

**Living and Working with Integrity:
Code of Pastoral Conduct
Diocese of Paterson**

REVISED EDITION

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

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

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

Responsibility for adherence to the Code of Pastoral Conduct rests with the individual. Those who disregard this code will be subject to disciplinary action by the Diocese of Paterson in accord with the Charter for the Protection of Children and Young People, the Essential Norms for Diocesan Policies Dealing with Allegations of Sexual Abuse of Minors, the Diocesan Guidelines for Responses to Allegations of Morally Inappropriate Conduct by Church Employees and the Diocese of Paterson Employee Handbook. **(See Note 1)**

For the purposes of this policy Church Personnel is defined as follows:

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

A. Standards for Ministerial Relationships Including Counseling and Spiritual Direction

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

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

B. Conduct With Children and Young People

Anyone who provides pastoral services to children must fulfill the safe environment requirements of the Paterson Diocese, i.e. attend Virtus training, continue on/off line training in Virtus best practice issues, and submit to a criminal background check.

1. Church Personnel are vulnerable when working alone with youth. Use a team approach to managing youth activities.

2. Physical contact with youth can be misconstrued and is prohibited unless pastorally necessary and appropriate. **(See Note 2)**
3. The possession and/or use of illegal drugs and of weapons except for bona fide law enforcement personnel are strictly prohibited when working with youth. **(See Note 3)**
 - a. If you suspect someone is under the influence of drugs or is in possession of a weapon this must be reported to a supervisor.
 - b. Providing drugs or weapons to minors, or allowing their use is strictly prohibited. **(See Note 4)**
4. The possession and/or use of alcohol is strictly prohibited when working with youth.
 - a. If you suspect someone is under the influence of alcohol this must be reported to a supervisor.
 - b. Providing alcohol to a minor, or allowing its use is strictly prohibited. **(See Note 5)**
5. Church Personnel should not provide shared or private overnight accommodations for young people where there is no other adult supervision present. This includes but is not limited to accommodations in any Church-owned facility, private residence or hotel room.
 - a. 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. It is recommended that DYFS be contacted to provide shelter in such situations.
 - b. Use a team approach to managing emergency situations.
6. Outside the purpose of recognition of achievement or use as teaching tool church personnel shall refrain from giving gifts to individual children without the permission of the immediate supervisor. (See Virtus Training)
7. Smoking or use of tobacco products in the presence of children and/or youth is prohibited. Providing tobacco to a minor, or allowing its use is strictly prohibited.
8. Church Personnel shall not strike, spank, shake, or slap children and/or youth, nor shall they humiliate, ridicule, threaten, or degrade children and/or youth in any way. They shall not use abusive language or profanity in the presence of children and/or youth.
9. Church Personnel must not pose any health risk to children and/or youth.

C. Sexual Misconduct

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

1. Church Personnel who are committed to a celibate lifestyle are called to be an example of celibate chastity in all relationships at all times.
2. Inappropriately intimate relationships with minors, other staff, or parishioners are strictly prohibited.
3. Church Personnel will follow the policy of the Diocese of Paterson in handling allegations of sexual abuse and reporting such allegations. The policy includes our obligations as citizens of New Jersey, our Memorandum of Understanding with the Attorney General and the Charter for the Protection of Children and Young People from the United States Conference of Catholic Bishops.
4. All allegations of child abuse of minors shall be reported immediately and without consultation with any supervisor, pastor or administrator to the Division of Youth and Family Services and the County prosecutor. Confidentiality does not apply to cases of child abuse (physical, sexual or emotional).

If you suspect a child is in imminent danger from abuse, PLEASE CALL 9-1-1 immediately.

Contact the Division of Youth and Family Services (DYFS) at 1-877-652-2873

AND, contact your County Prosecutor:
Morris County, (973) 285-6200
Sussex County, (973) 383-1570
Passaic County, (973) 881-4800

AND THEN, the Diocesan Response Officer:
Msgr. Herbert K. Tillyer, (973) 777-8818 X 248

The Assistance Coordinator:
Ms. Peggy Zanello, (973) 879-1489

The entire text of the Policy of the Diocese of Paterson in Response to Complaints of Sexual Abuse is available on the diocesan Web Site:
www.patersondiocese.org

5. Allegations of sexual misconduct with an adult should be taken seriously and reported first to the County Prosecutor in accord with the Memorandum of Understanding and then to the Office of the Vicar General in accord with the Guidelines for Responses to Allegations of Morally Inappropriate Conduct by Church Employees. **(See Note 6)**

