, require regulation by the written policy.¹⁸

¹⁸ The Diocesan HR office maintains model employee policies which may be adopted by Parishes.

- 153.03 Job Description. Every Parish employee is to be provided with a written job description.
- 153.04 Dismissals. Before dismissing an employee, the Pastor is to seek advice from the Diocesan Curia related to secular legal matters and insurance. Failure to consult will result in an obligation to incur an additional deductible for expenses that arise from a dispute over the dismissal as set forth in the Diocesan insurance coverages for Parishes.
- 153.05 No Sponsorship of Visas. Parishes may not sponsor a person for a visa to enter or work in the United States without the consent of the Local Ordinary.

Chapter 4: Visitation by the Dean

Section

- 154.01 Dean's Visit. The Dean is to visit each Parish in his deanery at least once every 3 years.
- (a) During the visitation the Dean is to visit with the Pastor, with any Parochial Vicars, and with some of the Parish staff about the state of the Parish.
 - (b) The Dean is to inspect:
 - (1) the Parish records and note whether they are being properly inscribed and safe-guarded;
 - (2) the financial records of the Parish and note whether ecclesiastical goods are being carefully administered; and
 - (3) the rectory, the Parish church, and other Parish buildings, and is to note whether they are cared for with proper diligence.
 - (c) The Dean has the right to conduct other inspections or interviews as necessary or useful for forming an adequate picture of the state of the Parish.
- 154.02 Dean's Observations and Recommendations. At the conclusion of the visitation, the Dean is to deliver to the Pastor, in writing, his observations and recommendations. He is also to submit a written report to the Local Ordinary regarding the state of the Parish.
- 154.03 The Dean's Parish. Visitations of the Parishes of which a Dean is the Pastor are to be performed by the Local Ordinary.

Chapter 5: Parochial Registers, Seals, Archives, and Using Parish Property

Section

- 155.01 General. Each Parish is to maintain Parochial registers, a Parish seal, and Parish Archives in accordance with the norms of canon law.¹⁹
- 155.02 Adoption and Design of Parish Seal. A Parish must obtain the consent of the Local Ordinary when adopting or redesigning a Parish seal.
- 155.03 Use of Parish Property in Videos or other Recordings. Without the prior consent of the Local Ordinary, a Parish or Catholic School shall not grant permission or a license for any person to use Parish or School property for the purpose of recording, producing, or staging any type of recording, including but not limited to music videos, movies, television programs, news footage, social media production, or electronic gaming.

¹⁹ See c. 535

Instructions

Re: Book 1, Title 5: Parishes
Code of Particular Law of the Diocese of Austin

RESERVED

Supplemental Material

Re: Book 1, Title 5: Parishes
Code of Particular Law of the Diocese of Austin

1. Parish Archives and Sacramental Records.

- 1.1 Universal and particular law make various provisions regarding Parish record keeping. In respect to sacramental records, these norms are found in the Code of Canon Law under each sacrament, and in the same place in this Code of Particular Law.
- 1.2 The universal law requires Parishes to keep registers of baptisms, marriages, and deaths, and, in addition, Parishes in the Diocese are required to keep registers of confirmations and receptions into full communion.
- 1.3 In addition to these registers, the Parish archives should contain records important for historical or financial reasons, as well as those records important to the governance of the Parish (e.g., employment records or records relating to Parish groups or ministries) in accordance with proper record retention requirements or policies.

2. Diocesan Record Keeping Manual. The Diocesan Archives office maintains a helpful guide to Parish record keeping.

Title 6: Ethics and Integrity in Ministry

Numbering: The first digit of a section number indicates the Book, the second digit indicates the Title, and the third digit indicates the Chapter – e.g., Book 1, Title 6, Chapter 1, Section 01.

Terms: Definition of terms follows the convention described in the Preface of this Code of Particular Law.

Chapter 1: Office of Ethics and Integrity in Ministry (EIM)

Section

- 161.01 Mission. The mission of the Ethics and Integrity in Ministry program is to protect the people of the Diocese of Austin from abuse and unethical behavior through education, action and reporting, and to listen to and learn from those who have experienced abuse in order to provide healing.
- 161.02 Function. The EIM Office:
- (a) completes background check screening and provides training and education programs;
 - (b) maintains a Diocesan database for EIM compliance monitoring;
 - (c) serves as a resource to clergy, employees and volunteers at Parishes, schools and Diocesan offices;
 - (d) promotes implementation of EIM policies;
 - (e) submits an annual audit which verifies Diocesan compliance with the requirements of the Charter for the Protection of Children and Young People; and
 - (f) serves the Diocesan Lay Review Board in fulfilling its duties.
- 161.03 Notices of Concern. Additionally, the EIM Office receives information or complaints (Notices of Concern) about possible unethical behavior in ministry and directs each Notice of Concern or complaint in accordance with EIM policies and procedures. For example:
- (a) Notices of Concern involving possible abuse of a minor, elderly adult or adult with a disability are reviewed in accordance with the Charter; and
 - (b) Notices of Concern not involving minors or abuse, but involving other possible inappropriate conduct, are directed to the appropriate Diocesan office for review.
- 161.04 Victim Assistance Coordinator. The Coordinator of Victim Assistance and Pastoral Support (VAC) is responsible to the Diocesan Bishop but communicates directly with the EIM Office and the Vicar General and may also collaborate with the Lay Review Board and the Diocesan Bishop.
- 161.05 Location and Contact. The following is the contact information for the EIM office and web location for general information.
- Office of Ethics and Integrity in Ministry
6225 E US 290 HWY SVRD EB, Austin, TX 78723
- Abby Turner, Associate Director
(512) 949-2447 eim@austindiocese.org
- Kathy McCormick, Coordinator of Victim Assistance & Pastoral Support (VAC)
(512) 949-2400 eim-vac@austindiocese.org
- EIM Policies www.austindiocese.org/eim-policies
Charter for the Protection of Children and Young People www.usccb.org/charter

Chapter 2: Lay Review Board

Section

- 162.01 Function. The Ethics and Integrity in Ministry Lay Review Board (Review Board) assists the Diocesan Bishop as a confidential, consultative body in:
- (a) addressing and responding to allegations of violations of the Charter for the Protection of Children and Young People (i.e., allegations of abuse by clergy against minors and previous abuse by clergy against minors who are now adults);
 - (b) addressing and responding to allegations of abuse by clergy against the elderly or adults with disabilities;
 - (c) developing policies and procedures regarding Ethics and Integrity in Ministry;
 - (d) educating Parishes, Catholic Schools, and other Diocesan agencies about:
 - (1) the Charter for the Protection of Children and Young People;
 - (2) creating a safe environment for minors, the elderly, and adults with disabilities;
 - (3) ways to prevent abuse against minors, the elderly, and adults with disabilities; and
 - (4) appropriate behavioral expectations for individuals involved in ministry.
- 162.02 Advisory Role. The Review Board may offer advice on all aspects of cases brought before it and in other matters the Diocesan Bishop determines appropriate and relevant. The Review Board may offer advice retrospectively and prospectively on such matters.
- 162.03 Role made Known to Faithful. As a consultative body to the Diocesan Bishop, the role of the Review Board is to be generally communicated to those in ministry in the Diocese and to those who may submit Notices of Concern.
- 162.04 Reviews Policies. The Review Board reviews the Policies on Ethics and Integrity in Ministry and recommends changes to the Diocesan Bishop.
- 162.05 Appointments. The Diocesan Bishop appoints the members to the Review Board.
- 162.06 Make-Up. The Review Board will be composed of at least 5 persons of outstanding integrity and good judgment in full communion with the Church and will include:
- (a) at least one priest who is an experienced and respected Pastor of the Diocese;
 - (b) a majority comprised of lay persons who are not in the employ of the Diocese; and
 - (c) at least one member with particular expertise in the treatment of the sexual abuse of minors.
- 162.07 Meetings. The Review Board will meet regularly at least 3 times per year and as called by the Diocesan Bishop.
- 162.08 Identity of Members. The identity of the members of the Review Board is not made public, except as the Diocesan Bishop in consultation with the Review Board, determines appropriate or as may be required by law.
- 162.09 Confidential Discussions. All discussions regarding allegations and instances of abuse are confidential.
- (a) Records of when the Review Board meets are maintained by the EIM Office.
 - (b) Minutes of the Review Board meetings are not maintained.
 - (c) Each Review Board member is to sign a confidentiality statement.

