

DIOCESE OF PALM BEACH

CODE OF PASTORAL CONDUCT

FOR CHURCH PERSONNEL

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## I. Preamble

*The Diocese of Palm Beach Code of Pastoral Conduct for Church Personnel* (hereinafter known as *The Code of Pastoral Conduct*) provides a set of standards to uphold Christian values of conduct.<sup>1</sup> *The Code of Pastoral Conduct* is intended to be a structure for addressing a variety of circumstances, but is not intended to address all situations that may arise in ministry.

*The Code of Pastoral Conduct* is to be considered in conjunction with the following official documents of the Diocese of Palm Beach:<sup>2</sup>

- *The Policy and Procedural Guidelines for the Diocese of Palm Beach Relating to Protection of Children and Vulnerable Adults;*
- *The Policy and Procedural Outline Relating to Prevention, Education, Reporting and Pastoral Considerations regarding Sexual Abuse;*
- *Diocesan Procedures in the event of Allegations of Sexual Abuse of Minors by Church Personnel;*
- *Reporting Procedures for Allegations of Sexual Abuse of Minors; and*
- *The Policies and Pastoral Guidelines of the Offices of Youth and Young Adults.*
- *Volunteer Application*

Moreover they are to be seen in conjunction with the following official documents of the United States Conference of Catholic Bishops:<sup>3</sup>

- *The Charter for the Protection of Children and Young People Revised Edition; and*
- *Essential Norms for Diocesan/Eparchial Policies Dealing with Allegations of Sexual Abuse of Minors by Priests and Deacons.*

Furthermore, they are to be in accord with:

- *the Code of Canon Law;*
- *the Statutory Law of the State of Florida; and*
- *the National Catholic Educational Association Code of Ethics for Catholic School Teachers.*<sup>4</sup>

Those persons that must comply with this *Code of Pastoral Conduct* are the priests, deacons, religious, seminarians, deacon aspirants, pastoral ministers, staff, and volunteers in our parishes,

schools, religious institutes and societies of apostolic life, and organizations, hereinafter referred to as “Church Personnel” as defined in *The Policy and Procedural Outline Relating to Prevention, Education, Reporting and Pastoral Considerations regarding Sexual Abuse*.<sup>5</sup>

## **II. Responsibility**

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

Responsibility for adherence to the *Code of Pastoral Conduct* rests with the individual. Church Personnel who disregard this *Code of Pastoral Conduct* will be subject to remedial action in accord with the policies of the Diocese of Palm Beach and *Charter and Norms* of the United States Conference of Catholic Bishops listed in the *Preamble* of this document, and the *Code of Canon Law*. Remedial action may also be taken by an administrative superior, in accord with the policies of the Diocese of Palm Beach, including this *Code of Pastoral Conduct*, depending on the specific nature and circumstances of the situation.

## **III. Pastoral Standards**

### **1. Conduct for Pastoral Counselors and Spiritual Directors<sup>1</sup>**

*Church Personnel providing pastoral counseling or spiritual direction must respect the rights and advance the welfare of each person.*

- 1.1 Church Personnel must not step beyond their competence in counseling situations and shall refer clients to other professionals when appropriate.
- 1.2 Church Personnel must carefully consider the possible consequences before entering into a counseling relationship with someone with whom they have a pre-existing relationship (i.e., employee, professional colleague, friend, or other pre-existing relationship). *[See Section 7.2.2]*
- 1.3 Church Personnel must not audiotape or videotape sessions.

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<sup>1</sup> Pastoral Counselors and Spiritual Directors: Clergy, staff, and volunteers who provide pastoral, spiritual, and/or therapeutic counseling services to individuals, families, or other groups.