D. Harassment

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

1. Church Personnel shall provide a professional work environment that is free from physical, psychological, written, or verbal intimidation or harassment.
2. Harassment encompasses a broad range of physical, written, or verbal behavior, including but not limited to the following:
 - a. Physical or mental abuse.
 - b. Racial insults.
 - c. Derogatory ethnic slurs or jokes.
 - d. Sexual advances or sexual touching.
 - e. Sexual comments or sexual jokes.
 - f. Requests for sexual favors used as:
 - a condition of employment, or
 - to affect other personnel decisions, such as promotion or compensation.
 - g. Display of offensive materials, including but not limited to pornography and expressions of hate and discrimination.
 - h. Use of Internet to send or solicit sexual or offensive messages, threats, jokes or photos.
3. Harassment can be a single incident or a persistent pattern of behavior where the purpose or the effect is to create a hostile, offensive, or intimidating work environment.
4. Harassment not of a sexual nature should be taken seriously and reported to the appropriate supervisors.
5. When there is an allegation of sexual harassment the proper authorities must be contacted immediately, including the county prosecutor in accord with the Memorandum of Understanding. It is inappropriate for the pastor or other parties to hold initial meetings convening all or even some of the parties involved. It is also inappropriate to investigate or attempt to broker a solution to the matter.
6. The Diocese of Paterson's procedures as outlined in the Guidelines for Responses to Allegations of Morally Inappropriate Conduct by Church Employees and the Employee Handbook will be followed to protect the rights of all involved.

E. A Safe Environment For Catholics Program – Standards Expected of Our Children and Youth

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

1. Use of the Internet, computer and video materials must fall strictly within the guidelines of the religious education program.
2. Hand-held electronic devices, including, but not limited to cell phones, palm pilots, MP3 players, portable compact disc players, tape recorders, etc., should not be used during any part of the religious education program.
3. There will be zero tolerance for disrespectful, violent, or abusive behavior of any type. Bullying, in particular, will not be tolerated.
4. There will be zero tolerance of harassment of any kind, including, but not limited to, verbal harassment, gender bias, threats, sexual harassment, and foul language.
5. There will be zero tolerance for substance abuse of any kind, including, but not limited to drugs, inhalants, alcohol, and tobacco.
6. No object which may be construed as a weapon or use of said object as a weapon will be tolerated on-site at parish programs.

The consequences for the forgoing behavior will be immediate. Parents will be called to remove their child. At the discretion of the Director of Religious Education or the Coordinator of Youth Ministry, the appropriate authorities and the Division of Youth and Family Services will be notified.

The Director of Religious Education or the Coordinator of Youth Ministry will assess the incident. The Director may then decide that the child will not be re-admitted to the program until that child has been evaluated by an appropriate health care professional and a letter is provided to the Director stating that the child is not a danger to him/herself or others.

If any person suspects child abuse or neglect they are bound by law in the State of New Jersey to report it immediately to the Division of Youth and Family Services. All diocesan employees and volunteers at the parish level are also required to report incidents of child abuse and neglect to the appropriate prosecutor immediately.

The telephone numbers of the three county prosecutors applicable to the Diocese of Paterson follow:

Morris County Prosecutor

(973) 285-6200
www.morrisnjpros.org

Passaic County Prosecutor

(973) 881-4800
www.pcponj.org

Sussex County Prosecutor

(973) 383-1570

Department of Youth and Family Services

(877) 652-2873

NOTE 1

These documents are available from your pastor or supervisor. Many are available on the Diocesan Web Site.

NOTE 2

The following forms of affection are regarded as appropriate.

- ? Brief hugs
- ? Pats on the shoulder or back
- ? Hand-shakes
- ? "High-fives" and hand slapping
- ? Verbal praise
- ? Touching hands, faces, shoulders and arms of minors
- ? Arms around shoulders
- ? Holding hands while walking with small children
- ? Sitting beside small children
- ? Kneeling or bending down for hugs with small children
- ? Holding hands during prayer
- ? Pats on the head when culturally appropriate (For example, this gesture should typically be avoided in some Asian communities).

Examples of affection that are not appropriate include but are not limited to:

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

NOTE 3

Working with youth includes all adults who are chaperones at events for children and young people.

NOTE 4

The sole exceptions are weapons used in instructional and recreational activities sponsored by organizations such as the Boy and Girl Scouts of America and only with strict supervision and observing the protocol of those organizations regarding their use.