- 162.10 Members to be EIM Compliant. Review Board members are required to maintain EIM compliance expected of those who work or serve in ministry with minors and may self-impose additional educational requirements as a collective, consultative body.

Chapter 3: Ethical Conduct in Ministry

Section

- 163.01 Ethical Conduct Expected of those in Ministry. It is essential that all persons who serve in ministry view their own actions and intentions objectively to assure that no observer has grounds to believe that unethical behavior exists. Those in ministry must strive to uphold ethical behavior in their day-to-day work and personal lives, both “in person” and through “virtual” interactions (online, in electronic communications, and through social media). All individuals required to be EIM compliant must sign an acknowledgment that they will conduct themselves within the behavioral expectations outlined in this policy.
- 163.02 Code of Ethical Conduct in Ministry. Individuals required to be compliant with EIM policies must:
- (a) strive to exhibit ethical behavior and integrity, free from any scandal;
 - (b) conduct themselves in a moral manner that is consistent with the discipline, norms, and teachings of the Catholic Church;
 - (c) accept personally the responsibility in the protection of all minors, elderly adults, and adults with disabilities from abuse;
 - (d) adhere to applicable laws regarding the reporting of abuse of a minor, elderly adult, or an adult with disability;
 - (e) report concerns about unethical behavior to the Diocese and their Pastor, principal, or supervisor; and
 - (f) follow the Diocesan policies on Ethics and Integrity in Ministry (EIM) and remain EIM compliant.
- 163.03 Commitment to Comply. A commitment to follow the EIM Policies and Code of Ethical Conduct is made during the registration process and is repeated as part of the training programs.
- 163.04 Unethical Conduct Defined. All individuals required to be compliant with Diocesan policies must avoid engaging in or giving the appearance of engaging in unethical behavior, including but not limited to:
- (a) actions which are disruptive to ministry or worship;
 - (b) grave insults such as racial, ethnic, religious, or gender/sexual-based insults, jokes, slurs, or displays of offensive materials;
 - (c) grave breaches of confidentiality;
 - (d) harming the reputation of others by: 1) disclosing without legitimate cause the faults or failings of others to persons who have no cause to know, or 2) knowingly making false allegations against another; or
 - (e) intimidation, manipulation, or physical or verbal threats;
 - (f) adultery, promiscuity, or co-habitation;
 - (g) abuse or illegal use of alcohol, drugs, or gambling;
 - (h) procurement of abortion, or participation in the procurement of abortion or euthanasia;
 - (i) sexual advances or activity, or other sexual misconduct;
 - (j) theft;
 - (k) abuse, exploitation, or neglect;
 - (l) acquisition, possession, or distribution of child or any other pornographic material;

- (m) assault or intentional physical harm to another; or
- (n) committing homicide.

163.05 Definitions.

- (a) “EIM” is the acronym for Ethics and Integrity in Ministry, the Diocese of Austin program that promotes a safe and ethical environment for ministry in the Diocese.
- (b) “Ethical behavior” is behavior that is consistent with the morals and teachings of the Catholic Church.
- (c) “Integrity” is the quality of being honest, trustworthy and virtuous.
- (d) “Moral” is the most basic principle of the Christian moral life is the awareness that every person bears the dignity of being made in the image of God. He has given us an immortal soul and through the gifts of intelligence and reason enables us to understand the order of things established in his creation. God has also given us a free will to seek and love what is true, good, and beautiful. Sadly, because of the Fall, we also suffer the impact of Original Sin, which darkens our minds, weakens our wills, and inclines us to sin. (USCCB).
- (e) “Scandal” is an attitude or behavior which leads another to do or think evil. Scandal damages virtue and integrity. It is a grave offense if, by deed or omission, another is deliberately led into a grave offense. (Catechism of the Catholic Church, No. 2284).
- (f) “Abuse” includes but is not limited to acts or omissions by a member of Church personnel, a volunteer in ministry, or an independent contractor involved in ministry which a. with regard to a minor, meet the definition of abuse, exploitation, or neglect as defined by Texas Family Code 261.001; or b. with regard to an elderly adult or an adult with a disability, meet the definition of abuse, exploitation, or neglect as defined by Texas Human Resources Code 48.002.
- (g) “Minor” means any person under the age of 18.
- (h) “Elderly adult” means a person 65 or more years of age.
- (i) “Adult with a disability” means a person 18 to 64 years of age with a mental, physical, or intellectual or developmental disability that substantially impairs the person’s ability to provide adequately for the person’s care or protection.
- (j) For the purpose of these policies, “vulnerable adult or person” refers to 7-9 above.
- (k) “Church personnel” means:
 - (a) clergy, which includes priests and deacons;
 - (b) seminarians or deacon aspirants or candidates;
 - (c) religious brothers and sisters;
 - (d) employees of Parishes, Catholic schools, or other Diocesan agencies; and
 - (e) adult volunteers serving in a ministry or group which requires EIM compliance.
- (l) “Compliance” is following, or conforming to, official requirements – in this case, of the Diocesan EIM policies. Persons who are EIM compliant have submitted EIM

registration and attended all training as required, have an approved background check, and have acknowledged the Code of Ethical Conduct and committed to adhering to the EIM policies of the Diocese

Chapter 4: Compliance Policies, Requirements and Procedures

Section

- 164.01 Compliance Policy for Church Personnel. The following adult individuals must maintain compliance throughout service in ministry:
- (a) clergy;
 - (b) seminarian and deacon aspirants and candidates;
 - (c) religious brother and sisters;
 - (d) employees of any Parish, Catholic school, or other Diocesan agency;
 - (e) independent contractors who regularly provide services where minors, elderly adults, or adults with disabilities may be present;
 - (f) members of any Catholic school board;
 - (g) pastoral council members;
 - (h) finance council members;
 - (i) Lay Review Board members;
 - (j) any person who is considered to be a leader of a ministry, program, or organization;
 - (k) members of any independent Catholic organization, or lay ecclesial association (in a Parish, Catholic school or other Diocesan agency) that may serve youth or vulnerable persons, even if the group's primary function is not necessarily to serve youth or vulnerable persons (e.g., Catholic Daughters of America, Knights of Columbus and Knights of Peter Claver and Lady's Auxiliary, Guadalupanas,, ACTS, and Marriage Encounter);
 - (l) individuals who volunteer in the following types of ministry, programs, or organizations which provide services to, or at which minors, elderly adults, or adults with disabilities may be present, including, but not limited to:
 - (1) Catholic schools;
 - (2) religious education and faith formation (Elementary-High School);
 - (3) Parish nursery and childcare, and mother's day out or pre-school programs;
 - (4) Parish or school sponsored scouting groups, and other youth-focused programs (e.g. vacation bible school, youth sports, and similar activities);
 - (5) homeschooling organizations that use church property;
 - (6) RCIA;
 - (7) retreat ministry leaders;
 - (8) liturgical ministries (e.g., adult server/acolyte, hospitality/usher, children's liturgy, lector, extraordinary minister of Holy Communion, and choir/music ministry);
 - (9) homebound ministry (to nursing/assisted-living facilities and parishioner homes);
 - (10) hospital ministry;
 - (11) Parish office or grounds;
 - (12) St. Vincent de Paul Society conferences;
 - (13) community service and one-on-one support ministries and groups (e.g. Gabriel Project and Stephen Ministry);
 - (14) restorative justice/prison ministry;
 - (15) thrift stores operating on Parish or school property or under the auspices of a Parish or school;
 - (16) food pantry and food distribution programs (e.g. Mobile Loaves & Fishes and Meals on Wheels);
 - (17) elder or respite-care ministry;