- 1.4 Church Personnel must never engage in sexual intimacies with the persons they counsel. This includes consensual and nonconsensual contact, forced physical contact, and inappropriate sexual comments.
- 1.5 Church Personnel must not engage in sexual intimacies with individuals who are close to the client—such as relatives or friends of the client—when there is a risk of exploitation or potential harm to the client. Church Personnel should presume that the potential for exploitation or harm exists in such intimate relationships.
- 1.6 Church Personnel assume the full burden of responsibility for establishing and maintaining clear appropriate boundaries in all counseling and counseling-related relationships.
- 1.7 Physical contact of any kind (i.e., touching, hugging, hand holding) between Church Personnel and the persons they counsel can be misconstrued and must be avoided.
- 1.8 Sessions are to be conducted in appropriate settings at appropriate times.
  - 1.8.1 No sessions should be conducted in private living quarters.
  - 1.8.2 Sessions should not be held at places or times that would tend to cause confusion about the nature of the relationship for the person being counseled.
- 1.9 Church Personnel shall maintain a log of the times and places of sessions with each person being counseled.

## **2. Confidentiality**

*Information disclosed to Church Personnel during the course of counseling, advising, or spiritual direction shall be held in the strictest confidence possible.*

- 2.1 Information obtained in the course of sessions shall be confidential, except for compelling professional reasons or as required by law.

- 2.2 Church Personnel are to discuss the nature of confidentiality and its limitations with each person in counseling.
- 2.3 Church Personnel are to keep minimal records of the content of sessions. Florida Statute 455.667, chapter 64B4-9.001 and 64B4-9002 outline the requirements for client records which are to be followed by all licensed counselors who provide counseling services.
- 2.4 Knowledge that arises from professional contact may be used in teaching, writing, homilies, or other public presentations only when effective measures are taken to absolutely safeguard both the individual's identity and the confidentiality of the disclosures.
- 2.5 If there is clear and imminent danger to a minor or vulnerable adult, "Church Personnel" are to act in accord with the policies listed in the *Preamble* of this *Code of Pastoral Conduct*, and the Statutory Law of the State of Florida

**These obligations are independent of the confidentiality of the celebration of the Sacrament of Penance. In accordance with Florida Law and Canon Law, under no circumstances whatsoever can there be any disclosure—even indirect disclosure—of information received through the celebration of the Sacrament of Penance.**

### **3. Conduct With Minors and Vulnerable Adults**

***Church Personnel are to maintain an open and trustworthy relationship with minors and vulnerable adults.***

- 3.1 Church Personnel must be aware of their own and others' vulnerability when working with minors and vulnerable adults.
- 3.2 Physical contact with minors and vulnerable adults can be misconstrued and should occur (a) only when completely nonsexual and otherwise appropriate, and (b) never in private.
- 3.3 Church Personnel are to refrain from (a) the illegal possession and/or illegal use of drugs and/or alcohol at all times, and (b) the use of alcohol when working with minors or vulnerable adults.

- 3.4 Church Personnel must not share private, overnight accommodations with individual minors or vulnerable adults. This includes, but is not limited to, accommodations in any Church owned facility, private residence, hotel room, or any other place where there is no other adult supervision present.
  - 3.4.1 In rare, emergency situations, when accommodation is necessary for the health and well-being of any minor or vulnerable adult, Church Personnel are to take extraordinary care to protect all parties from the appearance of impropriety and from all risk of harm.
  - 3.4.2 A team approach to managing emergency situations is to be used.

#### 4. Sexual Conduct

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

- 4.1 Church Personnel who are committed to a celibate lifestyle are called to be an example of celibate chastity in all relationships at all times.
- 4.2 Church Personnel who provide pastoral counseling or spiritual direction services must avoid developing inappropriately intimate relationships with minors, vulnerable adults, other staff, or parishioners. Church Personnel are to behave in a professional manner at all times.
- 4.3 No Church Personnel may exploit another person for sexual purposes.
- 4.4 Allegations of sexual misconduct are to be taken seriously and reported to the appropriate person in the parish, diocese, or organization and to civil authorities if the situation involves a minor. The Diocese of Palm Beach procedures will be followed to protect the rights of all involved.
- 4.5 Church Personnel are to review and know the contents of the child abuse regulations and reporting requirements for the state of Florida and should follow those mandates. (see **Reporting Procedures for Allegations of Sexual Abuse of Minors.**)