NOTE 5

The sole exception is the distribution of the Precious Blood at Eucharistic Liturgies and, with the consent of parents or guardians, the use of wine when practicing for first Holy Communion.

NOTE 6

For details regarding sexual misconduct that requires reporting to the Prosecutor's office, consult the appendix entitled relevant statutes referenced in the Memorandum of Understanding which is available on the Diocesan Web Page.

**Statement of Compliance with
*Living and Working with Integrity***

I have read and understood the above Code of Pastoral Conduct for the Diocese of Paterson and commit to uphold this code in my ministry and/or work. I realize and fully understand that any violation of the code on my part will make me subject to disciplinary action and may result in my immediate dismissal.

Signature: _____

Date: _____

Print Name: _____

Address: _____

Phone: _____

Parish, School, Agency, Religious Community or Organization: _____

Ministry and/or Work: _____

Disciplinary Action

A. Standards of the Diocese

1. When Church personnel conduct does not meet the standards of the Code of Pastoral Conduct it is the responsibility of supervisors to address the problem(s) in a timely and equitable manner. The procedure may include four steps: 1) Dialogue, 2) Formal Warning, 3) Probation/Suspension and 4) Termination. These parallel the disciplinary actions found in the Employee Conduct Section of the Diocese of Paterson Supervisor's Manual:
 - 1) Verbal Warning
 - 2) Written Warning
 - 3) Suspension
 - 4) Discharge
2. Degrees of discipline are generally progressive and are used to ensure that Church personnel have an opportunity to correct their performance. However, the Diocese reserves the absolute and sole discretion to determine what form of discipline is appropriate for any misconduct.
3. All documents associated with disciplinary action are to be retained in the individual personnel file.
4. Procedures for discipline of clergy will be consistent with these policies and the appropriate norms of canon law defined in the Supplementary Norms for Clergy.
5. A guide to what type of discipline normally applies to particular violations of the code can be found in Appendix 1.
6. A person who having reported a violation of the code does not feel that appropriate disciplinary action has been taken has recourse to the Chancellor of the Diocese.
7. A person who has a complaint about a disciplinary action should follow the Grievance Procedure outlined in the Diocese of Paterson Employee Handbook and Supervisor's Manual.

B. Types of Discipline

1. Dialogue. Many conduct deficiencies can be addressed and resolved through dialogue between the supervisor and the Church employee or volunteer. Effective dialogue may include the following:

- a. Clear statement of the problem with specific examples.
- b. A mutually agreed upon action plan to resolve the problem.

Documentation of the dialogue and communication shall be stored in the personnel file of the person who participates in the dialogue. (See Appendix A)

2. Formal Warning. Formal Warnings may be initiated when 1) dialogue fails to resolve the problem, or 2) the problem is of such a serious nature that immediate formal warning is required.
 - a. Formal Warnings will follow the format provided in the Formal Warnings document. (See Appendix B)
 - b. Formal Warnings shall be presented at a meeting with the supervisor.
 - c. The person shall be required to sign the Formal Warning document to acknowledge receipt of the warning. If the person refuses to do so the supervisor will make note of this in writing on the document.
 - d. The original Formal Warning documents and all accompanying materials shall be stored in the personnel file of the person who receives the warning.
 - e. A copy of the formal warning will be given to the person who receives the warning.
3. Probation/Suspension. Probation/Suspension may occur when a dialogue and/or Formal Warning process has not succeeded or when the misconduct is such that a second infraction would clearly warrant termination.
 - a. Failure to meet the conditions of the probation/suspension will result in termination if significant improvement is not demonstrated consistently in the probation/suspension period as stated in the Probation/Suspension document. (See Appendix C)
 - b. At the conclusion of probation/suspension, the person should be notified in writing regarding their status.
 - c. All original documentation pertaining to probation shall be stored in the personnel file of the person who receives the probation/suspension.
 - d. A copy of the documentation will be given to the person placed on probation/suspension.

- e. In the case of employees, compensation during the period of suspension is at the discretion of the diocese and its officers.

4. Termination

- a. Termination may occur under one of two conditions.
 - (i) Failure to improve conduct previously addressed through dialogue and/or formal warning and/or probation/suspension; or recidivism of conduct that previously resulted in probation/suspension.
 - (ii) Serious and/or major offenses using guidelines found below in Appendix 1.
- b. All original documentation pertaining to termination shall be stored in the personnel file of the individual who receives the termination. (See Appendix D).

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APPENDIX 1

The following guideline is offered to help you determine what degree of discipline should be used in relation to specific violations of the code.