- (18) transportation ministry;
- (19) Parish men's and women's groups that provide Parish service; and
- (20) Parish event coordinators (e.g. festival/picnic/Jamaica leadership);
- (m) Schoenstatt Shrine volunteers;
- (n) personnel of independent organizations which operate on Parish properties (e.g. Sacred Heart Clinic); and
- (o) individuals in any ministry or group as specified by a Pastor, principal, or director of a Diocesan agency.

164.02 Persons not Required to Maintain Compliance. The following adult individuals need not maintain compliance:

- (a) parents who solely observe programs and activities in which their children are involved, and who do not volunteer or otherwise serve in ministry for their children's programs and activities (e.g., join their child for lunch once or twice per year, attend class parties, Mass and school/athletic performances); and
- (b) employees and contractors of companies that provide intermittent, non-ministry services (e.g., plumbing, electrical, and janitorial services) and who are supervised when on Parish or school property and segregated from minors.

164.03 Compliance Policy for Persons from other Dioceses doing Ministry within the Diocese of Austin.

- (a) Individuals who wish to participate in a temporary, occasional ministry or program which requires EIM compliance must provide verification of compliance (including a cleared background check and EIM/safe environment training) from their home diocese for review and approval by the Parish, school or Diocesan organization responsible for the program. "Temporary" and "occasional" mean no more than 2 or 3 times a year. Examples include, but are not limited to:
 - (1) restorative Justice Ministry in TDC facilities located in the Diocese;
 - (2) retreat-type programs such as adult ACTS, Conquistandos de Cristo;
 - (3) FOCUS and NET Ministry teams;
 - (4) visiting grandparents wishing to volunteer at their child's school or VBS program.
- (b) Lay presenter approval is completed through the EIM Office. Persons applying for lay presenter approval must provide verification of EIM/safe environment compliance from their home diocese. If such verification is not provided, applicant may be approved for a one-time presentation in the Diocese but would need to provide verification to participate in future events.

164.04 Compliance Policy for Minors. Minors are not required to maintain compliance; however, high school seniors who will turn 18 during the course of the school year may submit EIM registration and attend a workshop while still 17 years old in order to continue service in ministry once they turn 18 years old. Upon turning 18 years old, compliance is required to remain eligible to serve in ministry.

164.05 Compliance Requirements.

- (a) To be compliant, an individual must:
 - (1) be 18 years of age or older;
 - (2) prior to beginning service in any ministry which requires EIM compliance, complete the registration process through VIRTUS Online, the EIM database program;

- (3) authorize the Diocese to obtain an initial criminal background check and to rerun a criminal background check at least every three years or more often as needed;
 - (4) attend the in-person EIM Workshop no later than the 30th day after beginning service in ministry, and repeat attendance at least once every three year while serving;
 - (5) adhere to the Diocese of Austin Policies on Ethics and Integrity in Ministry; and
 - (6) be classified in the Diocesan EIM database as:
 - (i) approved to engage in ministry; or
 - (ii) approved with restrictions.
- (b) Compliance is required as set forth in this policy without regard to the mental or physical condition of the person serving in ministry.
- (c) Compliance with safe environment requirements in another diocese does not qualify as EIM/safe environment compliance in the Diocese of Austin for ongoing Parish, school or Diocesan ministry.
- (d) If the Diocese, a Parish, or other Diocesan organization determines that an individual who must be EIM compliant is not compliant, the Diocese, Parish, or other Diocesan organization will notify the individual that he or she may not serve in ministry until compliance is reestablished.

164.06 Compliance Procedures.

- (a) New applicants complete EIM registration through VIRTUS Online to initiate a background check and sign up for an initial EIM Workshop. Background checks and training history are processed and maintained through VIRTUS Online. Applicants requiring assistance with the registration processes may contact their Parish or school EIM site administrator or the EIM Office.
- (b) Individuals are responsible for keeping their information current in the EIM database, including both personal information and ministry sites.
- (c) Background checks are rerun at least every three years and more frequently as needed throughout individual's service in ministry; applicant will be notified and required to login to account to consent to recheck. If applicant's background check expires, the account is archived, and applicant becomes ineligible to serve in ministry until background check is completed and approved.
- (d) New applicants must attend an in-person EIM Workshop no later than the 30th day after EIM registration, typically at the beginning of service in ministry. After the 30th day, if applicant has not attended a workshop the account is noted as non-compliant and applicant may no longer serve in ministry until they have attended a workshop.
- (e) To maintain compliance, individuals must renew/update training at least once every three years throughout their service in ministry. Applicant will be notified and required to login to account to complete online refresher training. If applicant's training expires, the account is archived, and applicant becomes ineligible to serve in ministry until refresher training is completed and approved.
- (f) The initial EIM Workshop, VIRTUS' Protecting God's Children®, and subsequent EIM refresher training, educates adults on how to become better protectors of children.

Programs discuss sexual abuse of minors and other unethical behaviors, including reporting procedures for incidents of abuse or other unethical behavior, and related topics including warning signs of abuse, ethical behavior expected of those who serve in ministry and way to interrupt and prevent possible abuse or other unethical behavior.

- (g) Persons who have experienced abuse may contact the EIM Office to arrange for an alternate EIM training option.
- (h) EIM/safe environment/youth protection training completed in another diocese or youth serving organization does not fulfill DOA training requirements in most cases. Persons who have attended a live VIRTUS Protecting God's Children® workshop in another diocese should request that their VIRTUS account be transferred to the Diocese of Austin.

164.07 Diocesan Procedure Regarding Registered Sex Offenders.

- (a) *Volunteering.* A registered sex offender is restricted from volunteering for any ministry which requires EIM compliance. The individual, with the full support of his/her Pastor, may appeal this restriction to the Chancellor for review to determine if the individual may be approved to participate in a specified, limited ministry at the Parish at a time when minors would not be present.
- (b) *Attendance at Parish or School Function.* Once a registered sex offender has been identified, the following must be applied by the Pastor (Parish) or principal (school):
 - (1) Determine if the individual is on probation and communicate with the parole officer as needed to understand the conditions of probation which may limit activities individual may participate in.
 - (2) Develop a safety plan for the individual if able to come to campus for particular activities (typically Mass and sacramental functions), to include the design

164.08 Safety Education for Minors.

- (a) The Diocese maintains appropriate education programs for children and youth to help them learn the basic concepts of personal safety regarding abuse prevention.
- (b) Each Parish and Catholic school is required to provide Diocesan approved abuse-prevention education every school year to meet the youth training requirements of the Charter for the Protection of Children and Young People (Article 12) by offering *Empowering God's Children® (EGC)*.
 - (1) EGC is a comprehensive program through which educators (teachers, catechists, and youth ministers) and parents provide children and youth foundational knowledge and tools to understand boundaries and boundary violation, and to help protect themselves if boundary violation occurs. The material is developmentally appropriate for each grade group (K-2, 3-5, 6-8 and high school), with content and activities that reinforce the message of each year's specific lesson. Empowering God's Children® (EGC) programs do not train minors to be volunteers in ministry and do not include human sexuality education.
 - (2) Students are not required to attend EGC in order to receive sacraments or participate in ministry, but attendance is strongly encouraged and should be promoted by the Parish or school.

