

**POLICY
OF THE
DIOCESE OF CHARLESTON
CONCERNING
ALLEGATIONS
OF
SEXUAL MISCONDUCT OR ABUSE
OF A MINOR
BY CHURCH PERSONNEL**

Adopted: August 19, 2003

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POLICY OF THE DIOCESE OF CHARLESTON CONCERNING ALLEGATIONS OF SEXUAL MISCONDUCT OR ABUSE OF A MINOR BY CHURCH PERSONNEL

I. INTRODUCTION AND PURPOSE

- A. Sexual misconduct and abuse of children is an unfortunate reality in our society. Children require protection by society, since they cannot adequately provide it for themselves. The Diocese of Charleston is adamant that the abuse of children, including physical injury, sexual molestation, sexual exploitation, or grave emotional damage, will not be tolerated, by anyone, especially Church Personnel. Therefore, in the instance of an allegation of sexual misconduct or abuse of a Child involving Church Personnel, the Diocese of Charleston will do everything in its power to protect the Child, to attempt to stop the alleged abuse, and to promote the healing of all of the parties affected.
- B. The Diocese of Charleston will respond promptly to all allegations of abuse of a Child. After the preliminary investigation, if the allegation is supported by credible evidence, the Accused will be promptly, temporarily relieved of all ministerial, parish or school responsibilities pending the outcome of the case. The Diocese of Charleston will not knowingly permit anyone who has abused, abuses, or is named in a credible allegation to serve in parochial ministry or in any other position which has access to children.
- C. In an effort to protect the Child and in an attempt to stop the alleged abuse, the Diocese of Charleston will comply with the obligations of civil law. The Diocese will also cooperate in any investigation conducted by civil law authorities. In addition, the Diocese of Charleston will pursue the inquiries and investigations mandated by the Code of Canon Law.
- D. The Bishop or his designee shall make contact with the affected parties to offer the services deemed necessary, requested, or useful in promoting a healing process. This assistance will include, but will not necessarily be limited to, spiritual and psychological counseling.

E. On June 14, 2002, the United States Conference of Catholic Bishops, hereafter referred to in this Policy as the “USCCB,” confirmed the “Charter for the Protection of Children and Young People” and the “Essential Norms for Diocesan/Eparchial Policies Dealing with Allegations of Sexual Abuse of Minors by Priests or Deacons.” The Preamble of the Charter, in part, states the following:

With a firm determination to resolve this crisis, we bishops commit ourselves to a pastoral outreach to repair the breach with those who have suffered sexual abuse and with all the people of the Church. We renew our determination to provide safety and protection for children and young people in our church ministries and institutions. We pledge ourselves to act in a way that manifests our accountability to God, to his people, and to one another in this grave matter. We commit ourselves to do all we can to heal the trauma that victim/survivors and their families are suffering and the wound that the whole Church is experiencing. We acknowledge our need to be in dialogue with all Catholics, especially victims and parents, around this issue. By these actions, we want to demonstrate to the wider community that we comprehend the gravity of the sexual abuse of minors. To fulfill these goals, our diocese/eparchies and our national conference, in a spirit of repentance and renewal, will adopt and implement policies based upon the following.

These four (4) goals are as follows:

- 1. To promote healing and reconciliation with victims/survivors of sexual abuse of minors.**
- 2. To guarantee an effective response to allegations of sexual abuse of minors.**
- 3. To ensure the accountability of our procedures.**
- 4. To protect the faithful in the future.**

F. On June 14, 2002, the USCCB also approved the “Essential Norms for Diocesan/Eparchial Policies Dealing with Allegations of Sexual Abuse of Minors by Priests or Deacons.” These Norms were amended by the USCCB on November 11, 2002. The preamble, in part, states as follows:

The bishops of the United States have promised to reach out to those who have been sexually abused as minors by anyone serving the Church in ministry employment or a volunteer position whether the sexual abuse was recent or occurred many years ago. They stated that they would be as open as possible with the people in parishes and communities about instances of sexual abuse of minors, with respect always for the privacy and the reputation of the individuals involved. They have committed themselves to the pastoral and spiritual care and emotional well being of those who have been sexually abused and of their families. In addition, the Bishops will work

with parents, civil authorities, educators and various organizations in the community, to make and maintain the safest environment for minors.

- G. Therefore, in order to achieve these four (4) principles, the following policy has been adopted to deal with allegations of sexual misconduct or abuse of a Child by Church Personnel.

II. DEFINITIONS

The following terms are defined for the purposes of this Policy and are not intended to be interpreted as either a technical or a legal definition.

A. **Accused:** Church Personnel against whom an accusation of sexual misconduct or abuse has been made.

B. **Accuser:** A person who has made an accusation of sexual misconduct or abuse against Church Personnel.

C. **Bishop:** According to the Kennedy Directory, the term “Bishop” is defined in part as follows: “. . . by Divine Institution, carries on the work of the Apostles. By reason of the Episcopal consecration, he shares in the triple Apostolic function of teacher of doctrine, priest of sacred worship, and minister of Church government.” 1. The Bishop of Charleston is a priest who, through episcopal ordination and appointment by the Pope, serves as the Ordinary of the Diocese of Charleston.

2. A Corporation Sole, by Charter of the State of South Carolina, is the legal entity in which all rights, title, and interest rest.

3. A cleric who has the authority and direction to implement and mandate this Policy in accordance with civil and Ecclesiastical authority.

D. **Brothers:** Members of a Religious Order or Congregation of laymen who profess the vows of poverty, chastity and obedience, but are not considered clerics and who are under the supervision of their superior of their Religious Order or Congregation.

E. **Child/Minor:** A person who is or was under the age of eighteen (18) years when the alleged incident of sexual misconduct or abuse occurred.

F. **Church Personnel:** (Also referred to as: **Diocesan Personnel**) Includes Diocesan priests, priests of other Dioceses, or Religious Orders assigned to the Diocese of Charleston who have been extended faculties, Diocesan deacons, or deacons from other Dioceses who have been extended faculties, religious sisters or brothers, seminarians, lay employees, all persons who have a personal contract with the diocese of any of its entities, and volunteers who serve in any capacity within the Diocese of Charleston, except as follows:

1. Church Personnel does not include those individuals who serve in volunteer non-compensated roles which do not involve significant contact with children on a regular basis.

2. Individuals who do not have significant contact with children on a regular basis, such as, Ministers of the Word, Extraordinary Ministers of the Eucharist, members of Diocesan or parish councils, finance committees, liturgical committees, music ministry (excluding the children's choir), and other similar organizations.

3. An independent contractor who is engaged to do a piece of work, according to his own methods, and without being subject to control, except as to the result of the work.

G. **Conflict of Laws:** If there is a conflict in the rights and remedies between Canon Law and civil law within the Policy, the Policy will follow that jurisprudence which reconciles the inconsistency.

H. **Credible Allegation:** An accusation which at least seems to be true (Canon 1717, Section 1), and/or is worthy of belief, made against Church Personnel, alleging an act or acts of sexual misconduct or abuse.

I. **Coordinator:** A person appointed by the Bishop whose duties and responsibilities are specifically defined in Sections III, V, VI, VII, VIII and IX of this Policy.

J. **Diocese:** Refers to only those parishes, schools, missions, and Diocesan offices in the State of South Carolina which are owned and under the legal care and control of the Bishop of Charleston.

K. **Director of the Office of Communications:** The Director of the Office of Communications and Information, hereinafter referred to as the “Director of Communications,” is appointed by the Bishop to serve as the spokesperson for the Diocese. The duties and responsibilities of the Director of Communications is more specifically defined in Section XVI of this Policy.

