

POLICIES FOR THE DIOCESE OF SAN DIEGO

POLICY ON SEXUAL MISCONDUCT (DIOCESAN 14)

INTRODUCTION

Sexual misconduct is contrary to the principles and values which we hold as Catholics. Therefore, beyond any provisions of law, sexual misconduct by personnel of the Diocese of San Diego is totally inappropriate and unacceptable.

All personnel of the diocese shall comply with applicable laws as well as the policies of the diocese regarding incidents of actual or suspected sexual misconduct.

DEFINITIONS

Sexual misconduct is here defined as any sexual conduct which is civilly unlawful, e.g., sexual abuse, sexual exploitation, and sexual harassment.

The word diocesan is meant to include all entities operating under the Roman Catholic Bishop of San Diego, a corporation sole, e.g., the diocese, parishes and schools.

Diocesan personnel means all those whose source of compensation is a diocesan entity, and those whose volunteer services are formally accepted by a diocesan entity.

REPORTING REQUIREMENTS

California State Law, Article 2.5 of the Penal Code, provides reporting requirements for child abuse whether sexual abuse, physical non-accidental injury, or neglect. Diocesan personnel must comply with those legal requirements.

In addition, diocesan personnel who have actual knowledge, or reasonable cause to suspect, that a child or an adult has been subject to sexual misconduct by diocesan personnel, must make an immediate report/to the office of the chancellor:

INVESTIGATION AND RESPONSE

Each reported incident will be investigated with a high level of confidentiality, as well as concern and care for alleged victims, alleged perpetrators, and others affected.

If there is reason to believe that the report may be true, pending the outcome of the internal and any external investigation, the alleged perpetrator, if compensated by the diocese, will be placed on administrative leave; if a volunteer, services to the diocese will be suspended. At the same time, there will be immediate outreach to the alleged victims and others affected.

Personnel of the diocese who admit to, do not contest, or are found guilty of sexual misconduct shall be subject to appropriate administrative or disciplinary action up to and including termination of employment and/or ministerial duties.

COMMUNICATION

Within the confines of respect for privacy, authorized diocesan representatives will deal as openly as possible with members of the community involved. Any media contact or inquiries will be addressed only by the bishop or his delegate.

FALSE ACCUSATION

In the case of false accusations or unsubstantiated claims, both civil and canon law provide penalties for defamation of character in which individuals become victims of calumny and detraction.

Applicability

This policy applies to all diocesan personnel.

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POLICY ON SEXUAL ABUSE BY CHURCH MINISTERS (DIOCESAN 22)

The Diocese of San Diego recognizes that sexual abuse by Church ministers constitutes one of the most serious breaches of trust in human relationships. It can have devastating consequences above all for victims and their families, but also for the Church ministers involved and for the Church community at large. Therefore, to prevent abuse and to maintain a safe environment for children, to deal appropriately with allegations and cases of abuse, and to respond compassionately to victims of abuse, the Diocese of San Diego sets forth this policy.

The Diocese of San Diego is committed to prevent sexual abuse and to maintain a safe environment for children and young people by

1. publishing standards of conduct for Church ministers who have regular contact with children and young people;
2. screening applicants for ordained and lay Church ministry which involves regular contact with minors;
3. promoting "safe environment" programs in collaboration with parents, educators and community leaders.

The Diocese of San Diego is committed to deal appropriately with allegations and cases of sexual abuse by:

1. announcing procedures for reporting complaints of sexual abuse;
2. responding promptly to all allegations of sexual abuse;
3. offering immediate pastoral care to persons who claim to have been sexually abused as minors;
4. complying with the requirements of civil law in reporting allegations of sexual abuse to public authorities and cooperating with their investigation;
5. engaging a review board to assist in addressing allegations of sexual abuse;
6. temporarily relieving alleged offenders of their ministry, when there is the probability of sexual abuse, in accord with Church law;
7. following procedures that reflect a commitment to transparency and openness, within the confines of respect for the rights and the reputation of the individuals involved;
8. permanently removing offenders from ministry, when it is admitted or established that a criminal offense of sexual abuse has occurred, in accord with Church law;
9. taking steps to restore the good name of persons cleared of false allegations.

The Diocese of San Diego is committed, above all, to reach out with pastoral concern and care to victims of sexual abuse and their families, and to promote healing and reconciliation with them.

POLICY ON SAFE ENVIRONMENT PROGRAM (DIOCESAN 24)

Every parish and Catholic school in the Diocese of San Diego must implement a safe environment program to ensure that its children and young people who worship, study or participate in its activities can do so in the safest and most secure setting possible.

I. A safe environment program begins with screening all adults who work with children and young people on a regular basis. Following screening, they must acknowledge in writing that they understand and will abide by the Diocesan Code of Ethical Standards for Church Ministers.