- (3) Parents who do not want their child to attend an EGC program may sign an opt-out waiver and assume the responsibility of educating their children about abuse prevention. Resources are provided through the Parish or school.

Chapter 5: Guidance for Ministry Involving Minors, Elderly Adults and Adults with Disabilities

Section

- 165.01 Expected Behavior when Interacting with Minors, Elderly Adults and Adults with Disabilities. One of the most effective ways to protect all of God's children from neglect and abuse and other unethical behavior is to understand and use proper interactions with minors and adults. This section of the EIM policies provides, in a small way, guidance on interacting with and supervising minors at Parish and school events, as well as interacting with adults in appropriate manners. This knowledge is a foundation that helps all of us prevent, identify, assess, and report unethical behavior. We live in a church and a community that expects increased recognition of unethical behavior, and those who minister in the church, both clergy and laity, must be aware of proper behavior, as well as inappropriate behavior.
- 165.02 General Examples of Appropriate Behavior. Individuals required to be EIM compliant may only use appropriate contact with minors. Physical contact should occur in public locations and be initiated by the other rather than by clergy or church personnel. Examples of appropriate contact with minors include but are not limited to:
- (a) verbal praise;
 - (b) brief side hugs or arm around the shoulder;
 - (c) brief pat on the shoulder or upper back;
 - (d) hand-shakes, "high-fives" or knuckle bumps; or hand slaps;
 - (e) brief touching of hand, head, shoulder or arm of minor;
 - (f) holding hands while walking with small children;
 - (g) sitting beside small children;
 - (h) kneeling or bending down for a brief hug with small children; and
 - (i) holding hands during prayer.
- 165.03 General Examples of Inappropriate Behavior. Individuals required to be EIM compliant must not use inappropriate contact with minors. Examples of inappropriate, and thus prohibited, contact with minors include but are not limited to:
- (a) long or inappropriate embraces;
 - (b) kisses on the mouth;
 - (c) holding minors over three years old on the lap or in one's arms, and holding younger minors should only be "as needed" (e.g. for comfort) or at the invitation of the parent;
 - (d) touching knees, legs, buttocks, chests or genital areas;
 - (e) being alone in isolated areas such as closets, staff-only areas or other private rooms;
 - (f) touching or playing with hair of a minor;
 - (g) being on a bed with a minor (unless designated as "seating space" during daytime hours);
 - (h) wrestling with minors, tickling minors or piggyback rides;
 - (i) any type of massage, whether given by minor to adult or adult to minor;
 - (j) any form of unwanted affection; and
 - (k) comments that relate to physique, body development, express affection or involve other boundary violations (this includes comments that are positive or negative, oral or written via any form of media);

- (l) the use of physical force, including spanking, slapping, pinching, hitting, or any other physical force with minor, particularly for behavior management of a minor;
- (m) swearing at a minor, or speaking to a minor in a way that is threatening, intimidating, shaming, demeaning, or humiliating;
- (n) abusing, exploiting, or neglecting a minor;
- (o) encouraging a minor to violate the law;
- (p) offering alcohol, tobacco products, illegal drugs, or pornography to a minor;
- (q) inviting a minor to the private accommodations or a residence without the presence of parent or legal guardian, or another program minister; or
- (r) engaging in the following while serving in a role in which they are responsible for the supervision of minors:
 - (1) swearing or using vulgar language to an offensive degree;
 - (2) using, possessing, or being under the influence of alcohol or illegal drugs; possessing or displaying sexually oriented or morally inappropriate printed or electronic materials (e.g. magazines, videos, films, clothing, or internet sites);
 - (3) discussing sexual activities or engaging in sexually-oriented conversations with minors unless the conversation is part of a legitimate lesson or discussion for teenagers regarding human sexuality issues; on such occasions the lessons must convey to youth the Church's teachings on these topics and questions will be referred to the parent or guardian for clarification or counseling.);
 - (4) undressing or being nude; taking a shower; or
 - (5) sleeping in the same bed, sleeping bag or tent with a minor, unless the adult is an immediate family member of the minor.

165.04 Use of Technology in Ministry. Diocesan policies on Ethics and Integrity in Ministry apply to all interactions between adults and minors, and interactions between adults and elderly adults or adults with disabilities, whether face-to-face, written or oral communications, or using the Internet, mobile devices, social networks, and other digital communication methods.

- (a) The use of the Internet, mobile devices, social networking sites, and other digital communication methods between minors and Church personnel is permitted for legitimate ministry-related purposes.
- (b) Parishes, schools, and Diocesan sites are encouraged to develop and publicize acceptable digital media use policies and procedures that provide for transparency and accountability.
- (c) Information discussed or displayed on any Parish, school or Diocesan e-mail account, social media networking site must reflect the Catholic faith and should not call any teaching of the Church into question.
- (d) Those involved in ministry should ensure any personal Internet or social media sites reflect Catholic values and should understand they are witnessing to the faith in their social networking whether public or private.
- (e) The Diocese follows the USCCB Social Media Guidelines and the National Federation for Youth Ministry Recommended Technology Guidelines for Pastoral Work with Young People.
- (f) Appropriate Use of Technology in Ministry. Individuals required to be EIM compliant may only use digital communication and media when interacting with minors in appropriate and approved manners. Examples of appropriate digital media use around or with minors includes but is not limited to:
 - (1) using a minor's home or family phone number for calls or messages to minors;
 - (2) copying parents or other adult leaders of the program or ministry on all e-mails, texts or postings to minors (although the technology method can be different);
 - (3) using Parish or school phones and e-mail addresses for communications with minors;
 - (4) using group text apps to communicate with minors;

- (5) ensuring at least two adults from the Parish or school moderate any site;
- (6) ensuring passwords and site names are available to Parish or school leadership; and
- (7) securing permission of parents or legal guardians before posting photos of minors or details of ministry or program activities on any electronic media (identifying information such as names, tags, home address, and other identifying information should be avoided).
- (g) **Inappropriate Use of Technology in Ministry.** Individuals required to be EIM compliant must not use digital communication and media inappropriately when interacting with minors. Examples of inappropriate use of digital media use around or with minors include but are not limited to:
 - (1) inviting minors to connect with you on a personal social networking site (friend, follower, etc.) or accepting such requests from minors; and
 - (2) texting or calling, or using social media or networking sites, for personal or Parish, school or Diocesan communications with minors without other adults (parents or other adult moderators), included in messages.
- (h) **Note:** Even on personal sites not intended for ministry work, those in ministry should be aware and careful of the types of things posted on their personal site.