L. **General Counsel:** The attorney appointed by the Bishop to serve as legal counsel for the Diocese in all legal matters, which include, but are not limited to, allegations and incidents of sexual misconduct or abuse of a Child by Church Personnel.

M. **Internal Coordinating Committee:** A committee appointed by the Bishop whose duties and responsibilities are specifically defined in Section XIV of this Policy.

N. **Investigator:** A person appointed by the Bishop of Charleston to conduct inquiries as directed by the Bishop specifically in matters including, but not limited to, allegations and incidents of sexual misconduct or abuse of a Child by Church Personnel. Such inquiries shall include collecting information and interviewing witnesses, the victim, the victim's family, the Accused, and other individuals who may possess information pertinent to the allegation or complaint. The Investigator is to serve under the direction of the General Counsel and will report his findings and receive guidance from the General Counsel in association with the Coordinator. The duties and responsibilities of the Investigator are specifically defined in Section VIII *et seq* of this policy.

O. **Minor:** Refer to the definition of "Child/Minor."

P. **Pastoral Team:** A team appointed by the Bishop whose duties and responsibilities are specifically defined in Section VI of this Policy.

Q. **Policy:** The Policy of the Diocese of Charleston Concerning Allegations of Sexual Misconduct or Abuse of a Child by Church Personnel is herein delineated.

R. **Promoter of Justice:** An individual appointed by the Bishop to serve as the official guardian of the public good, the good of the Church, its rights and laws, and the general good of the community. The Promoter of Justice may be a layperson; however, the Promoter of Justice must be a priest when the canonical process of the Church is convened. The Promoter of Justice cannot hold any office, such as Vicar General, Vicar for Clergy, or Judge.

S. **Sexual Abuse Advisory Board:** A board established by the Bishop to assess allegations of sexual misconduct or abuse of minors by Church Personnel. The composition and function of the Sexual Abuse Advisory Board is specifically outlined in Section IX of this Policy.

T. **Sexual Misconduct or Abuse:** Sexual misconduct or abuse of a minor includes sexual molestation or sexual exploitation of a minor and other behavior by which an adult uses a minor as an object of sexual gratification. Consequently, any act or attempt to commit any act of incest, rape, or a sexual offense in any degree, sodomy, or any unnatural or perverted sexual practice, lewd or indecent acts or proposals, including indecent touching or fondling, exploitation, or permitting, encouraging, assisting, or aiding another, or permitting, encouraging, assisting or aiding a Child to participate in such acts, constitutes sexual misconduct or abuse of a minor. Sexual misconduct or abuse of a minor includes conduct or interaction with a minor which is external and an objectively grave violation of the Sixth Commandment. Such conduct does not need to be an act of intercourse or involve force, physical contact or have a discernable, harmful outcome.

U. **Victim**: A person who has been subjected to sexual misconduct or abuse by Church Personnel while that person was a minor.

V. **Victim Assistance Minister**: A licensed mental health professional appointed by the Bishop to provide professional support services to the victims, their families, and the accused in matters related to sexual misconduct or abuse of a Child by Church Personnel. The Victim Assistance Minister's duties and responsibilities are specifically defined in Section VII of this Policy.

W. **Volunteer**: Church Personnel who provide such services without any express or implied promise of remuneration.

X. **Women Religious**: Members of a Religious Order or Congregation of laywomen who profess the vows of poverty, chastity and obedience, and who are under the supervision of their superior of their Religious Order or Congregation.

III. **BACKGROUND SCREENING**

- B. In an effort to ensure the safety of children in the care of the Diocese and to supplement current methods, background screening will be conducted for all Church Personnel.
- C. The Diocese of Charleston reserves the right to determine at its own discretion an individual's fitness for service in the Diocese. Suitability for temporary, part-time, full-time, or volunteer employment, or assignment is contingent and a condition precedent upon a satisfactory background investigation consistent with the terms of this Policy.
- D. The Office of Diocesan Screening Coordinator is hereby created. The office shall consist of a coordinator, who is appointed by the Bishop, and any other support staff whose responsibilities include the coordination and implementation of this Section. Such duties may include, but are not limited to, the distribution of all forms necessary to conduct the appropriate background screening investigation, to receive the completed forms from applicants, and to review and act upon the data received from the applicants.
- E. In order to fully satisfy the mandates of this Policy, current Church Personnel are directed to fully comply with the procedures, requests, and demands of this Policy. Failure to fully comply with this Policy may serve as cause for the immediate withdrawal of the person from the position held or appointment to the position. In addition, such failure may be cause for the person to be placed on Administrative Leave without pay.
- F. The employment or assignment of any applicant as Church Personnel is contingent upon the completion of the background screening and the applicant having been determined to be suitable for such service. Every applicant must comply and cooperate with the terms of this Policy. Failure to do so may be grounds for immediate termination, rejection, or withdrawal of an offer of employment.

- G. In addition to background screening as defined below, other screening or investigations may be required for specific categories for Church Personnel in accordance with other policies of the Diocese of Charleston.
- H. Members of religious congregations, orders, dioceses (such as priests, seminarians, deacons, sisters and brothers) requesting to serve in any Diocesan or parish ministry in a compensated or volunteer capacity within the Diocese of Charleston must have the major superior of their religious congregation or order complete the form entitled, "Statement of Major Superior on the Suitability of a Candidate."
- I. The Diocese of Charleston will provide annual educational sessions on child abuse awareness. All newly hired Church Personnel are required to attend an educational awareness seminar within one (1) year of their employment or assignment within the Diocese. The Diocese will conduct continuing education/awareness seminars. All Church Personnel are required to attend one at least (1) seminar at least every three (3) years.
- J. In addition to any application form which may be required by a specific Diocesan entity, all applicants are required to complete a basic data form, an inquiry release form, and a separate consent form for the Department of Social Services, so that a background screening can be conducted. These forms are available from, and will be provided by, the Diocesan Screening Coordinator.
- K. A separate original copy of the consent to release information form for the South Carolina Department of Social Services must be signed by the applicant/Church Personnel, witnessed, and submitted to the Diocesan Screening Coordinator.
- L. All completed basic data and inquiry release forms and Department of Social Services consent forms shall be sent to the Diocesan Screening Coordinator, Diocese of Charleston, P.O. Box 818, Charleston, SC 29402.
- M. A criminal record search will be conducted on all Church Personnel and applicants. Criminal record verification is dependent upon each individual's length of residency in the State of South Carolina. All individuals who have been a resident of the State of South Carolina for three (3) years or more are subjected to a State Law Enforcement Department (SLED) criminal record

search. All other individuals are subject to a SLED criminal record search, plus a criminal records search, as dictated by their last state of residency.

- N. At least one (1) verification screen will be done in conjunction with the criminal records search. The position and/or function of Church Personnel or applicant will determine which verification screen(s) will be done.
- O. A driver's license history search is required if an individual drives children as part of their job responsibilities or ministry.
- P. A credit report is required for Church Personnel and applicants whose position, description, duties, responsibilities, and/or ministry include the receipt, counting, distribution of money, and/or the entry of financial data.
- Q. A Social Security Number trace is required for all other persons for whom a credit check is not required.
- R. A Child Abuse Central Registry information search is required for all Church Personnel and applicants.
- S. Background screening requests will be processed by the Diocesan Screening Coordinator with an outside agency as determined by the Bishop. The appropriate release form will be submitted to the South Carolina Department of Social Services in order for that agency to search the Child Abuse Central Registry information database.
- T. The Diocesan Screening Coordinator will review the completed background screening information.
- T. The Screening Review Committee is established as part of the Office of Diocesan Screening Coordinator. This Committee shall be appointed by the Bishop of Charleston and will include the Vicar General for Administration, the Vicar General for Christian Formation and Evangelization, the Vicar for Clergy, the Director of Catholic Schools, the Director of Human Resources, the Chief Financial Officer, and the Diocesan Screening Coordinator. The function of the Screening Review Committee is defined below.