## **5. Harassment**

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

- 5.1 Church Personnel are to provide a professional work environment that is free from physical, psychological, written, or verbal intimidation or harassment.
- 5.2 Harassment encompasses a broad range of physical, written, or verbal behavior, including without limitation the following: physical or mental abuse, racial insults, derogatory ethnic slurs, unwelcome sexual advances or touching, sexual comments or sexual jokes, display of offensive materials, and requests for sexual favors used as a condition of employment, or to affect other personnel decisions, such as promotion or compensation.
- 5.3 Harassment can be a single overt incident or a persistent pattern of behavior where the purpose or the effect is to create a hostile, offensive, or intimidating work environment.
- 5.4 Allegations of harassment are to be taken seriously and reported immediately to the administrative superior in the parish, diocese, or organization, or in case of employees, to the Director of Human Resources for the Diocese of Palm Beach, who is responsible for implementing the Diocese of Palm Beach procedures to guarantee the protection of rights of all involved.

## **6. Parish, Religious Institute or Society of Apostolic Life, and Organizational Records and Information**

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

- 6.1 Sacramental, financial, and personnel records are to be regarded as confidential. When compiling and publishing the statistical information from these records of the parish, religious institute or society of apostolic life, or organization, great care must be taken to preserve the anonymity of individuals.

- 6.2 Sacramental, financial, and personnel records are the property of the Church. Records of the parish, religious institute or society of apostolic life, or organization shall be regarded as private and shall be maintained in strictest confidence. Only staff members who are authorized to access the records and supervise their use shall handle requests for records. If there is any question concerning records, the matter is to be referred to the Chancellor.
- 6.3 Parish, religious institute, society of apostolic life, or organization sacramental, financial, and personnel records are subject to review by the diocese, or a supervising institution. Church Personnel are to contact the Chancellor of the Diocese or supervising institution upon receipt of any request for release of records to a government agency.
- 6.4 Individual contribution records of the parish, religious institute and society of apostolic life, or organization are to be regarded as private and shall be maintained in strictest confidence.

## **7. Conflicts of Interest**

Church Personnel are to avoid situations that might present a conflict of interest. Even the appearance of a conflict of interest can call integrity and professional conduct into question.

- 7.1 Church Personnel are to disclose to the appropriate Church authority all relevant factors that potentially could create a conflict of interest.
- 7.2 Church Personnel are to inform all parties when a real or potential conflict of interest arises. Resolution of the issues must protect the person receiving ministry services.
  - 7.2.1 Church Personnel are not to take advantage of anyone to whom they are providing services in order to further their personal, religious, political, or business interests.
  - 7.2.2 Church Personnel are not to provide counseling services to anyone with whom they have a business, professional, or social relationship. When this

is unavoidable, the client must be protected. The counselor must establish and maintain clear, appropriate boundaries.

- 7.2.3 When pastoral counseling or spiritual direction services are provided to two or more people who have a relationship with each other, Church Personnel are to:
- Clarify with all parties the nature of each relationship,
  - Anticipate any conflict of interest,
  - Take appropriate actions to eliminate the conflict, and
  - Obtain from all parties written consent to continue services.

- 7.3 Conflicts of interest may also arise when Church Personnel's independent judgment is impaired by: prior dealings, becoming personally involved, or becoming an advocate for one (person) against another.

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

## **8. Reporting Ethical or Professional Misconduct**

Church Personnel have a duty to report their own unethical or unprofessional conduct and that of others.

- 8.1 Church Personnel must hold each other accountable for maintaining the highest ethical and professional standards. If unethical or unprofessional conduct is observed, the appropriate administrative superior must be notified. When there is an indication of illegal actions by other Church Personnel, the proper civil authorities are to be notified immediately, as well as the appropriate administrative superior.
- 8.2 When an uncertainty exists about whether a situation or course of conduct violates this *Code of Pastoral Conduct* or other religious, moral, or ethical principles, Church Personnel are to consult with the Chancellor or responsible administrative superior.
- 8.3 When it appears that a member of Church Personnel has violated this *Code of Pastoral Conduct* or other religious, moral, or ethical principles:

- Report the issue to a supervisor or next higher authority, or
- Refer the matter directly to the Chancellor.