165.05 Supervision of Programs with Minors.

- (1) On-Site Events.
 - (a) There shall be at least two EIM compliant adults supervising any program involving minors.
 - (b) The majority of adults supervising a program or event involving minors must be 21+ years of age (at a minimum one adult must be 21+ years of age).
 - (c) One adult should never be alone with one minor.
 - (d) If there is need for a confidential discussion, it should occur in a location that is in view of others.
 - (e) If there is a need for an adult to enter a restroom (e.g., to assist a young child) or locker room when minors are present, then the adult should announce their purpose and be in and out based on the situation. Another adult should be notified and be present near the entrance when possible.
 - (f) The following ratios use an adults-to-minors formula with the understanding that there must always be a minimum of 2 EIM compliant adults present.
 - (1) Infants: 0-11 months – 2:10; 1 additional adult for every 1-5 additional minor
 - (2) Infants 12-17 months – 2:13; 1 additional adult for every 1-6 additional minor
 - (3) Preschool 18 months-4 years – 2:16; 1 additional adult for every 1-8 additional minor
 - (4) Elementary age: PreK-5th – 2:24; 1 additional adult for every 1-12 additional minor
 - (5) Middle school age: 6-8th – 2:30; 1 additional adult for every 1-15 additional minor
 - (6) High school age: 9-12th – 2:40; 1 additional adult for every 1-20 additional minor
 - (7) In the event a religious education or youth ministry class is short-staffed (does not meet the minimum ratio), the director/coordinator of the program, or a designee, must frequently and actively monitor all such classes, or combine classes into a larger common space.
 - (g) Catholic school classrooms shall have at least one EIM compliant adult and the principal or designee should be actively monitoring classrooms throughout the day. As Catholic school classroom teachers typically have more training and experience supervising larger groups of students than is required of volunteers for most Parish programs or events, school ratios may be greater than those stated above.

- (1) As State licensed day care programs (with specific training and supervision standards) are monitored by the State, ratios for licensed day care facilities may be greater than those stated above. State licensed day care programs must always include a minimum of 2 EIM compliant adults supervising any one classroom, even if not required by state regulations.
 - (h) Minors may be released only to parents, legal guardians, or other adults designated by parents or legal guardians at the end of program or event (children may not be released to older minor siblings). When there is a question about the propriety of releasing a minor, the immediate supervisor should be contacted before releasing the child
 - (i) Uncontrollable or unusual behavior of minors should be reported immediately to parents.
- (2) Off-Site Events.
- (a) In general, ministries involving youth should avoid meeting in personal homes.
 - (b) Any off-site event that involves minors must be supervised by at least two EIM compliant adults.
 - (c) Co-ed events should include male and female chaperones in proportion to the minors attending.
 - (d) The following ratios use an adults-to-minors formula with the understanding that there must always be a minimum of 2 EIM compliant adults present.
 - (1) Elementary school age and younger: 2:12; 1 additional adult for every 1-6 additional minor
 - (2) Middle school age: 2:16; 1 additional adult for every 1-8 additional minor
 - (3) High school age: 2:20; 1 additional adult for every 1-10 additional minor
 - (e) A parent or legal guardian may not attend a field trip or event with their child if not EIM compliant. If attending, they must be serving as an approved chaperone by the Parish or school and must be EIM compliant.
 - (1) Other children of a chaperone may not attend a field trip or event.
 - (f) A Parish, Catholic school, or other Diocesan agency should transport minors only with written permission of the children's parents or legal guardians.
 - (g) Parishes, Catholic schools, and other Diocesan agencies should avoid the use of 15-passenger vans to transport persons.
 - (h) Drivers who transport minors must be at least 25 years old (proof of valid driver's license, vehicle registration and insurance must be documented at the Parish or school for each driver), unless the Diocese grants an exemption prior to the event.
 - (i) If only one adult is to be in a vehicle, there must be more than one minor present in the vehicle unless that minor is the adult's own child.
 - (j) When private vehicles are used to transport minors, a transportation plan should be provided to the drivers to include route, pre-arranged stops and contact information for the drivers.
 - (1) Such a plan avoids the need to caravan while in route.
 - (2) No extra stops should be made unless approved by the director of the program or the stop is out of necessity (e.g., fuel, first aid, restroom).
 - (k) Minors may not transport other minors to or from Parish or school functions on behalf of the Parish or school.
 - (1) It is recommended that minors be transported by pre-arranged group transportation for Parish or school events rather than transport themselves.
 - (2) A minor who drives to a Catholic school each day should follow school safety precautions related to minors driving to school

(3) Overnight Events.

- (a) When minors attend an event in which overnight lodging will occur, the details and information about the accommodations should be communicated to parents or legal guardians.
- (b) A minor may not stay overnight in the private accommodations or residence of clergy, teachers, or any adult supervisor.
- (c) When selecting lodging options, parishes and schools should consider those arrangements which are easily supervised.
- (d) Lodging options are to be appropriate for the event and in accordance with custom and practices for such events. Typical accommodations may include hotels, retreat centers, lodges, bunk houses, or multipurpose rooms.
 - (1) Sleeping, changing, and shower areas must be clearly segregated between males and females and also clearly segregated between adults and minors.
 - (2) If different facilities are not available for proper segregation, separate times must be designated for use to achieve the required segregation.
- (e) In larger lodging rooms or cabins housing many minors, chaperones may sleep, if necessary, in the room in a cot or separate bed next to the doorway. Otherwise, chaperones should sleep in a nearby space and take turns monitoring minors' quarters.
- (f) Chaperones may not stay alone in the same hotel or other lodging room with a minor or minors.
 - (1) All lodging rooms should be on the same floor with the chaperones' rooms on either side of minors' rooms.
 - (2) When practical, chaperones should take turns staying awake to monitor rooms.
- (g) A parent may stay in a lodging room with their own child, but not if another minor is in the same room.
- (h) For inquiries concerning types of lodging and overnight accommodations, contact the Diocesan EIM office

(4) Remote/Virtual Events.

- (a) Diocese of Austin policies on Ethics and Integrity in Ministry apply to the use of telecommunication systems for remote, virtual distance learning and ministry events with minors in much the same manner as for in-person on-site, off-site and overnight ministry and events. Telecommunication between minors and Church personnel is permitted for legitimate ministry-related purposes and must reflect the Catholic faith and her teachings; transparency and accountability are required.
- (b) For these guidelines, telecommunication refers to "communication at a distance" using phones, computer networks and the Internet for remote/virtual participation in catechetical, educational, social, and any other programs for minors sponsored or organized by any Parish, Catholic school or organization in the Diocese. Such technologies include video conferencing, virtual classrooms and group texts.
- (c) Although developed specifically to address ministry with minors during pandemic, these policies will apply to any remote/online ministries or events developed by the Parish/school in the future.
- (d) All adults supervising any remote or virtual program involving minors must be EIM compliant, with a minimum of two EIM compliant adults present.
 - (1) Catholic school virtual classrooms shall have at least one EIM compliant adult, with frequent monitoring done by the principal or designee throughout the day.
- (e) The majority of adults supervising a remote or virtual program involving minors must be 21+ years of age (at a minimum one adult must be 21+ years of age).