U. The Screening Review Committee shall serve at the pleasure of the Bishop, who may expand its membership as he deems appropriate. The Vicar General for Administration shall serve as the presiding officer of all committee meetings.

V. In the event the background screen fails to produce any negative or derogatory information, the Coordinator will notify the proper supervisory personnel to whom the person will report that the individual is suitable for employment or assignment.

W. In the event the Coordinator receives information as a result of this screening process concerning an individual's suitability for assignment or employability, the Coordinator will, within five (5) days of receipt of any negative or derogatory information, forward a recommendation to the Vicar General for Administration regarding the applicant's suitability for employability or assignment. The Vicar General for Administration will have the following options: (1) accept the Coordinator's recommendation; (2) instruct the Coordinator to take further action before accepting or rejecting the application; (3) reject the recommendation; or (4) direct the Coordinator to invoke the Screening Review Committee.

X. In the event the Coordinator receives, as the result of the background screening, a concern as to a person's suitability for assignment or employability, the following procedure will be implemented:

1. Before the Coordinator forwards a recommendation to the Vicar General, the Coordinator must advise the individual of the receipt of an adverse report and provide the person with a copy of the report(s), as well as a copy of a summary of the individual's rights under the Fair Credit Reporting Act. The individual will be afforded

an opportunity to affirm or refute the report. If the individual affirms the information contained in the report is accurate, he or she will be provided an opportunity to explain the information in it in writing to the Coordinator within five (5) working days. If the individual refutes the information in the report, he or she will be provided three (3) working days to make contact with the appropriate agency who conducted the screening. The reporting agency shall investigate it and provide a copy of any additional information received to both the Diocese of Charleston and the individual.

2. If the matter is referred to the Screening Review Committee and the Committee determines that an adverse action is to be taken, the Coordinator will notify the individual's supervisor in writing. In addition to the written adverse action notice, the following information will be included:

(a) the name, address, and telephone number of the consumer reporting agency that supplied the report;

(b) a statement that the consumer reporting agency which supplied the report did not make the decision to take the adverse action and cannot give specific reasons for it; and

(c) notice of the individual's right to dispute the accuracy or completeness of any information the agency

furnished and his or her right to an additional, free consumer report from such agency within sixty (60) days.

3. The recommendation of the Screening Review Committee about the suitability of an individual will be forwarded to the Bishop for his ratification or rejection.

4. The recommendation concerning the suitability of the individual for employment or assignment shall be forwarded to the appropriate pastor, principal, or supervisor. The pastor, principal, or supervisor must comply with the directive of the Vicar General for Administration or the Bishop of Charleston as stated in this Policy.

5. All of the information from the background screening will remain confidential and will be retained in the Office of the Screening Coordinator. The reports will not be distributed to parishes, schools, Diocesan offices, or other institutions.
6. The Coordinator shall forward to the permanent personnel file a written form to indicate the existence of a full background screening located in the Office of the Screening Coordinator. The permanent background screening file will be retained in a locked file cabinet to be maintained in the Office of the Screening Coordinator.
7. Neither the Diocese of Charleston nor its screening agency or agencies may use the results of the background screening or abuse registry information obtained through this process for any purpose other than determining whether or not that individual is suitable for the desired position.
8. If an individual for whom no adverse action is taken desires to have a copy of the investigative report, he or she must submit the request in writing to the Screening Coordinator and complete the form provided by the appropriate screening agency. A minimum charge may be required for a copy of this report.

9. On an as needed basis, a summary of the review and decisions by the Screening Review Committee will be prepared with non-identifiable information submitted to both the Bishop and the Vicar General for Administration to ensure the decisions are fair and consistent with this Policy.

IV. PROCEDURE FOR REPORTING AN ALLEGATION

- A. An individual who wishes to make a report of an allegation to the Diocese is encouraged to make contact with the Coordinator who is located at telephone number 843-853-2130, extension 209 or to the Victim Assistance Minister at the toll free number 1-800-204-7955.
- B. Nothing herein shall be construed to prevent an individual from reporting an allegation to the proper civil authorities.
- C. The Director of Communications shall be responsible in ensuring the public is informed of their options in reporting an allegation as stated above. The Director shall publish this procedure on an as needed basis in the medium deemed appropriate.

V. **OBLIGATION TO REPORT**

A. The Diocese will comply with all applicable civil laws with respect to the reporting of allegations of sexual misconduct or abuse of minors to civil authorities and will cooperate with their investigation. In every instance, the Diocese will inform the victim of his/her right to make a report to civil authorities and the diocese's mandatory requirement to report as contained in subsection B below, and will support the person's decision.

B. Certain Church Personnel are required "...to report to the county Department of Social Services or to a law enforcement agency in the county where the child resides or is found ... " allegations of sexual misconduct or abuse as mandated by State law. [South Carolina Code of Laws, Section 20-7-510 (D), 1976, as amended]. For instance, according to Section 20-7-510 (A), South Carolina Code of Laws, 1976, as amended: "nurse. . . clergy, school teacher, counselor, principal, assistant principal, social public assistance worker, substance abuse treatment staff or child care worker in a daycare center or foster care facility . . . must report in accordance with this Section when in the person's professional capacity, the person has received information which gives the person reason to believe that a child has been or may be abused or neglected as defined in Section 20-7-490." Furthermore, Section 20-7-510 (B) requires the aforementioned persons to report to law enforcement authorities when in their: ". . . . professional capacity which gives the person reason to believe that a child's physical, or mental health or welfare has been or may be adversely affected by acts or omissions that would be child abuse or neglect if committed by a parent, guardian, or other person responsible for the child's welfare, **but the reporter believes that the act or omission was committed by a person other than the parent, guardian, or other person responsible for the child's welfare . . .**".

C. Whenever Church Personnel receives information that a Child has been the victim of sexual misconduct or abuse, the following shall be complied with concerning the obligations to report such act or acts.

1. If the allegation of sexual misconduct or abuse involves a person who is currently under the age of eighteen (18), Church Personnel shall provide such information directly to their immediate supervisor. Any allegation of sexual misconduct or abuse shall be investigated as stipulated in this Policy.
2. If Church Personnel receive information of sexual misconduct or abuse regarding a victim who is no longer under the age of eighteen (18), the person receiving such information shall report it to his or her immediate supervisor. Any such allegation shall be investigated as stipulated in this Policy.
3. It is the responsibility of a supervisor to forward any information concerning an allegation of sexual misconduct or abuse to the Internal Coordinator within twenty-four (24) hours of receipt of such information.
4. Nothing in this Policy shall be deemed to require the violation of the privileged communication covered by the clergy/penitent privilege, the seal of confession, or the attorney/client privilege, or any other privilege recognized by civil law.
5. If a person reveals an act of sexual misconduct or abuse of a Child outside of the priest/penitent privilege, then the information must be reported in accordance with this Policy.
6. Nothing contained herein shall be construed in violation of Canon law, i.e., Canons 983 and 984, or in violation of Sections 19-11-90 or 20-7-550, South Carolina Code of Laws, 1976, as amended. The only exception to the mandatory reporting requirement is any information received during the Priest-Penitent privilege (seal of confession) or attorney-client privilege.
7. Church Personnel who fail to comply with the provisions of this Section may be subject to immediate discharge.