- A. Standards for Ministerial Relationships: (See letter A in Pastoral Code)
Dialogue is recommended for items 1 and 6 Probation/Suspension or Termination, depending on the gravity of the offense, is recommended for items 3 and 5. Any of the four degrees are recommended for item 4, depending on the gravity of the offense.

- B. Conduct with Children and Young People: (See letter B in Pastoral Code)
Dialogue is recommended for items 1, 5, 6, 7 and 9 Probation/Suspension or Termination, depending on the gravity of the offense is recommended for items 3, 4 and 8. Any of the four degrees are recommended for item 2, depending on the gravity of the offense.

- C. Sexual Misconduct: (See Letter C in Pastoral Code)
Probation/Suspension or Termination, depending on the gravity of the offense, is recommended for items 2 and 5. Termination is recommended for items 3 and 4. The Church's Code of Canon Law is to be observed regarding item 1.

- D. Harassment (See Letter D in Pastoral Code)
Formal warning, Probation/Suspension or Termination is recommended for all items in this section, depending on the gravity of the offense.

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APPENDIX A
DOCUMENTATION OF DIALOGUE

TO: **[Name of Church Employee or Volunteer]**

FROM: **[Name of Supervisor]**

DATE:

SUBJECT: **Dialogue Report**

This is to summarize our dialogue of _____ [date] _____. Present at this meeting were _____

_____.

During the dialogue, the following conduct was discussed: (state facts, date and time of violation).

Your conduct was reviewed as it violates the following items in the Code of Pastoral Conduct.

During the conference, you were provided with the following directive(s) and recommendations.

A copy of this documentation will be placed in your personnel file. You may prepare a response which will be attached to this document.

Signature of Church Employee or Volunteer

Date

Signature of Supervisor

**APPENDIX B
FORMAL WARNING**

TO: [Name of Church Employee or Volunteer]
FROM: [Name of Supervisor]
DATE:
SUBJECT: Formal Warning

It has been determined that you were engaged in the following conduct on _____ at _____
_____ (state facts) Date
_____ Time

This conduct violated item(s) _____ of the Pastoral Code of
Conduct which requires that _____.

(check one):

- _____ This is the first offense
- _____ This matter was previously the subject of dialogue on _____

Effective immediately, you are directed [required] to _____

To assist in correcting this conduct, I offer the following suggestions and/or recommendations:

A copy of the formal warning will be placed in your personnel file. You may prepare a response which will be attached to this document.

Signature of Church Employee or Volunteer

Date

Signature of Supervisor

APPENDIX C
PROBATION/SUSPENSION

TO: [Name of Church Employee or Volunteer]

FROM: [Name of Supervisor]

DATE:

SUBJECT: Probation/Suspension

It has been determined that you were engaged in the following conduct on _____
at _____ (state facts) _____
Time Date

This conduct violated item(s) _____ of the Pastoral Code of Conduct which requires that
_____.

(check one)

_____ You previously violated this/these item(s) on _____
and were given a formal warning.

_____ The nature of your conduct warrants this degree of discipline.

Effective immediately, you are (Check One)

_____ suspended with following terms (include length of suspension)

_____ on probation from this ministry/position with the following terms
(include length of probation) _____

Failure to comply with the terms set forth in this document will result in termination.

To assist in correcting this conduct, I offer the following suggestions and/or recommendations:

A copy of this probation/suspension will be placed in your personnel file. You may prepare a response which will be attached to this document.

Signature of Church Employee or Volunteer

Date

Signature of Supervisor

APPENDIX D
TERMINATION*

1. Name of Church Employee or Volunteer _____
Position held _____
Supervisor _____

2. THE TERMINATION DECISION

Reason for termination: _____

Documentation reviewed by: _____ Date: _____

Notes on documentation and possible risks: _____

3. THE TERMINATION MEETING

Date/time: _____ Location: _____

To be conducted by (names/titles of those present): _____

Outline of what the individual will be told: _____

How exiting employee/volunteer will remove personal belongings: _____

Supervised by: _____ When? _____

Other special considerations: _____

4. INTERNAL COMMUNICATIONS

Who needs to be informed? _____

By whom: _____ When: _____
Phone calls will be taken by: _____
Callers will be told: _____

5. OFFICIAL LETTER OF TERMINATION

Letter sent by registered mail by _____ on _____
NAME DATE
Receipt received on _____ by _____
DATE NAME

6. SUMMARY OF TERMINATION MEETING

*Termination for clergy occurs in accord with the process outlined in the norms of Canon Law.