- (f) One adult should never be alone with one minor in a remote or virtual setting; however, Catholic school teachers may meet individually with a student for educational purposes as long as a parent is present and/or the session is recorded.
 - (g) The following ratios use an adults-to-minors formula with the understanding that there must always be a minimum of 2 EIM compliant adults present in remote or virtual sessions.
 - (1) Elementary age: PreK-5th – 2:24; 1 additional adult for additional minors (1-12)
 - (2) Middle school age: 6-8th – 2:30; 1 additional adult for additional minors (1-15)
 - (3) High school age: 9-12th – 2:40; 1 additional adult for additional minors (1-20)
 - (h) Because Catholic school classroom teachers typically have more training and student supervision experience than do volunteers for most Parish programs or events, school ratios may be greater than those stated above.
 - (i) Video telecommunications should use a public location, or a communal location in the home, with a background clear of distracting or inappropriate items and messaging and in keeping with Catholic values.
 - (j) All leaders and participants in remote or virtual sessions should be attentive of attire and wear clothing appropriate to an in- person session.
 - (k) Telecommunications should use public platforms, be by invitation unique to each session/event and require admission by a program moderator (e.g. catechist, youth group leader, Scout leader).
 - (l) Two-way platforms for online teaching may include, but do not require, parent attendance. In such cases, if the parent is only responsible for their student (vs serving as a co-catechist), there is no EIM requirement.
 - (m) Sessions may be recorded by schools and ministry/event coordinators for auditing purposes and may not be published in any form, including any social media forums. Minors may not record sessions.
 - (n) Sessions may be recorded for purposes of repeating a lesson or meeting, or for other specified reasons, and recordings may be stored for a limited, defined period of time but are not to be permanently stored. Schools or Parishes recording virtual sessions that include minors should create a retention policy.
 - (o) As with any use of technology, there is potential that conversations or stored data could be accessed by unauthorized persons.
 - (p) The parent/legal guardian will provide signed informed consent for their student to participate in remote/online ministry or events. This consent may be proved in a Parish or school-specific consent form that includes these policies and a statement of consent specific to review of policies and permission.
- (5) Listing of Programs for Minors that are Sponsored by the Parish or School.
- (a) The Parish or school should maintain a list of all programs that identifies activities, purpose, sponsors or coordinators of the programs, names of program volunteers, meeting times, and locations.
 - (b) The Parish or school should review these programs annually to determine whether they have adequate supervision and verify EIM compliance of new members.
 - (c) All new programs for minors should be reviewed and approved by the Pastor or principal.
- (6) Building Designs. Parishes and Catholic schools should review building design and remodeling projects to encourage visibility and compatibility with “best practices” for youth in spaces when necessary and appropriate (e.g. windows in doors, signage on restrooms identifying those for adults, etc.).

Chapter 6. Reporting Concerns of Abuse or Other Unethical Behavior and Classification of Reports

Section

- 166.01 Generally. When the Diocese receives a Notice of Concern alleging unethical behavior, the Diocese classifies the information into one of the following categories: (a) information alleging abuse of a minor; (b) information alleging abuse of a minor who is now an adult; (c) information alleging abuse of an elderly adult or an adult with a disability; or (d) information alleging any other unethical behavior. The reporting procedure for each type of information follows. Guidance to address abusive or inappropriate interactions between minors is provided in Section 166.06.
- 166.02 Reporting possible abuse of a person who is currently a Minor.
- (a) *Legal requirement to report by individual who has reasonable cause to believe.* Texas law requires any individual who has reasonable cause to believe a person who is currently a minor is being abused to report the information regarding possible abuse to:
 - (1) any local or state law enforcement agency; or
 - (2) the Texas Department of Family & Protective Services (DFPS) by calling the 24-hour abuse hotline at 1-800-252-5400 or filing a report as instructed on the website at www.txabusehotline.org.
 - (b) *Additional reporting requirements for individuals who are required to be EIM compliant and have reasonable cause to believe.* When an individual who is required to be EIM compliant has reasonable cause to believe a person who is currently a minor is being abused, the individual must report the information regarding possible abuse to the authorities as required under a. above, and must additionally:
 - (1) file a Notice of Concern with the Diocese of Austin; and
 - (2) report the information to the Pastor, principal, or supervisor.
 - (c) *Reporting requirements for individuals who are required to be EIM compliant and receive a report from another.* When an individual who is required to be EIM compliant receives information from another regarding possible abuse of a person who is currently a minor, the individual:
 - (1) must refer the reporter to the reporting requirements under (a) above;
 - (2) must, if he or she has reasonable cause to believe the person is being abused and a question exists as to whether the allegation has been reported, report the allegation to law enforcement or DFPS;
 - (3) must file a Notice of Concern with the Diocese of Austin; and
 - (4) must report the information to the Pastor, principal, or supervisor.
 - (d) *Reporting requirements for Pastors, principals, and supervisors who receive a report from another.* When a Pastor, principal, or supervisor receives information regarding possible abuse of a person who is currently a minor, he or she:
 - (1) must refer the reporter to the reporting requirements under (a) above;
 - (2) must, if he or she has reasonable cause to believe the person is being abused and a question exists as to whether the allegation has been reported, report the allegation to law enforcement or DFPS;
 - (3) must file a Notice of Concern with the Diocese of Austin if a question exists as to whether the allegation has been reported; and

- (4) must contact the Diocesan legal staff for consultation regarding further steps (for example, placing an employee on administrative leave, removing a volunteer from ministry, notifying the parent, legal guardian, or caregiver, etc.)

166.03 Reporting possible abuse of a person who was a Minor at the time of the alleged abuse but who is now an Adult.

- (a) *Reports by adults who suffered alleged abuse as a minor.* Any adult who was abused as a minor is urged to:
 - (1) report the abuse to a local or state law enforcement agency; and
 - (2) file a Notice of Concern with the Diocese of Austin if the abuser is now or was at the time of the abuse a member of Church personnel, a volunteer in ministry, or an independent contractor involved in ministry.
- (b) *Reports by individuals who have received information from others.* Any person who has reasonable cause to believe that an adult was a victim of abuse as a minor:
 - (1) and determines in good faith that the disclosure of the possible abuse is necessary to protect the health or safety of a person who is currently a minor, elderly adult, or adult with a disability, must report the possible abuse to:
 - (i) any local or state law enforcement agency; or
 - (ii) the Texas Department of Family & Protective Services (DFPS) by calling the 24-hour abuse hotline at 1-800-252-5400 or filing a report on the website at www.txabusehotline.org; and
 - (2) is urged to file a Notice of Concern with the Diocese of Austin if the abuser is now or was at the time of the abuse a member of Church personnel, a volunteer in ministry, or an independent contractor involved in ministry.
- (c) *Preference for privacy respected.* If an adult who was a victim of abuse as a minor does not wish to report the prior abuse, the privacy of the adult must be respected unless otherwise required by (b) above

166.04 Reporting possible abuse of an Elderly Adult or an Adult with a Disability.

- (a) *Legal requirement to report by individual who has reasonable cause to believe.* Texas law requires any individual who has reasonable cause to believe a person who is an elderly adult or adult with a disability is being abused to report the information regarding possible abuse to:
 - (1) any local or state law enforcement agency; or
 - (2) the Texas Department of Family & Protective Services (DFPS) by calling the 24-hour abuse hotline at 1-800-252-5400 or filing a report as instructed on the website at www.txabusehotline.org.
- (b) *Additional reporting requirements for individuals who are required to be EIM compliant and have reasonable cause to believe.* When an individual who is required to be EIM compliant has reasonable cause to believe an elderly adult or an adult with a disability is being abused, the individual must report the information regarding possible abuse to the authorities as required under a. above, and must additionally:
 - (1) file a Notice of Concern with the Diocese of Austin; and
 - (2) report the information to the Pastor, principal, or supervisor.