VI. PASTORAL RESPONSE

- A. When an allegation involving the sexual misconduct or abuse of a Child by Church Personnel is received by the Coordinator, the Coordinator will notify the Bishop who will instruct the Pastoral Team to reach out with Christian care, concern, support and healing to the people involved, such as the victim, the victim's family, schoolmates, parish members, and the Accused. Care will always be taken to protect the rights of all parties involved, especially those of the victim and the accused.
- B. The Pastoral Team shall include the Coordinator, the Victim Assistance Minister, the Director of Communications, and other members of the Bishop's staff as designated by the Bishop or the Vicar General for Administration.
- C. The Pastoral Team will not concern itself with the validity of the allegation(s) nor will it conduct a factual investigation. The Pastoral Team's function is strictly pastoral in nature without judgment as to the validity of any allegation or to the circumstances surrounding the reported incident.
- D. The Bishop in conjunction with the Pastoral Team shall reach out to Victims and faith communities to foster healing and reconciliation. Such a reach to include counseling, spiritual assistance, support groups and listening sessions.
- E. The Coordinator shall provide on an as needed basis reports to the Bishop and/or the Bishop's designee of the Pastoral Team's response to the affected individuals as outlined above.

VII. VICTIM ASSISTANCE MINISTER

- A. The Victim Assistance Minister is a licensed mental health professional appointed by the Bishop to serve in matters related to sexual misconduct or abuse of a Child by Church Personnel.

- B. After receiving an allegation of sexual misconduct or abuse of a Child from the Coordinator, the Victim Assistance Minister shall immediately contact the victim, or the family of the victim if the victim is a Child, to offer pastoral counseling and spiritual help or medical assistance. This offer is to be made without admission of civil liability.
- C. The Victim Assistance Minister shall make contact with the Accused to offer pastoral care and to refer the Accused to a mental health provider for the purposes of mental health assessment or treatment.
- D. A separate telephone line will be maintained in the office of the Victim Assistance Minister.
- E. The Victim Assistance Minister will notify the Coordinator of all calls received on the Victim Assistance Line within twenty-four (24) hours of receipt.
- F. The Victim Assistance Minister shall provide to the Coordinator the name of the caller, the nature of the allegation, and the assistance the caller is seeking from the Victim Assistance Minister.
- G. The Victims Assistance Minister will maintain a network of resources and providers who may be of assistance to victims, families, congregations and the Accused.

VIII. INVESTIGATION OF ALLEGATIONS

- B. Each allegation shall be investigated immediately in accordance with the procedures outlined below. The Diocesan inquiry will not interfere with any criminal or civil investigation. Those participating in the investigation are to proceed with pastoral care for the Victim, the family of the Victim, the Accuser, and the Accused.
- C. The procedure for the preliminary response to allegations of sexual misconduct or abuse of a Child by Church Personnel shall include the following:
 - 2. All allegations of sexual misconduct or abuse shall be directed to the Coordinator. The Coordinator shall notify the Bishop, the Vicar General for Administration, the Vicar General for Christian Formation and Evangelization, the Vicar for Clergy, the Chief

Financial Officer, the Director of Communications, the General Counsel, and the Victims Assistance Minister as soon as reasonably possible, but no later than twenty-four (24) hours after receipt of an allegation.

3. The Coordinator shall refer the victim to the Victim Assistance Minister as soon as reasonably possible in accordance with Sections VI and VII of this Policy.
 4. The Coordinator and the General Counsel shall direct the Investigator to gather all specific data and information from the Victim and/or Accuser regarding the allegation of sexual misconduct or abuse. The Victim or the Accuser will be told at the beginning of the interview that anonymity cannot be guaranteed and that allegations may need to be reported to the appropriate authorities as required by law.
 5. The Investigator shall gather preliminary information about the individual who has been named as the Accused in the allegation, including identification of the appropriate supervisor of the Accused.
 6. After the Investigator has conducted his preliminary investigation, the Coordinator shall present the specific data and the results of the preliminary investigation to the Bishop, the Vicar General for Administration, the Vicar General for Christian Formation and Evangelization, the Vicar General for Clergy, the Chief Financial Officer, the Director of Communications, and the General Counsel so that the appropriate course of action may be pursued.
 7. After the Accused has been notified of the allegation, the Investigator shall make contact with the Accused in an attempt to interview the Accused.
 8. The Investigator shall conduct any follow-up investigation as directed by the Coordinator and the General Counsel.
 9. The Investigator shall provide a summary of his investigation to the Sexual Abuse Advisory Board and respond to questions from Board members as directed.
- C. Care will always be taken to protect the good name and the rights of all parties involved, especially the Victim and the Accused.

- D. When an allegation has been proven not to be credible, every step possible will be taken to restore the good name of the Accused.

IX. **SEXUAL ABUSE ADVISORY BOARD**

A. Composition

1. The Sexual Abuse Advisory Board is a consultation board appointed by the Bishop. It is composed of at least five (5) persons of outstanding integrity and good judgment who are in full communion with the Church. The majority of the Sexual Abuse Review Board members will be lay persons who are not in the employ of the Diocese. The voting members of Sexual Abuse Advisory Board shall include as its members:

- (a) One (1) priest;
- (b) One (1) licensed or certified psychiatrist or psychologist;
- (c) One (1) licensed or certified social worker with experience in the area of child abuse; and
- (d) One (1) licensed attorney-at-law who is not the General Counsel for the Diocese.

2. Each member shall serve a term of five (5) years unless otherwise removed for cause by the Bishop or he/she resigns. A member may be re-appointed for one additional five year term by the Bishop.

3. The following shall serve as non-voting ex-officio members of the Sexual Abuse Advisory Board:

- (a) The Vicar General for Administration;
- (b) The Vicar General for Christian Formation and Evangelization;

(c) The Promoter of Justice; and

(d) The Vicar for Clergy.

4. The Coordinator and the General Counsel shall serve as advisors to the Sexual Abuse Advisory Board and shall be present at all stages of the proceedings.

B. Responsibilities and Functions

1. The primary responsibility of the Sexual Abuse Advisory Board is to advise the Bishop of its assessment of an allegation of sexual misconduct or abuse of a minor and to assist him in determining the suitability of Church Personnel for ministry, employment, assignment, or appointment in particular cases. The Board is to advise the Bishop on any other counsel he desires.

2. The Sexual Abuse Advisory Board shall communicate its assessment to the Bishop.

3. The Sexual Abuse Advisory Board will meet in special session to review this Policy at least every two (2) years. The Coordinator will be responsible for scheduling this meeting. The Sexual Abuse Advisory Board shall recommend any modification of this Policy to the Bishop.

4. The Sexual Abuse Advisory Board members and those in attendance at Sexual Abuse Advisory Board meetings who receive information will agree to maintain the confidentiality of the proceedings. Membership in the Sexual Abuse Advisory Board

is contingent upon each appointee executing the necessary documents to conform with this Paragraph.

C. Process To Assess the Credibility of an Allegation

1. Upon completion of the preliminary investigation, the Bishop shall direct the Coordinator to schedule a meeting of the Sexual Abuse Advisory Board.

(a) A quorum of the Sexual Abuse Advisory Board shall consist of at least 3/5 of the named non-ex officio members.

(b) The Victim and the Accused shall be notified of the date, time, and place of the meeting of the Sexual Abuse Advisory Board.

(c) The Coordinator shall serve as secretary to the Board recording the Board members present, those individuals appearing before the Board and the recommendation of the Board's assessment.

(d) The General Counsel shall advise the Sexual Abuse Advisory Board of the nature of the allegations, providing the name of the Victim, the Accused, dates, and places of the events alleged.

(e) If the Victim so chooses, he/she may appear in person to present relevant information to the allegation. In the absence of the Victim, the prepared report and any other documents, photographs, or the like, shall be sufficient to establish credibility.

(f) The Accused shall be entitled, if so desired, to present any information relevant to refute the allegation.