II. A safe environment program requires the ongoing training of parents, educators, church ministers, volunteers and others regularly involved with minors as to the issue of child abuse, including sexual abuse. This training should include:

A. Definition: What constitutes child abuse?

B. Prevention: What action, policies and procedures prevent child abuse?

C. Identification: How does one identify instances of child abuse? What signs should one look for in a child who may be abused? In a person who may be abusing a child?

D. Response: What action should one take when one believes that child abuse may be occurring?

E. Reporting: What are the laws and policies regarding the reporting of child abuse?

III. A safe environment program includes the ongoing training of children and young people with age appropriate education pertaining to their personal safety and with direction as to when they should seek assistance from a trusted adult.

Every parish and Catholic school should designate a safe environment coordinator or couple to ensure implementation of its program.

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CODE OF ETHICAL STANDARDS FOR CHURCH MINISTERS

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PREAMBLE

This Code of Ethics is based on the fact that Church ministers must always uphold Christian values and conduct as promoted by the Gospel and taught by the Church. It does not presume to provide the answer to all the ethical questions facing Church ministers nor is it intended to supersede canon or civil law. Its purpose, rather, is to establish a set of general ethical standards for Church ministers. These standards will help to delineate boundaries for appropriate behavior in ministry.

The term "Church minister" is used to indicate all those who represent the Church by virtue of office or designated position. This Code will be used in their formation for ministry, and in holding them accountable to live within the ethical standards it sets.

Responsibility for adherence to this Code of Ethical Standards rests with the Church ministers themselves. Violations will be dealt with by the appropriate employing or appointing authority through action that may, if necessary, lead to exclusion from ministry.

The conduct of Church ministers, both public and private, has the potential to inspire and motivate people, or to scandalize them and weaken their faith. Church ministers must always keep this in mind.

GENERAL PRINCIPLES

Five key principles underlie the ethical stance of this Code: ecclesial commitment, integrity, respect for others, personal well-being and ministerial competence.

ECCLESIAL COMMITMENT

Church ministers should know Christ and seek to make him known. They should be familiar with the scriptures and be able to apply them to day-to-day situations. Church ministers must have a deep commitment to the Church as evidenced by adherence to Church teaching, loyalty to tradition, attentiveness to present demands, and readiness to take on future challenges. This commitment looks beyond the boundaries of parish faith communities to embrace the wider Church, diocesan and universal.

INTEGRITY

Church ministers are expected to be persons of integrity who conduct themselves in a manner that is open, honest and above board. This requires that they be conscientious in their ministry and morally upright in their personal lives.

RESPECT FOR OTHERS

Church ministers must respect the rights, dignity and worth of everyone regardless of their degree of participation in the faith community, cultural background,

or economic status. They should strive to be sensitive to issues of aging, gender, race, religion, sexual orientation, physical or mental disabilities, and language, since these all affect how the message of the Gospel is accepted and lived out.

PERSONAL WELL-BEING

Church ministers are expected to give proper attention to their own human, spiritual and intellectual well-being.

Church ministers should show appropriate regard for their own physical, mental and emotional health, and should promote the personal well-being of one another as well. They should determine healthy limits in their work environment and live within these limits as much as possible. They should make use of allotted time for vacation and days away from the work environment.

Church ministers should maintain an active prayer life and properly address their own spiritual needs in order to nurture their faith and minister effectively to others.

They should strive to grow in their knowledge of the faith and faith-related issues, both on their own initiative and by participating in opportunities available to them.

MINISTERIAL COMPETENCE

Church ministers should develop and maintain a high level of competence in their particular ministries by participating in the ongoing formation required of them. They shall not attempt to provide services in those areas in which they lack competence.

ETHICAL STANDARDS

CHRISTIAN BEHAVIOR AND ENVIRONMENT

The lives of Church ministers must be marked by Christian virtue. In both their personal life and ministry, they must strive to create environments in which all are treated with dignity, charity, and respect. Church ministers are to live the virtue of chastity according to their Christian state of life whether single, married or celibate.

Church ministers, moreover, must not betray the trust of the faith community by any kind of misconduct whatsoever, including, but not limited to, harassment, exploitation and abuse. In particular, sexual misconduct by Church ministers, especially in the context of a ministerial relationship, is never acceptable. A ministerial relationship is created whenever a person in his or her capacity as a Church minister interacts with another person.

Avoid exclusive relationships with minors and be cautious of minors desiring such a relationship.

Avoid any physical contact that can be misconstrued by either minors or adults.

Never provide minors with alcohol or illegal drugs or with any sexually explicit material.

Never offer minors overnight accommodations in rectories or other personal residences unless additional

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adult supervision is present.

Be aware of their own and others' vulnerability and, wherever possible, use a team approach to ministry.

CONFIDENTIALITY

Church ministers must respect the confidentiality of information which they have acquired in the course of counseling, spiritual direction or other ministerial encounters. Without prejudice to the seal of Confession, they should:

Discuss the nature of confidentiality and its limitation at the outset of a ministerial relationship with assurance that confidentiality will be respected.

For example, in beginning what is clearly a counseling relationship, the Church minister should inform a counselee that confidentiality is limited when there is clear and imminent danger to the counselee or to others.

Disclose confidential information only for compelling professional reasons or as required by law.

Exercise great care to limit the content of shared information when disclosure is necessary.

Safeguard the confidentiality of information maintained in notes and files or by electronic means.

CONFLICT OF INTEREST

Church ministers should avoid situations that might present a conflict of interest since the existence or even the appearance, of a conflict of interest can call integrity into question. They should:

Disclose to proper authorities all relevant factors that could create or be seen as a conflict of interest.

Be open and honest with all parties concerned when a conflict of interest arises.

Refuse gifts and testamentary bequests of money or property which should be received for the benefit of the Church.

Church ministers are obligated to know and to abide by existing law and diocesan policies as they apply to all forms of misconduct. Those who work with youth on a regular basis are required to participate in safe environment training programs which address child abuse, including sexual abuse, and cover prevention, identification, response and reporting.

ADMINISTRATION

Church ministers in administrative positions should:

Treat employees and volunteers according to the demands of justice and with charity, fully embracing the social teaching of the Church.

Make decisions consistent with civil and canon law.

Never use their position to exercise unreasonable or inappropriate power and authority.

Exercise responsible stewardship with Church

resources.

Observe diocesan policies and guidelines for ministry and fiscal management.

CONDUCT IN COUNSELING

In providing counseling, including spiritual direction, Church ministers should:

Function within the limits of their competence and refer counsees to other professionals when appropriate.

Respect legitimate expectancies for confidentiality.

Make sure there will be no negative consequences before entering into a counseling relationship with someone with whom they have a pre-existing relationship.

Respect appropriate boundaries, never engaging in sexual intimacies and avoiding any physical contact that could be misconstrued.

Conduct sessions in appropriate settings and never use electronic means to record them without explicit permission from the counselee.

Maintain a log of the times and places of counseling sessions for each person being counseled.

MINISTRY WITH MINORS

In ministry with minors Church ministers should:

Maintain open, trustworthy relationships that are marked by personal and professional integrity.

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CERTIFICATION OF AWARENESS OF CHILD ABUSE REPORTING LAW

(P.C. 11166)

Definitions: The following are reportable conditions:

- Physical abuse
- Sexual abuse
- Child exploitation, child pornography and child prostitution
- Neglect
- Extreme corporal punishment resulting in injury
- Willful cruelty or unjustifiable punishment

Who Reports: The following individuals are legally mandated reporters:

- Child care custodians (“...certified pupil personnel employee of any public or private school; and administrators and employees of public or private youth centers, youth recreation programs, and youth organizations who have been trained in the duties imposed by this article...”)
- Health practitioners
- Commercial film or photographic print processors in specified instances
- Child Protective Agencies

When to Report: A telephone report must be made immediately when the reporter observes a child in his/her professional capacity or within the scope of his/her employment and has knowledge of: or has reasonable suspicion that the child has been abused. A written report, on a standard form, must be sent within 36 hours after the telephone report has been made.

To Whom Do You Report: In San Diego County, reports should be called in to the Child Protective Services Hotline. In San Diego county, call (619) 560-2191. In Imperial Valley, call (800) 344-6000. Commercial film or photographic processors report only to law enforcement.

Individual Responsibility: Any individual who is named in the reporting law must report abuse. If the individual confers with a superior and a decision is made that the superior file the report, one report is sufficient. However if the superior disagrees, the individual with the original suspicion must report.

Anonymous Reporting: Mandated reporters are required to give their names. Non-mandated reporters may report anonymously. Child protective agencies are required to keep the mandated reporter’s name confidential, unless a court orders the information disclosed.

Immunity: Any legally mandated reporter has immunity when making a report. In the event a civil suit is filed against the reporter, reimbursement for fees incurred in the suit will occur up to \$50,000. No individual can be dismissed, disciplined or harassed for making a report of suspected child abuse.

Liability: Legally mandated reporters can be criminally

liable for failing to report suspected abuse. The penalty for this misdemeanor is up to six months in county jail, a fine of not more than \$1,000 or both. Mandated reporters can also be civilly liable for failure to report.

Notification Regarding Abuse: You are not legally required to notify the parents that you are making a report; however, it is often beneficial to let the parents know you are reporting for benefit of a future relationship.

Am I a Mandated Reporter? According to the Diocese of San Diego, volunteers in ministry with children are not mandated reporters. However, volunteers are morally bound to report any conditions that are defined as child abuse to their immediate supervisor. They are also morally and ethically bound to keep such information confidential.