- (c) *Reporting requirements for individuals who are required to be EIM compliant and receive a report from another.* When an individual who is required to be EIM compliant receives information from another regarding possible abuse of an elderly adult or adult with a disability, the individual:
 - (1) must refer the reporter to the reporting requirements under a. above;
 - (2) must, if he or she has reasonable cause to believe the person is being abused and a question exists as to whether the allegation has been reported, report the allegation to law enforcement or DFPS;
 - (3) must file a Notice of Concern with the Diocese of Austin; and
 - (4) must report the information to the Pastor, principal, or supervisor.
- (d) *Reporting requirements for Pastors, principals, and supervisors who receive a report from another.* When a Pastor, principal, or supervisor receives information regarding possible abuse of an elderly adult or adult with a disability, he or she:
 - (1) must refer the reporter to the reporting requirements under a. above;
 - (2) must, if he or she has reasonable cause to believe the person is being abused and a question exists as to whether the allegation has been reported, report the allegation to law enforcement or DFPS;
 - (3) must file a Notice of Concern with the Diocese of Austin if a question exists as to whether the allegation has been reported; and
 - (4) must contact the Diocesan legal staff for consultation regarding further steps (for example, placing an employee on administrative leave, removing a volunteer from ministry, notifying the parent, legal guardian, or caregiver, etc.).

166.05 Reporting concerns about failure to maintain Ethical Behavior and Integrity in Ministry (other than abuse of a minor, elderly adult, or adult with a disability).

- (a) *Reports by individuals who are not required to be EIM compliant and have cause to believe.* When an individual who is not required to be EIM compliant has cause to believe a member of Church personnel, a volunteer in ministry, or an independent contractor involved in ministry has failed to maintain ethical behavior and integrity in ministry (as defined in the EIM policies), that individual is urged to file a Notice of Concern with the Diocese of Austin.
- (b) *Reporting requirements for individuals who are required to be EIM compliant and have cause to believe.* When an individual who is required to be EIM compliant has cause to believe a member of Church personnel, a volunteer in ministry, or an independent contractor involved in ministry has failed to maintain ethical behavior and integrity in ministry (as defined in the EIM policies), that individual must report the information to the Pastor, principal, or other supervisor.
 - (1) If the information concerns the Pastor, principal, or other supervisor, the person may report the information to the appropriate Diocesan official or, if the person is unsure of which Diocesan official to notify, file an EIM Notice of Concern.
 - (2) If the matter involves possible criminal activity, scandal, or other grave matter, the Pastor, principal, or other supervisor should contact Diocesan legal staff for possible further action and reporting to law enforcement.
 - (3) If the matter is considered to be a workplace or human resources matter, members of Church personnel should follow steps in their respective employee manuals.
 - (4) The Pastor, principal, or supervisor may contact the appropriate Diocesan official for consultation regarding further steps and whether to file a Notice of Concern or take other action.

- (c) *Reporting requirements for individuals who are required to be EIM compliant and receive a report from another.* When an individual who is required to be EIM compliant receives information from another regarding a possible failure by a member of Church personnel, a volunteer in ministry, or an independent contractor involved in ministry to maintain ethical behavior and integrity in ministry, that individual should urge anyone with first-hand knowledge of the possible failure to report the information to the Pastor, principal, or other supervisor.
- (1) If the information concerns the Pastor, principal, or other supervisor, the person may report the information to the appropriate Diocesan official or, if the person is unsure of which Diocesan official to notify, file an EIM Notice of Concern.
 - (2) The Pastor, principal or other supervisor receiving the information should inform the reporter to urge the person with first-hand knowledge to file a Notice of Concern with the Diocese of Austin.
 - (3) If the matter is considered to be a workplace or human resources matter, members of Church personnel should follow steps in their respective employee manuals.
 - (4) The Pastor, principal, or supervisor may contact the appropriate Diocesan official for consultation regarding further steps and whether to file a Notice of Concern or take other action.

166.06 Guidance regarding abusive or inappropriate interactions between Minors. Minors should be expected to demonstrate behavior that reflects the values of our Catholic faith, respects the dignity of each person and maintains a safe environment for themselves and others (children, youth and adults), as modeled by the adults who serve in Parishes and schools in the Diocese of Austin.

- (a) *Standards of Behavior.* The Diocese will not tolerate any type of bullying or intimidation including, but not limited to: written, electronic or verbal expressions or conduct that has the effect of physically harming another, damaging property or placing another in fear of harm to self or property severe enough to create an intimidating, threatening or abusive educational environment for a student. Catholic schools and Parish youth programs should provide guidance regarding behavioral expectations and consequences for misbehavior.
- (b) *Reporting concerns of abusive or inappropriate interactions between minors that may cause sexual, physical or psychological harm.*
 - (1) A minor should report concerns about an inappropriate or dangerous interaction between themselves and a peer, or between two or more peers, to an adult at the Parish or school.
 - (2) An adult must report, to appropriate Parish or school personnel, any concern about inappropriate or dangerous interactions between minors that is told them by a minor or that they witness directly. A Diocesan Notice of Concern should be submitted to provide details about the incident. Examples include but are not limited to: (i) sexual touching, (ii) physical violence that causes injury, and (iii) situations requiring a response from law enforcement.
 - (3) The Pastor or principal should consult with the Diocesan Chancellor, Superintendent of Schools or the Vicar General immediately regarding the procedure for gathering information and investigating.
 - (4) Parents of minors involved in concerns of inappropriate or dangerous interactions should always be informed of the incident and pending actions.

(c) *Response.*

- (1) Minors involved should be disciplined by the appropriate level of authority. This could include warning, suspension or expulsion for the minor alleged to cause harm. When necessary, law enforcement is to be contacted.
- (2) Efforts should be taken by the appropriate level of authority to work with those involved for healing and reconciliation. Professional counseling, spiritual guidance and other assistance should be provided if deemed appropriate.

Chapter 7: Diocesan Response to Reports of Abuse or Other Unethical Behavior

Section

167.01 Response to Reports Involving Abuse of a Minor, Elderly Adult, or Adult with a Disability.

(a) *Diocesan Report to and Cooperation with Legal Authorities.*

- (1) The Diocese complies with the legal requirements for reporting abuse to federal, state, and local authorities.
- (2) The Diocese complies with authorities in investigations involving allegations of abuse.
- (3) Church personnel, volunteers, and independent contractors may not investigate allegations of abuse unless directed to do so by governmental authorities or Diocesan legal staff.

(b) *Diocesan Response to and Care of Individuals Reporting and Victims of Alleged Abuse of a Minor, Elderly Adult, or Adult with a Disability.*

- (1) After receiving a Notice of Concern alleging abuse of a minor, elderly adult, or adult with a disability, the Office of Ethics and Integrity and Ministry will inform the individual who made the report that:
 - (i) the Diocese received the report;
 - (ii) the report has been or will be referred to a specific office or Diocesan official for further review;
 - (iii) the individual will be contacted as appropriate to provide or receive additional information; and
 - (iv) the State of Texas requires that persons who have reasonable cause to believe abuse of a minor, elderly adult, or adult with a disability has occurred or is occurring must report the matter to the appropriate law enforcement official.
- (2) The Diocese will follow the Charter for the Protection of Children and Young People in the case of any alleged abuse against a minor by a priest, deacon, or religious brother or sister. Canon law will govern cases where abuse of an elderly adult or an adult with a disability is alleged against a priest, deacon, or religious brother or sister.
- (3) After an initial review by the appropriate office or Diocesan official, an individual reporting alleged abuse of a minor, elderly adult, or adult with a disability will be asked to meet with the Coordinator of Victim Assistance and Pastoral Support or other Diocesan official, as appropriate.
 - (i) The Coordinator of Victim Assistance and Pastoral Support or other Diocesan official will inform the individual reporting alleged abuse of a minor, elderly adult, or adult with a disability who the individual may contact for any inquiries while an investigation or review is in progress.
 - (ii) The Coordinator of Victim Assistance and Pastoral Support may interview the individual making an allegation of abuse of a minor, elderly adult, or adult with a disability.