(g) Only the Sexual Abuse Advisory Board Members shall examine those individuals presenting information to either substantiate or to refute the allegation. The General Counsel shall determine the method and the

extent of such examination. The civil counsel of the Accused, the Canonical representative of the Accused, the Accused, the civil legal representative of the Victim and the Victim may be heard by the Board.

(h) Neither the Victim, the Accused, nor his or her civil or Canonical counsel/representative may not be present during the deliberation of the Sexual Abuse Advisory Board.

(i) A simple majority of the voting members present shall determine any assessment by the Sexual Abuse Advisory Board to the Bishop.

2. The Sexual Abuse Advisory Board's recommendation shall consist of a short and concise consensus of the Sexual Abuse Advisory Board regarding the assessment of the credibility of the allegation and shall be presented to the Bishop in writing.

3. The Sexual Abuse Advisory Board's recommendation will be the only official documentation of the presentation, deliberation, and result of the Sexual Abuse Advisory Board's meeting.

**X. PROCEDURE WHEN AN ALLEGATION IS MADE AGAINST CLERGY
(DIOCESAN, NON-DIOCESAN, RELIGIOUS OR DEACONS)**

A. When an allegation of sexual misconduct or abuse of a minor by a priest or deacon is received, a preliminary investigation in harmony with Canon law will be initiated and conducted promptly and objectively. All appropriate steps shall be taken to protect the reputation of the Accused during the investigation.

B. At all times, the Bishop has the executive power to governance, through an administrative act, to temporarily remove an accused cleric from office, to remove or restrict his faculties, and to limit his exercise of ministry. Because sexual abuse of a minor is a crime in all jurisdictions in the United States, for the sake of the common good and observing the provisions of Canon Law, the Bishop shall exercise this power of governance to ensure that any cleric who has committed even one (1) act of sexual abuse of a minor as described above shall not continue in active ministry.

C. The following procedure will be implemented in the instance in which a priest or deacon who is Diocesan, Non-Diocesan, or Religious serving with faculties within the Diocese has been named in an allegation of sexual misconduct or abuse. The following procedures shall be consistent with the Diocesan Policy outlined in the above Sections.

1. Once an allegation has been received, the procedure outlined in Section VIII of this Policy, Investigations of Allegations, will be implemented and followed.

2. After the Investigator has gathered the initial information, the Bishop shall authorize the Canonical investigation. The Bishop shall also advise the Accused in person of the opening of the Canonical investigation and afford him the opportunity to undergo counseling and/or to take voluntary administrative leave. Such administrative leave shall include a suspension of the Accused's faculties. The Accused shall be advised of his right to both civil or Canonical counsel during any and all stages of the proceedings. When necessary, the Bishop will supply Canonical counsel to the cleric.
3. If the Accused has been granted faculties by the Bishop and is a member of a Religious Order or a priest of another Diocese, the Bishop or his designee shall immediately notify the appropriate superior of the Accused of the nature of the allegation.
4. As part of the investigation to determine the credibility of the allegation, the Accused shall have the right to grant or to refuse an interview by the Investigator.
5. If the Accused admits the allegation to be true, the Bishop will then temporarily suspend the Accused from active ministry (suspension of faculties) and impose appropriate restrictions on him. (Refer to Paragraph 9 infra.)
6. If the Accused denies the allegation, the Bishop shall convene the Sexual Abuse Advisory Board to assess the credibility of the allegation.

7. The results of the Board's assessment will be provided to the Bishop by the Coordinator in writing.
8. The Bishop shall consult with the Promoter of Justice after the Board has assessed the credibility of the allegation.
9. If the Sexual Abuse Advisory Board assesses the allegation to be credible or that there is sufficient evidence that sexual misconduct or abuse of a minor has occurred and the Bishop accepts the Board's recommendation:
 - (a) the Bishop shall petition the Congregation of the Doctrine of the Faith for a penal trial or for an administrative process; and
 - (b) the Bishop may, pending the outcome of the civil and/or Canonical process,
 - (1) issue decree of administrative leave;
 - (2) remove the Accused from sacred ministry and/or office;
 - (3) suspend his faculties;
 - (4) prohibit residence in any specific parish, rectory, Diocesan entity/ institution, deanery, or geographic area;
 - (5) prohibit the public participation in the Holy Eucharist; and
 - (6) prohibit the wearing of clerical garb.
10. If the Sexual Abuse Advisory Board does not assess the allegation to be credible, the Bishop, nevertheless, may impose appropriate restrictions if he believes the safety of minors requires such action.
11. The Accused may be requested to seek and may be urged voluntarily to comply with an appropriate medical and psychological

evaluation at a facility mutually acceptable to the Bishop and the Accused. The Accused may authorize the institution to share with the Bishop and his designees the results of any investigation.

12. When even a single act of sexual misconduct or abuse by a cleric is admitted or is established after an appropriate process in accord with Canon Law, the offending cleric will be removed from ecclesiastical ministry, not excluding dismissal from the clerical state, if the case so warrants.

13. In every case involving Canonical penalties, the process as provided by Canon Law must be observed. Unless the Congregation for the Doctrine of the Faith, having been notified of the allegation, calls the case to itself because of special circumstances, the Congregation will direct the Bishop to proceed accordingly. If the case would otherwise be barred by prescription because sexual misconduct or abuse of a minor is a grave offense, the Bishop is permitted to apply to the Congregation for the Doctrine of the Faith for a dispensation from the prescription, while indicating appropriate pastoral reasons.

14. The Accused may, at any time, request a dispensation from the obligations of the clerical state. In exceptional cases, the Bishop may request from the Holy Father the dismissal of the Accused from the clerical state *ex officio*, even without the consent of the Accused.

15. If a penalty has been applied, but not the penalty of dismissal from the clerical state, the Accused shall not be permitted to celebrate Mass

publicly, to administer sacraments, to wear clerical garb, or to present himself publicly as a priest. The Accused will be encouraged to live a life of prayer and penance.

16. An Accused who has committed an act of sexual misconduct or abuse may not be transferred for ministerial assignment to another diocese or religious province. Before the Accused can transfer his residence to another diocese or religious province, the Bishop shall forward, in a confidential manner to the local bishop/eparchy or religious ordinary (if applicable) of the proposed place of residence, any and all information concerning any act of sexual misconduct or abuse of a minor and any other information indicating that the Accused has been, or may be, a danger to children. This provision shall apply even if the Accused comes to reside in the local community of an institute of consecrated life or society of apostolic life. The Bishop, before receiving a cleric from outside the Diocese, will obtain the necessary information regarding any past act or allegation of sexual misconduct or abuse of a minor by the cleric.

XI. **PROCEDURE WHEN AN ALLEGATION IS MADE AGAINST A RELIGIOUS SISTER OR BROTHER**

- A. Upon receipt of an allegation of sexual misconduct or abuse by a Religious Sister or Brother, the procedure outlined in Section X (C) (1) shall be followed. All appropriate steps shall be taken to protect the reputation of the Accused during the investigation.
- B. The pastor, principal, or immediate supervisor of the Accused will be notified of the allegation by the Bishop or his designee. The pastor, principal or supervisor will not notify the Accused of the allegation. Regardless of how the pastor, principal or supervisor receive the allegation, the Accused will not be informed unless specified by the Bishop or his designee in accordance with this Policy.
- C. After the preliminary investigation has been conducted by the internal Investigator, the Bishop or his designee shall notify the Accused, both orally and in writing in a timely manner, the nature of the allegation. The Accused shall be advised of his/her right to legal counsel during any and all stages of the proceedings.
- D. The Bishop or his designee shall immediately notify the appropriate supervisor of the religious congregation of which the Accused sister or brother is a member of the action that has been taken or will be taken against the Accused.
- E. If the Accused admits the allegation to be true or does not contest the allegation or there is a finding that the allegation is true by civil process, the Accused shall be removed from his/her assignment and the appropriate restrictions or conditions will be imposed.
- F. If the Accused denies the allegation, the Bishop shall convene the Sexual Abuse Advisory Board to assess its credibility.