8.4 The obligation of Church Personnel to report client misconduct is subject to the duty of confidentiality. However, any agreement or duty to maintain confidentiality must yield to the mandatory statutory reporting requirements and the need to report misconduct that threatens the safety, health, or well-being of any of the persons involved.

## **9. Administration**

Employers and supervisors are to treat Church Personnel justly in the day-to-day administrative operations of their ministries.

- 9.1 Personnel and other administrative decisions made by Church Personnel are to meet civil and canon law obligations and also reflect Catholic social teachings and this *Code of Pastoral Conduct*.
- 9.2 Church Personnel are not to use their position to exercise unreasonable or inappropriate power and authority.

## **10. Church Personnel Well-being**

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

- 10.1 Church Personnel are to be aware of warning signs that indicate potential problems with their own spiritual, physical, mental, and/or emotional health.
- 10.2 Church Personnel are to seek help immediately whenever they notice behavioral or emotional warning signs in their own professional and/or personal lives.
- 10.3 Church Personnel must address their own spiritual needs. Support from a Spiritual Director is highly recommended.
- 10.4 Inappropriate or illegal use of alcohol and drugs is prohibited.

#### IV. Notes

1. This *Code of Pastoral Conduct* is an adaptation of the *Model Code of Pastoral Conduct for Priests, Deacons Pastoral Ministers, Administrative, Staff and Volunteers*, The National Catholic Risk Retention Group, Inc., (VIRTUS) revised 03/17/03.
2. Diocese of Palm Beach, *Diocese of Palm Beach Policy and Procedural Outline Relating to Prevention, Education, Reporting, and Pastoral Considerations Regarding Sexual Abuse*, January 2004; *Diocese of Palm Beach Diocesan Procedures in the event of Allegations of Sexual Abuse of Minors by Church Personnel*, August 2003; *Diocese of Palm Beach Reporting Procedures for Allegations of Sexual Abuse of Minors*, February 2004; *Diocese of Palm Beach Offices of Youth and Young Adults Ministry Policies and Pastoral Guidelines*, August 2003
3. United States Conference of Catholic Bishops *Charter for the Protection of Children and Young People Revised Edition*, November 2002; United States Conference of Catholic Bishops *Essential Norms for Diocesan/Eparchial Policies Dealing with Allegations of Sexual Abuse of Minors by Priests or Deacons*, December 2002
4. *Code of Canon Law*, January 1983; Statutory Law of the State of Florida Sections 415.102, 415.504, 39.01 (63), 39.201, 39.204, 90.505; National Catholic Educational Association *Code of Ethics for the Catholic School Teacher*, 1982.
5. Diocese of Palm Beach *Policy and Procedural Outline Relating to Prevention, Education Reporting and Pastoral Considerations Regarding Sexual Abuse, Glossary of Terms "Church Personnel,"* January 2004.
6. Diocese of Palm Beach *Reporting Procedures for Allegations of Sexual Abuse of Minors*
7. Diocese of Palm Beach *Offices of Youth and Young Adults Ministry Policies and Pastoral Guidelines*, August 2003.

**V. Agreement and Signature**

I have read the *Code of Pastoral Conduct for Church Personnel* of the Diocese of Palm Beach, and understand its contents. I have been given the opportunity to have it explained to me in conjunction with the documents listed in the *Preamble* of this code.

I accept that I am bound to comply with this *Code of Pastoral Conduct* and will remain in compliance with said code, policies, procedures and documents listed in its *Preamble*, and that a copy of such will be available to me upon request.

I understand that a just and equitable process guaranteeing the protection of the rights of those involved will be implemented for any action inconsistent with this *Code of Pastoral Conduct* or failure to take remedial action mandated by it.

The Diocese of Palm Beach reserves the right to change this *Code of Pastoral Conduct* at a future date, so that it remains in compliance with the documents in the preamble. I understand that I will be informed of any major changes, but will not be required to sign any addendum to this agreement.

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Printed Name

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Name of Parish, School, Other Institution

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Signature

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Date

*Revised September 2004*