- (iii) As requested by the Vicar General, the Coordinator of Victim Assistance and Pastoral Support may assist in arranging for counseling or other pastoral support.
 - (4) The Diocese will provide a response to the individual reporting alleged abuse of a minor, elderly adult, or adult with a disability at the conclusion of any review or investigation and will, as appropriate, provide updates regarding pending matters.
 - (5) The Diocese may offer counseling or other pastoral support to persons who were victims of abuse or who suffered other material harm by those involved in ministry.
 - (i) The amount and type of assistance offered varies with the facts or circumstances of each case.
 - (ii) The Diocese may seek reports from the counselor or other person providing such support only for the purposes of acknowledging that the assistance is progressing and helpful
 - (6) *Compensation.* Those who seek restitution or compensation for alleged abuse or other injuries should discuss such issues with their own legal counsel.
- (c) *Diocesan Action Toward and Care of Individuals Accused of Abuse of a Minor, Elderly Adult, or Adult with a Disability.*
- (1) The Diocese will timely inform the accused of an allegation it receives and will inform the accused of any initial action to be taken during the review or investigation.
 - (2) The Diocese will follow the Charter for the Protection of Children and Young People in the case of any alleged abuse against a minor by a priest, deacon, or religious brother or sister, and the Diocesan Bishop, in reaching final decisions, shall be guided by the appropriate norms of canon law.
 - (i) No priest or deacon who has committed an act of sexual abuse of a minor may be transferred for a ministerial assignment in another diocese (from Essential Norms for Allegations of Sexual Abuse of Minors, #12).
 - (ii) When a priest or deacon who has committed an act of sexual abuse of a minor wishes to relocate to this or another diocese for residence, all provisions of Essential Norm #12 will be followed regarding the procedures for such a move. The priest or deacon's bishop or major superior shall forward all pertinent information regarding any past act of sexual abuse of a minor by the cleric, as well as the proposed place of residence, and any additional information needed by the Bishop of the Diocese of intended residence to make an appropriate determination as to whether suitable safeguards are in place to ensure the protection of children and young people.
 - (3) The Diocese will follow canon law in the case of any alleged abuse against an elderly adult or an adult with a disability by a priest, deacon, or religious brother or sister.
 - (4) The Diocese will suspend from ministry any individual under criminal or governmental agency investigation for abuse of a minor, elderly adult, or adult with a disability during the pendency of the investigation. In accordance with rights afforded to the accused under canon law, the Diocesan Bishop may, if the Diocesan Bishop in his judgement determines appropriate, suspend from ministry any person during the pendency of any other review or investigation regarding an allegation of failing to maintain ethical behavior and integrity in ministry.
 - (5) At the conclusion of any investigation, the Diocese will make a determination as to any further action necessary. Those involved in ministry who fail to maintain ethical behavior may be suspended or excluded from engaging in ministry in the Diocese and be subject to other civil, criminal, or canon law action.
 - (6) At any time a person is removed from ministry (pending or after an investigation or review), the Office of Ethics and Integrity in Ministry will indicate a "restricted" status in the Diocesan EIM database.

- (7) The rights of the accused shall be taken into consideration throughout the review or investigation. Every effort will be made to protect the legitimate interests of the accused.
 - (8) The Diocesan Bishop may offer counseling or other pastoral support to the accused during or after the review or investigation.
- (d) *Diocesan Communications with and Care of a Community Affected by an Allegation of Abuse of a Minor, Elderly Adult, or Adult with a Disability.*
- (1) When a Parish, Catholic school, or other Diocesan agency is affected by an allegation of abuse of a minor, elderly adult, or adult with a disability, the Diocesan Bishop may, at his discretion, share information about the allegation in a pastorally appropriate manner, while respecting the privacy and confidentiality of all individuals involved and subject to applicable criminal, civil, and canon law.
 - (2) As determined necessary, the Diocese may provide pastoral support to the members of the affected Parish, Catholic school, or other Diocesan agency affected by an allegation of abuse of a minor, elderly adult, or adult with a disability.

167.02 Response to Reports Not Involving Abuse of a Minor, Elderly Adult, or Adult with a Disability.

- (a) *Workplace Matters.* When an allegation of unethical behavior not involving abuse of a minor, elderly adult, or adult with a disability is a workplace or human resources matter, the Diocese will refer the information to the appropriate person at the Parish, Catholic school, or other Diocesan agency to be addressed in accordance with the applicable employee manual.
- (b) *Non-Workplace Matters.* When an allegation of unethical behavior not involving abuse of a minor, elderly adult, or adult with a disability is not a workplace or human resources matter, the Diocese will review information and refer the matter to the appropriate Diocesan office.
 - (1) A Diocesan representative will contact the individual who made the report to:
 - (i) acknowledge that the Diocese received the report;
 - (ii) share the name of the office or Diocesan official to whom the report has been referred; and
 - (iii) clarify that the individual may be contacted as appropriate to provide or receive additional information.
 - (2) The Diocese will review the information and, if necessary, conduct additional investigations to determine if a material failure to maintain ethical behavior in ministry occurred.
 - (3) At the conclusion of its review, the Diocese will make a determination as to whether further action is necessary.
 - (4) Depending on the nature of the matter reported, the Diocese may initiate temporary safeguards pending its review of the matter, including but not limited to temporary suspension from ministry or temporary reassignment to other duties.
 - (5) If appropriate under civil, criminal, and canon law, the Diocese will share the final determination with the person filing the notice of concern.
 - (6) The Diocese may offer counseling or other pastoral support if appropriate. Those who seek restitution or compensation for alleged abuse or other injuries should discuss such issues with their own legal counsel.

Chapter 8. Promoting Healing and Reconciliation

Section

- 168.01 Patron of Office. The archangel Raphael is traditionally viewed as God's angel of healing and has been adopted as the patron of the Office of Ethics and Integrity in Ministry.
- 168.02 Commitment. Article 1 of the Charter for the Protection of Children and Young People requires dioceses to reach out to victim survivors of abuse, and their families, and demonstrate a sincere commitment to their spiritual and emotional well-being.
- (a) The first obligation of the Church with regard to the victims is for healing and reconciliation.
 - (b) The Diocese of Austin takes firm action with those who fail to maintain ethical behavior in ministry and fosters healing by providing pastoral support to victims of such conduct.
 - (c) The Diocese may offer counseling or other pastoral support to persons who have experienced abuse or who suffered other material harm by those involved in ministry.
- 168.03 Alternatives for Completing EIM Requirements. Persons who wish to serve in ministry in the Diocese but may have difficulty completing the EIM training due to an experience of abuse, may contact the EIM Office to request an alternative EIM training option.

Instructions

Re: Book 1, Title 6: Ethics and Integrity in Ministry
Code of Particular Law of the Diocese of Austin

RESERVED

Supplemental Material

Re: Book 1, Title 6: Ethics and Integrity in Ministry
Code of Particular Law of the Diocese of Austin

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