G. If the Sexual Abuse Advisory Board assesses the allegation to be credible or there is sufficient evidence that sexual misconduct or abuse of a minor has occurred, the Bishop shall remove the Accused from active ministry and from any office or function.

H. If the Sexual Abuse Advisory Board does not assess the allegation to be credible, the Bishop may impose appropriate restrictions if he believes the safety of minors so warrants such action.

I. If the Sexual Abuse Advisory Board does not assess the allegation to be credible and the Bishop has no other evidence, the Bishop shall take no further action.

J. An Accused who has committed an act of sexual misconduct or abuse may not be transferred for ministerial assignment to another diocese or religious province. Before the Accused can be transferred for residence to another diocese or religious province, the Bishop shall forward, in a confidential manner to the local bishop/eparchy or religious ordinary (if applicable) of the proposed place of residence, any and all information concerning any act of sexual misconduct or abuse of a minor and any other information indicating that the Accused has been, or may be, a danger to children. This provision shall apply even if the Accused will reside in the local community of an institute of consecrated life or society of apostolic life. The Bishop, before receiving a religious sister or brother from outside the Diocese, will obtain the necessary information regarding any past act or allegation of sexual misconduct or abuse of a minor by the Accused.

XII. PROCEDURE WHEN AN ALLEGATION IS MADE AGAINST LAY CHURCH PERSONNEL

- A. Upon receipt of an allegation of sexual misconduct or abuse by lay Church Personnel, the procedure outline in Section X (C) (1) will be followed. All appropriate steps shall be taken to protect the reputation of the Accused during the investigation.
- B. The immediate supervisor, i.e., pastor or principal, of the Accused will be notified of the allegation by the Bishop or his designee. The supervisor, pastor or principal of the Accused will not notify the Accused of the allegation. Regardless of how the supervisory, pastor or principal receive the allegation, the Accused will not be notified unless specified by the Bishop or his designee in accordance with this Policy.
- C. The Accused will be notified in a timely manner, both orally and in writing, by the Bishop or his designee of the nature of the allegation. The Accused shall be advised his/her right to legal counsel during any and all stages of the proceeding.
- D. The Accused will be placed on administrative leave until a resolution of the allegation is determined.
- E. The Accused will be directed to remain away from the location of his/her assignment and alleged victim until the allegation is resolved.
- F. If the Accused admits the allegation, or does not contest the allegation, or a civil tribunal determines the allegation to be credible, the Accused will immediately be terminated.
- G. If the Accused denies the allegation, the Bishop shall convene the Sexual Abuse Advisory Board to assess its credibility.
- H. If the Sexual Abuse Advisory Board assesses the allegation to be credible, or there is sufficient evidence that sexual misconduct or abuse of a minor has

occurred, the Bishop shall remove the Accused from ministry and from any office or function.

I. If the Sexual Abuse Advisory Board does not assess the allegation to be credible, the Bishop may impose appropriate restrictions if he believes the safety of minors so warrants said action.

J. If the Sexual Abuse Advisory Board does not assess the allegation to be credible and the Bishop has no other evidence, the Bishop shall take no further action.

XIII. PROCEDURE WHEN AN ALLEGATION IS MADE AGAINST A VOLUNTEER

- A. Upon receipt of an allegation of sexual misconduct or abuse by a Volunteer, the procedure outline in Section X (C) (1) will be followed. All appropriate steps shall be taken to protect the reputation of the Accused during the investigation.
- B. The immediate supervisor, i.e., pastor or principal, of the Accused will be notified of the allegation by the Bishop or his designee. The supervisor, pastor or principal of the Accused will not notify the Accused of the allegation. Regardless of how the supervisory, pastor, or principal receive the allegation, the Accused will not be notified unless specified by the Bishop or his designee in accordance with this Policy.
- C. The Accused will be notified in a timely manner, both orally and in writing, by the Bishop or his designee of the nature of the allegation. The Accused shall be advised his/her right to legal counsel during any and all stages of the proceeding.
- D. The Accused will not be allowed to function in any Diocesan capacity until a resolution of the accusation is completed.
- E. The Accused will be directed to remain away from the school, agency, or other location which is the subject matter of the complaint until the complaint is resolved.
- F. If the Accused admits the allegation, or does not contest the allegation, or there is a finding as to the credibility of the accusation by a civil tribunal, the Accused will be terminated immediately.
- G. If the Accused denies the allegation, the Bishop shall convene the Sexual Abuse Advisory Board to assess its credibility.
- H. If the Sexual Abuse Advisory Board assesses the allegation to be credible, or there is sufficient evidence that sexual misconduct or abuse of a minor has occurred, the Bishop shall remove the Accused from ministry and from any office or function.

I. If the Sexual Abuse Advisory Board does not assess the allegation to be credible, the Bishop may impose appropriate restrictions if he believes the safety of children so warrants said action.

J. If the Sexual Abuse Advisory Board does not assess the allegation to be credible and the Bishop has no other evidence, the Bishop shall take no further action.

XIV. INTERNAL COORDINATING COMMITTEE

- A. The Internal Coordinating Committee is appointed by the Bishop to oversee the investigation, review, and response of allegations and incidents of sexual misconduct or abuse of a Child by Church Personnel.
- B. The Internal Coordinating Committee shall consist of the Bishop, the Vicar General for Administration, the Vicar General for Christian Formation, the Vicar for Clergy, the Coordinator, the Director of Communications, the Chief Financial Officer, and the General Counsel.
- C. The Bishop may appoint, from time to time, other members to the Internal Coordinating Committee, depending upon the nature of the accusation or the person accused, i.e., Vicar for Clergy, Director of Human Resources, and/or the Secretary of Religious Education, and/or the Superintendent of Education.
- D. The Internal Coordinating Committee will be responsible for ensuring that the policies and procedures of the Diocese of Charleston are followed and implemented, including the investigation of all allegations of sexual abuse.
- E. The Internal Coordinating Committee shall ensure that all Diocesan policies, including spiritual and pastoral support, are provided to the victim, the victim's family, the accused, and others deemed appropriate.

XV. CONFIDENTIALITY AND DISCLOSURE OF INFORMATION

A. The Coordinator is to be the custodian of all information accumulated in accordance with this Policy. The Coordinator shall develop an appropriate record keeping system to ensure accountability of the security and confidentiality of such information.

B. All written reports, documents, photographs, letters, and similar information are considered to be privileged and confidential. These documents, unless directed by civil order, will not be disseminated so as to protect the confidentiality of the named Accused and the Victim.

C. The following information may be disclosed:

1. The results of the preliminary investigation to the Accused to enable him/her to respond to the allegation.

2. Timely information concerning the progress of the investigation to the Victim and the Accused of the Sexual Abuse Advisory Board's assessment and the Bishop's decision.

3. The results of the internal investigation and all other pertinent and factual information to the Sexual Abuse Advisory Board in order for it to make an assessment of the allegation to the Bishop.

4. Such information as may be required by Canon Law or civil law.

XVI. MEDIA AND COMMUNICATIONS

- A. All media inquiries concerning any allegation of sexual misconduct or abuse shall be referred to the Director of Communications. The Director of Communications shall be the only person who is to disseminate information to the press or answer any media inquiries concerning the subject of sexual misconduct or abuse of a minor by Church Personnel.
- B. The Director of Communications will be responsible for recommending a media strategy to the Bishop, members of the pastoral team, or coordinating committee when an allegation of sexual misconduct or abuse is made. The Director of Communications is solely responsible to respond to all media inquiries and for the disbursement of information concerning matters related to allegations and incidents of sexual misconduct or abuse of a Child by Church Personnel.
- C. The Director of Communications shall be afforded access to all Diocesan files and documents, on a case by case basis, as authorized by the Vicar General for Administration, in order to prepare for the dissemination of information and to recommend a response from media or public inquiry.
- D. Church Personnel, unless specifically directed by the Director of Communications, shall not attempt to make contact with any member of the media. In the event Church Personnel receives a media inquiry, they are to refer all inquiries to the Director of Communications and provide no further response.
- E. Violation of this section may cause immediate disciplinary action.

XVII. EDUCATION

- A. The Diocese of Charleston will develop an educational program regarding the methods of preventing, recognizing, responding to, and reporting sexual misconduct or abuse of a minor.
- B. The educational program will be held regularly (at least once per year).
- C. The program shall also include a review of this Policy.
- D. All Church Personnel must attend the educational program at least once every three (3) calendar years.
- E. Church Personnel must attend this educational program within twelve (12) months of their appointment or date of hire.
- F. In order to assist its priests, who, as pastoral ministers, instruct the Church and the people of God to identify and care for victims of sexual misconduct or abuse of a minor, within the Church, the Diocese of Charleston shall provide regular opportunities for its priests to be advised of new developments in the fields of scientific knowledge, Church policy, Canon law, moral theology, professional ethics, the theology of sexuality, and the pastoral care of victims.

XVIII. DISTRIBUTION OF POLICY AND PROCEDURES

- A. A copy of this Policy and the procedures for its implementation will be distributed and followed by all Church Personnel, parishes, schools, and other Church-sponsored ministries.
- B. All pastors, designated administrators, school principals, and department heads are to be familiar with this Policy and the respective responsibility for its implementation.
- C. The Diocese of Charleston will provide copies of this Policy to all Church Personnel.

- D. A copy of this Policy will be distributed to all Church Personnel prior to, or concurrent with, new Church Personnel assuming their positions, assignments, or appointments.
- E. The Acknowledgment of Receipt of the Policy form attached as Appendix A shall be signed by all Church Personnel and returned to the Office of Diocesan Screening Coordinator, 119 Broad Street, Post Office Box 300, Charleston, SC 29402.
- F. The following shall be responsible for the distribution and the collection of the properly executed Acknowledgment of Receipt:
1. Vicar for Clergy – Priests
 2. Vicar for Vocations – Transitional Deacons and Seminarians
 3. Director of the Deaconate – Permanent Deacons and Deacon Candidates
 4. Liaison for Religious – Religious Sisters and Brothers
 5. Director of Catholic Schools Office – All Principals and School Employees/Volunteers
 6. Pastors – All Parish Employees/Volunteers
 7. Director of Human Resources – All other Church Personnel not previously stated above.

XIX. SANCTIONS

A. Church Personnel who fail to comply with the provisions of this Policy, i.e., failure to complete the appropriate application and background screening, shall be subject to such action as may be deemed appropriate by the Bishop, up to and including, termination from that individual's assignment, employment, or position.

B. An applicant for any Diocesan position who fails to comply with the provisions of this Policy will be denied the position.

XX. REVIEW OF THIS POLICY

A. The Policy of the Diocese of Charleston Concerning Allegations of Sexual Misconduct or Abuse of a Child by Church Personnel shall be reviewed every two (2) years by the Sexual Abuse Advisory Board.

B. If any term or provision of this Policy has been declared to be, by a Court of competent jurisdiction, invalid or unenforceable, all other terms and provisions of this Policy shall remain in full force and effect.

C. The Sexual Abuse Advisory Board will make such recommendations to the Bishop to modify, amend, or make changes to the provisions and terms of this Policy periodically, as they deem appropriate, to be in conformity with existing civil and Canonical authority and scientific developments.

XXI. ADOPTION OF THE POLICY BY THE BISHOP OF CHARLESTON

The Policy of the Diocese of Charleston Concerning Allegations of Sexual Misconduct or Abuse of a Minor by Church Personnel has been adopted by the Bishop of Charleston, a Corporation Sole.

Approved, this ____ day of _____, 2003, by the Bishop of Charleston, a Corporation Sole, by its Bishop, Robert J. Baker, at Charleston, South Carolina.

This Policy supersedes any and all prior policies governing the screening of Church Personnel, reporting of allegations of sexual misconduct, and investigation of such allegation.

Most Rev. Robert J. Baker, S.T.D.
Bishop of Charleston

Approved, this ____ day of _____, 2003.

Very Rev. James A. Carter, V.G., P.A.

OFFICIAL WITNESS:

Chancellor

APPENDIX A

CODE OF PASTORAL CONDUCT

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Preamble

Church Personnel in our parishes, religious communities/institutes, and organizations must uphold Christian values and conduct. This *Code of Pastoral Conduct* for Church Personnel provides a set of standards for conduct in certain pastoral situations.

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. 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 by the Diocese of Charleston. Corrective action may take various forms - from a verbal reproach to removal from the ministry - depending on the specific nature and circumstances of the offense and the extent of the harm.

Pastoral Standards

1. Conduct for Pastoral Counselors and Spiritual Directors

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

- 1.1 Pastoral Counselors and Spiritual Directors shall not step beyond their competence in counseling situations and shall refer clients to other professionals when appropriate.
- 1.2 Pastoral Counselors and Spiritual Directors should 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 Pastoral Counselors and Spiritual Directors should not audiotape or videotape sessions.

- 1.4 Pastoral Counselors and Spiritual Directors must never engage in sexual intimacies with the persons they counsel. This includes consensual and non-consensual contact, forced physical contact, and inappropriate sexual comments.
- 1.5 Pastoral Counselors and Spiritual Directors shall 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. Pastoral Counselors and Spiritual Directors should presume that the potential for exploitation or harm exists in such intimate relationships.
- 1.6 Pastoral Counselors and Spiritual Directors 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, holding) between Pastoral Counselors or Spiritual Directors and the persons they counsel can be misconstrued and should be avoided.
- 1.8 Sessions should 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 Pastoral Counselors and Spiritual Directors shall maintain a log of the times and places of sessions with each person being counseled.

2. Confidentiality

Information disclosed to a Pastoral Counselor or Spiritual Director 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.

- 2.1.1 If there is clear and imminent danger to the client or to others, the Pastoral Counselor or Spiritual Director may disclose only the information necessary to protect the parties affected and to prevent harm.
 - 2.1.2 Before disclosure is made, if feasible, the Pastoral Counselor or Spiritual Director should inform the person being counseled about the disclosure and the potential consequences.
- 2.2 Pastoral Counselors and Spiritual Directors should discuss the nature of confidentiality and its limitations with each person in counseling.
- 2.3 Pastoral Counselors and Spiritual Directors should keep minimal records of the content of sessions.
- 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 While counseling a minor, if a Pastoral Counselor or Spiritual Director discovers that there is a serious threat to the welfare of the minor and that communication of confidential information to a parent or legal guardian is essential to the child's health and well-being, the Counselor or Spiritual Director should:

- Attempt to secure written consent from the minor for the specific disclosure.
- If consent is not given, disclose only the information necessary to protect the health and well-being of the minor.
- Consultation with the appropriate Church supervisory personnel is required before disclosure.

These obligations are independent of the confidentiality of the confessional. Under no circumstances whatsoever can there be any disclosure - even indirect disclosure - of information received through the confessional.

3. Conduct With Youth

Church Personnel working with youth shall maintain an open and trustworthy relationship between youth and adult supervisors.

3.1 Church Personnel must be aware of their own and others' vulnerability when working alone with youth. Use a team approach to managing youth activities.

3.2 Physical contact with youth can be misconstrued and should occur:

- (a) only when completely nonsexual and otherwise appropriate, and
- (b) never in private.

3.3 Church Personnel should 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 youth.

3.4 Clergy should not allow individual young people to stay overnight in the cleric's private accommodations or residence.

3.5 Church Personnel should not provide shared, private, overnight accommodation for individual young people including, but 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.

3.5.1 In rare, emergency situations, when accommodation is necessary for the health and well-being of the youth, the clergy, staff, or volunteer should take extraordinary care to protect all parties from the appearance of impropriety and from all risk of harm.

3.5.2 Use a team approach to managing emergency situations.

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 anyone, including minors. Church Personnel must behave in a professional manner at all times.

4.3 Church Personnel may not exploit another person for sexual purposes.

4.4 Allegations of sexual misconduct should be taken seriously and reported to the Diocese of

Charleston as provided in Section IV of the Policy of the Diocese of Charleston Concerning Allegations of Sexual Misconduct or Abuse by Church Personnel and to civil authorities if the situation involves a minor.

The Diocese of Charleston procedures will be followed to protect the rights of all involved.

4.5 Church Personnel should review and know the contents of the child abuse regulations and reporting requirements for the State of South Carolina and should follow those mandates.

5. Harassment

Church Personnel must not engage in physical, psychological, written, or verbal harassment of one another by others.

5.1 Church Personnel shall 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.
- Requests for sexual favors used as:
 - a condition of employment, or
 - to affect other personnel decisions, such as promotion or compensation.
- Display of offensive materials.

5.3 Harassment can be a single severe incident or a persistent pattern of behavior where the purpose or the effect is to create a hostile, offensive, or intimidating work environment.

5.4 Allegations of harassment should be taken seriously and reported immediately to the Coordinator as provided in Section IV of the Policy of the Diocese of Charleston Concerning Allegations of Sexual Misconduct or Abuse by Church Personnel. The Diocese of Charleston procedures will be followed to protect the rights of all involved.

6. Parish, Religious Community/Institute, and Organizational Records and Information

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

6.1 Sacramental records shall be regarded as confidential. When compiling and publishing parish, religious community/institute, or organization statistical information from these records, great care must be taken to preserve the anonymity of individuals.

6.2 Most sacramental records older than 70 years are open to the public.

6.2.1 Information regarding adoption and legitimacy remains confidential, regardless of age.

6.2.2 Only staff members who are authorized to access the records and supervise their use shall handle requests for more recent records.

6.3 Parish, religious community/institute, or organization financial records are confidential unless review is required by the Diocese of Charleston or civil process. Contact the diocesan Chief Financial Officer upon receipt of any request for release of financial records.

6.4 Individual contribution records of the parish, religious community/ institute, or organization shall be regarded as private and shall be maintained in strictest confidence.

7. Conflicts of Interest

Church Personnel should 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 should disclose all relevant factors that potentially could create a conflict of interest.

7.2 Church Personnel should 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 should not take advantage of anyone to whom they are providing services in order to further their personal, religious, political, or business interests.

7.2.2 Pastoral counselors should not 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, the Pastoral Counselor or Spiritual Director must:

- **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 a Pastoral Counselor's or Spiritual Director's independent judgment is impaired by:

- Prior dealings,
- Becoming personally involved, or
- Becoming an advocate for one (person) against another.

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

8. Reporting Ethical or Professional Misconduct

Church Personnel have a duty to report their own ethical or professional misconduct and the misconduct of others.

8.1 Church Personnel must hold each other accountable for maintaining the highest ethical and professional standards. When there is an indication of illegal actions by Church Personnel, the proper civil authorities and the Coordinator should be notified as stipulated in the Policy of the Diocese of Charleston Concerning Allegations of Sexual Misconduct or Abuse of a Child by Church Personnel.

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, consult with:

- Peers
- Others knowledgeable about ethical issues, or

- **The Coordinator**

8.3 When it appears that a member of clergy, a staff member, or a volunteer 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 Coordinator.**

8.4 The obligation of Pastoral Counselors and Spiritual Directors to report client misconduct is subject to the duty of confidentiality.

9. Administration

All Church Personnel shall treat one another justly in the day-to-day administrative operations of their ministries.

9.1 Personnel and other administrative decisions made by Church Personnel shall meet civil and canon law obligations and also reflect Catholic social teachings and this *Code of Pastoral Conduct*.

9.2 Church Personnel shall not use their position to exercise unreasonable or inappropriate power and authority.

9.3 Each volunteer providing services to children and youth must read and sign the Volunteer Code of Conduct before providing services.

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 should be aware of warning signs that indicate potential problems with their own spiritual, physical, mental, and/or emotional health.

10.2 Church Personnel should 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.

Volunteer's Code of Conduct

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

As a volunteer, I will:

Treat everyone with respect, loyalty, patience, integrity, courtesy, dignity, and consideration.

Avoid situations where I am alone with children and/or youth at Church activities.

Use positive reinforcement rather than criticism, competition, or comparison when working with children and/or youth.

Refuse to accept expensive gifts from children and/or youth or their parents without prior written approval from the pastor or administrator.

Refrain from giving expensive gifts to children and/or youth without prior written approval from the parents or guardian and the pastor or administrator.

Report any suspected abuse to the pastor, administrator, or appropriate supervisor and the appropriate local agencies. I understand that failure to report suspected abuse to civil authorities.

Cooperate fully in any investigation of abuse of children and/or youth.

As a volunteer, I will not:

Smoke or use tobacco products in the presence of children and/or youth.

Use, possess, or be under the influence of alcohol at any time while volunteering.

Use, possess, or be under the influence of illegal drugs at any time.

Pose any health risk to children and/or youth (i.e., no fevers or other contagious situations).

Strike, spank, shake, or slap children and/or youth.

Humiliate, ridicule, threaten, or degrade children and/or youth.

Touch a child and/or youth in a sexual or other inappropriate manner.

Use any discipline that frightens or humiliates children and/or youth.

Use profanity in the presence of children and/or youth.

I understand that as a volunteer working with children and/or youth, I am subject to a thorough background check including criminal history. I understand that any action inconsistent with this Code of Conduct or failure to take action mandated by this Code of Conduct may result in my removal as a volunteer with children and/or youth.

Volunteer's Printed Name

Volunteer's Signature

Date

APPENDIX B

ACKNOWLEDGMENT OF THE RECEIPT OF THE POLICY

The Policy of the Diocese of Charleston Concerning Allegations of Sexual Misconduct or Abuse of a Minor by Church Personnel contains various rules, policies, and procedures. Many of the provisions are summaries of civil and Canon law. Such laws change from time to time. If there is a conflict in the rights and remedies between Canon law and civil law within this Policy, the Diocese of Charleston will apply that jurisprudence which reconciles the conflict. The Diocese of Charleston may find it necessary or advisable to alter this Policy from time to time. Therefore, the provisions of this Policy are subject to change by the Diocese of Charleston at any time, with or without previous notice.

NOTHING IN THIS POLICY SHALL BE DEEMED TO CONSTITUTE A CONTRACT OF EMPLOYMENT.

I have received and read the Policy of the Diocese of Charleston Concerning Allegations of Sexual Misconduct or Abuse of a Minor by Church Personnel.

BY: _____

PRINT NAME

SOCIAL SECURITY NUMBER

DATE OF BIRTH

ADDRESS

TELEPHONE NUMBER - HOME

TELEPHONE NUMBER - WORK

DIOCESAN POSITION

Date: _____

WITNESSED BY:
