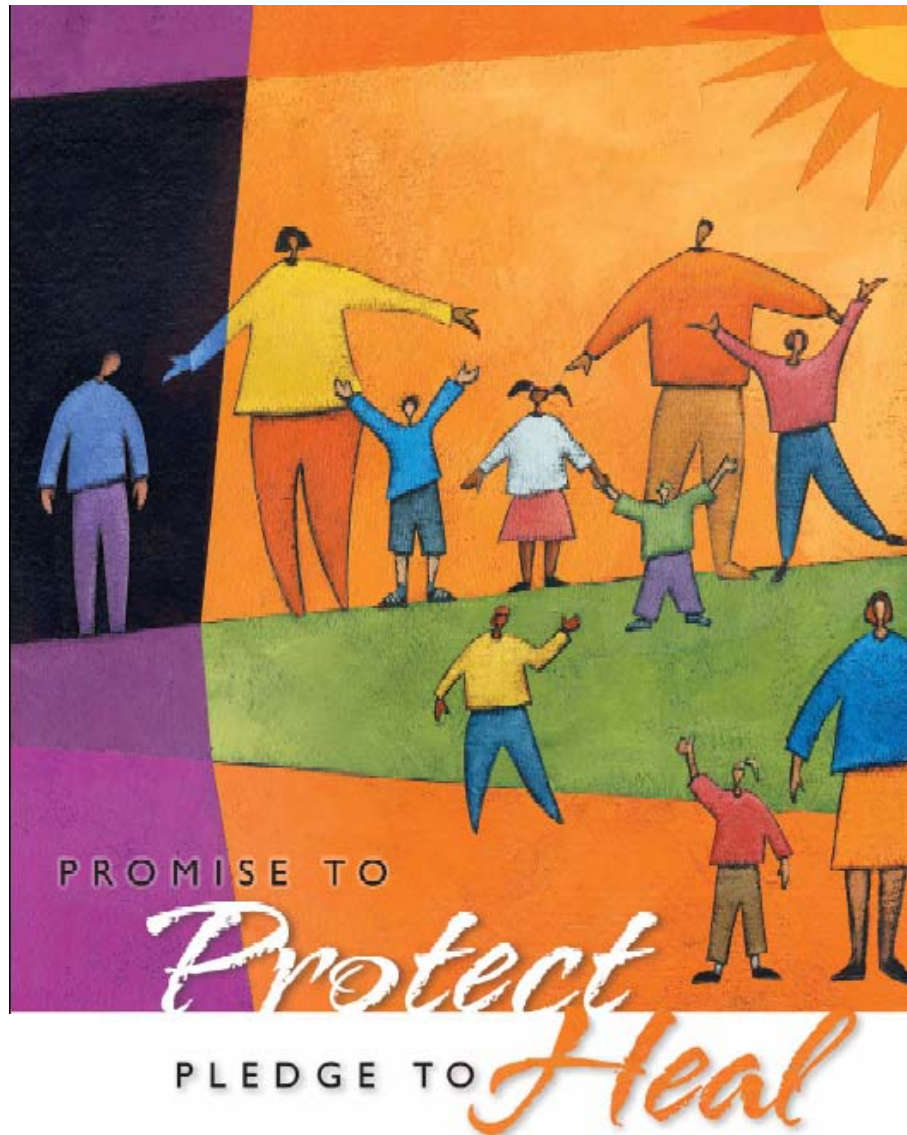


Diocese of Salt Lake City



Safe Environment Program

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Safe Environment Program

1. Introduction.

If people are to worship, study, or celebrate together in the Catholic community, they must do so in a safe environment. In the *Charter for the Protection of Children and Young People*, the United States Conference of Catholic Bishops recognized past failures in this regard and pledged to protect the faithful in the future.

The Diocese of Salt Lake City is committed to the implementation of the *Charter for the Protection of Children and Young People* and the norms which were adopted June 4, 2002 by the U.S. Bishops, and as approved by the Vatican on December 8, 2002, as well as to any official modifications that might be legislated.

2. Policy.

Child abuse, including sexual abuse of minors, is contrary to Christian principles and will not be tolerated. All personnel and volunteers within the Diocese of Salt Lake City must comply with applicable state and local laws regarding incidents of actual or suspected child abuse and with the procedures outlined in this document. Further, they are to be made familiar with the policies and procedures prescribed by the diocese to:

- A. comply fully with reporting laws and to cooperate fully with investigating authorities.
- B. guarantee an effective response to allegations of child abuse.
- C. ensure the accountability of diocesan procedures.
- D. promote healing and reconciliation with victims/survivors of child abuse.
- E. educate Church personnel and volunteers of the diocese and its parishes, schools, institutions, and organizations about the policies and procedures.

3. Prevention.

A. Communication.

1) All Church personnel and volunteers, indeed all of our people, need to be informed about diocesan policy dealing with the prevention of child sexual abuse and the procedures to be followed in particular when reports of child sexual abuse by Church personnel are received.

2) The Diocesan Director of Safe Environment (DDSE) will make every reasonable effort to communicate clearly and regularly with both civic and Church communities regarding the goals, expectations, and progress of the Safe Environment Program. Specifically, the DDSE will

a) regularly include articles in the Intermountain Catholic covering Church concern for the safety of children and young people.

b) include information on the Safe Environment Program in the Diocesan Pastoral Directives and the Administrative Handbook for Catholic Schools and ensure the directives are

distributed to priests, deacons, youth and religious education directors, school principals, and institution/organization directors.

c) use the Diocesan website to display policies, information on reporting child abuse, and provide on-line training for the local parishes, schools, institutions, and organizations.

d) make presentations to clergy at their annual convocation, to deacons at their annual retreat, and to school administrators, religious education directors, and youth leaders at the beginning of the year meetings emphasizing their responsibility to adequately educate all staff members, volunteers, and new employees, children and young people, parents and guardians of students in religious education programs and Catholic schools on the Safe Environment Program.

e) provide information on the Safe Environment Program for use during orientation of new employees and volunteers.

f) provide age appropriate classroom instruction for all Catholic school and religious education students as an integral component of curriculum.

g) in conjunction with the Director of Communications, develop and distribute articles on Safe Environment and instances of child sexual abuse by Church personnel and volunteers.

3) The Director of Communications will

a) provide assistance and coordination concerning public communications as needed.

b) be responsible for all communications from the diocese to the media.

c) ensure communication that reflects a commitment to transparency and openness.

B. Education

1) The Diocese will make every reasonable effort, give its geography, to educate people at all levels as to the priority of a safe environment for the safety of children and young people and the behavior required of all Church personnel and volunteers.

2) The Diocesan Director of Safe Environment will

a) oversee the development and deployment of education and training programs for children, youth, parents, ministers, educators, and others about ways to make and maintain a safe environment for children.

b) collaborate with community groups, law enforcement agencies, and social services to use their resources for diocesan-wide, deanery, school, and local parish presentations through speakers as well as educational materials.

c) inform community groups regarding the Diocesan Safe Environment Program in order to insure collaboration and open communication with the broader community.

d) provide special assistance to rural parishes and missions.

3) Local Directors of Safe Environment will

a) provide regular and on-going child sexual abuse prevention training and education. The Diocesan Director of Safe Environment, with the assistance of other diocesan program directors, will provide resources, guidance and supervision for Safe Environment training.

b) provide each new employee or volunteer a copy of the Diocesan Safe Environment Program, which includes the Code of Ethical Standards, Ethical Standards in Professional Relationships, Guidelines for Working with Children, Canonical Process for Priests or Deacons, and Code of Conduct for Minors. Each employee or volunteer is required to read these documents.

c) provide annual training to staff and volunteer workers having regular contact with children or young people on diocesan policies regarding child sexual abuse and safe environment.

4) All Church personnel and volunteers who have regular Church-related contact with children or young people must complete initial diocesan Safe Environment training and any additional training as required by the Diocese of Salt Lake City.

5) The Bishop will periodically review the curriculum developed by the seminaries pertaining to formation for chaste celibacy for adequacy in meeting the diocesan objectives.

C. Screening

1) All Church personnel and volunteers who have regular Church related contact with children or young people, must complete initial background screening and additional screening as required by the Diocese.

2) Local Directors of Safe Environment will require all Church personnel and volunteers meeting these criteria to complete a Disclosure Form and, based on this information, will run a criminal background evaluation.

3) Information obtained through the Disclosure Form and criminal background evaluation is to be kept confidential. All material is to be kept in a locked file with access restricted to the pastor, principal, chief administrator, and local Director of Safe Environment.

4) Disqualifying Offenses. No one, acting in the name of the Church, may work with children or young people if convicted of any disqualifying offense, been on probation, or received deferred adjudication for any disqualifying offense, or have presently pending criminal charges for any disqualifying offense until a determination of guilt or innocence is made, including any person who is presently on deferred adjudication. Disqualifying offenses include:

a) A felony classified as an offense against the person or family, or involving an offense against the person or family.

Examples: Offenses against a person include, but are not limited to: murder, assault, sexual assault and abandoning or endangering a child. Offenses against the family include, but are not limited to: bigamy, incest, interference with child custody, enticing a child, and harboring a runaway child.

b) A felony classified as an offense against public order or indecency.

Examples: Offenses against public order or indecency include, but are not limited to: prostitution, obscenity, sexual performance by a child, possession or promotion of child pornography, and disorderly conduct.

c) A felony violation of any law intended to control the possession or distribution of any substance included as a controlled substance in the Utah Controlled Substance Act.

d) A misdemeanor such as sexual assault, indecency with a child, injury to a child, abandoning or endangering a child, sexual performance by a child, possession or promotion child pornography, enticing a child, bigamy, or incest.

e) An administrative determination by a local, city, county or state agency that a person has been found to have committed child abuse or neglect.

5) Other Offenses. For instances other than a Disqualifying Offense as defined above, if there has been an arrest, conviction, probation, or deferred adjudication, administrative determination, or domestic protective order, or there are pending criminal charges (collectively referred to as “offense or order”), the following factors will be considered in determining whether to deny or terminate the applicant:

a) Type, frequency and severity of the offense or order;

b) Maturity of the applicant at the time of the offense or order;

c) Nature of the work or volunteer services and qualifications required such as whether the offense or order is an impediment to the ministry in which the applicant will work or provide volunteer services.

d) Date of the offense or order.

6) Review of Disqualification

a) Any person, including a volunteer, who applies for a ministerial position that involves regular contact with children and youth and is not accepted or is removed due to a Disqualifying Offense, may have the disqualification reviewed. If non-acceptance is based on the criminal background evaluation, the applicant shall be given the name and address of the agency reporting his/her criminal history. In the event that the applicant reasonably believes that an error has been made by the reporting agency or independent agent, they need to work with the reporting agency or independent agent to correct the report. Upon written request, a second criminal background evaluation can be obtained and the application reconsidered.

b) Any applicant or employee or volunteer for a position that involves regular contact with children or youth who is not accepted or is removed due to a disqualifying or other charge, may have the disqualification reviewed. The applicant must notify the Diocesan Director of Safe Environment, in writing, that a review of the disqualification is desired and authorize that all information relating to the disqualification may be disclosed to the pastor, principal, or chief administrator, the applicant's supervisor, or other appropriate parties. The Diocesan Director of Safe Environment will present the information to the appropriate parties so that the disqualification is reconsidered.

c) There is no review beyond asking for reconsideration by those making the determination. It is for the protection of children and young people that those representing the Church have the final word.

D. Criteria to Ensure Compliance

1) The Diocesan Director of Safe Environment, in collaboration with the Vicar General, is responsible for overseeing local Directors of Safe Environment, the diocesan website, and implementation of the Safe Environment Program.

2) The Diocesan Director of Safe Environment will develop, as necessary, Safe Environment Program guidelines to serve as a "checklist" by local Directors of Safe Environment to ensure their programs comply with Diocesan policy.

3) Each parish, school, and institution of the Diocese shall:

a) appoint a local Director of Safe Environment (clergy, staff, or volunteer) to oversee the local Safe Environment Program. The Director is to report regularly to the local parish council or school board or equivalent.

b) form a local Safe Environment Committee to implement the Safe Environment Program. Existing organizations, such as the parish council, may also be used in this capacity.

c) implement the Safe Environment Program following the guidelines and procedures found in the Diocesan Safe Environment Program.

d) submit its community's annual Safe Environment Compliance Report, as well as any other documentation requested by the diocese, by the deadlines established by the diocese.

4. Reporting

A. Mandate to Report.

1) The Diocese, through its parishes, schools, institutions, and organizations provides opportunities for numerous daily contacts with children and young people. It is, therefore, most important that all persons responsible for the care of children and young people in the Diocese of Salt Lake City, protect their rights and be alert to the possibility of child abuse.

2) Child Abuse and Utah State Mandatory Reporting. Any person who has reason to believe that a child, under the age of 18, has been subjected to child abuse **must**

a) comply with Utah law and immediately notify the nearest police officer, law enforcement agency or the Office of the Division of Child and Family Services, (in Salt Lake and Tooele Counties, call 801.281.5151; in all other counties, call 800.678.9399), **and**

b) if the abuse was perpetrated by any Church personnel or volunteer of the Diocese of Salt Lake City or the abuse occurs on property owned by the diocese, notify the Diocese of Salt Lake City (801.328.8641).

3) Child Sexual Abuse and the U.S. Bishops Charter. Regarding the sexual abuse of a minor, any Church personnel or volunteer within the Diocese of Salt Lake City who receives an allegation or complaint that a child has been subjected to sexual abuse by Church personnel or volunteers or on Church property **must**

a) inform the person making the allegation/complaint that the Diocese has a mandatory reporting policy for child sexual abuse and that the policy will now be activated.

b) strictly adhere to the provisions of the Utah Child Abuse Reporting Act by immediately notifying the nearest peace officer, law enforcement agency, or office of the Division of Child and Family Services of the alleged abuse.

c) inform the Vicar General of the complaint/allegation by calling 801.328.8641.

d) If the person was abused as a child but is now aged 18 years of age or older, notify the Diocese of Salt Lake City (801.328.8641).

B. Reporting Procedures.

1) Upon receipt of an allegation of a complaint or allegation of child sexual abuse by Church personnel, the Diocesan Director of Safe Environment will report it to the appropriate authorities and offer pastoral care to the victim and the victim's family.

2) The Bishop will appoint a delegate to investigate the allegation. Contact with the individual reporting the allegation will be made by the delegate.

3) The Review Board assists with assessing the allegations of sexual abuse of minors and meeting with victims and the accused separately, when requested.

4) Allegations against a priest or deacon. The Canonical Process for Priests and Deacons (Appendix D) will be followed.

5) Allegations against a religious priest, brother, or sister. The Bishop or Vicar General notifies the accused person's major superior. The accused person shall be placed immediately on administrative leave. If the sexual abuse of a minor is admitted or established, the accused person shall be permanently removed from all activities within the diocese.

6) Allegations against an employee or volunteer. If the allegation is found to be credible, the administrator who has authority over the accused shall place the accused person immediately on administrative leave, or, in the case of a volunteer, suspend the services of the accused. If child sexual abuse is admitted or established, the accused person may be terminated or, in the case of a volunteer, barred from volunteering in any capacity involving contact with minors or children. If child sexual abuse is not established, the accused person may be reinstated or, in the case of a volunteer, allowed to continue serving as a volunteer.

7) Care must always be taken to protect the rights of all parties involved, particularly those of the person claiming to have been abused and the person against whom the charge has been made. When the accusation has proved to be unfounded, every effort will be made to restore the good name of the person falsely accused.

C. Media Inquiries. Any news media inquiries regarding allegations of child sexual abuse by Church personnel or volunteers should be directed to the Diocesan Director of Communications and/or the Vicar General. The diocese is committed to dealing with alleged incidents of child sexual abuse in an open and responsible manner. At the same time, in light of permanent harm that can result from such allegations, especially when they ultimately prove to be unfounded, the diocese respects the strict confidentiality and privacy of all persons who are involved in such incidents.

D. Other.

1) When a cleric is proposed for a new assignment, transfer, residence in another diocese/eparchy or diocese/eparchy, or residence in the local community of a religious institute, the sending bishop or major superior will forward, and the receiving bishop or major

superior will review before assignment, an accurate and complete description of the cleric's personnel files and all other records maintained on the cleric.

2) Prior to exercising public ministry in the Diocese of Salt Lake City, any priest or deacon from outside the diocese must submit a completed *testimonial of suitability for clergy exercising public ministry* to the parish or organization in which the ministry is to be performed. For those clergy coming into the diocese to take up collections, the form must be completed by the major superiors/ordinaries or mission directors and sent to the parish where the appeals will be taken up.

5. Pastoral Care.

A) The pastoral care of survivors of child sexual abuse as a minor, their families, and those accused of child sexual abuse is the responsibility of the Bishop, the Vicar General, and the Diocesan Director of Safe Environment, assisted by other appropriate professional resources.

B) The Diocesan Review Board will monitor this care and outreach on a regular basis.

Appendix A. Code of Ethical Standards

1. Preamble

Leadership in the church founded by Jesus Christ is always a work of service to others, as the Savior clearly taught: “anyone among you who aspires to greatness must serve the rest, and whoever wants to rank first among you must serve the needs of all.” Matthew, 20: 26-27.

As ministerial leaders in the Catholic Church, those who serve within our parishes and institutions, whether employees or volunteers, must always seek to uphold Christian values and conduct. In addition to following the Gospel and its mandates, it is expected that they will act properly at all times in the light of contemporary society and its needs. This Code of Ethical Standards does not presume to provide the answers to all the ethical questions facing Church leaders. What it does establish is a set of general ethical standards for their lives and ministry. These standards will help to delineate boundaries by which ethical questions can be evaluated and actions judged.

This Code will aid in the education of new church leaders and it will demand accountability from Church leaders who fail to live within the ethical standards of the Code. (This Code is not intended to supersede canon or civil law or Diocesan Directives.)

Responsibility for adherence to this Code of Ethical Standards rests with the Church leaders themselves. It is anticipated, however, that disregard of this Code by Church leaders will be dealt with by the appropriate employing/appointing organization’s representative (e.g., the pastor, administrator, program director, religious superior, the Bishop). Remedial action may take various forms from counseling to removal from ministry.

The conduct of Church leaders, both public and private, has the potential to inspire and motivate people, or scandalize and weaken their faith. These leaders must be aware of the responsibilities that accompany their work. They also know that God’s goodness and grace support them in their ministry.

2. General Principles

Five key principles underlie the ethical stance of this Code. The ethical Church leader is one who embraces the principles of ecclesiastical commitment, integrity, respect for others, well-being and competence.

A. Ecclesiastical Commitment

1) Church leaders embrace the teachings of Jesus and work to promote the Gospel. They shall have an intimate knowledge of the scriptures and be able to relate them to day-to-day situations encountered in the parish, community or diocese.

2) **Church leaders must show a commitment not only to the parish or school family, but also to the larger diocesan and neighborhood community in which the parish is located. They must show a special care and concern for the needs of the poor and the oppressed of society. Church leaders shall support diocesan leadership and programs.**

They shall address local community social concerns by active reflection on Catholic social teachings and involvement in works of charity. Church leaders shall share the spirit of ecumenism in their interactions with other community religious groups.

B. Integrity

Church leaders are expected to be persons of integrity and must conduct themselves in an honest and open manner, free from deception or corruption. They shall handle the responsibilities of their office in a conscientious fashion. Leaders in a Church that sets a high moral standard for its members have a responsibility to lead by example. It is realized that self knowledge is hard won and takes hard work on behalf of the Church leader. This integrity requires honest stewardship of money and other resources as outlined in diocesan financial policies.

C. Respect for Others

1) Church leaders respect each individual as a creation of God without regard to economic status or degree of participation in parish life. Church leaders establish relationships of trust with those whom they work. Church leaders uphold professional standards of conduct, clarify their professional roles and obligations, accept appropriate responsibility for their behavior, and seek to manage conflicts of interest that could lead to exploitation or harm. Church leaders shall respect the rights, dignity and worth of each person, especially members of the Church community who are most vulnerable.

2) Church leaders strive to be sensitive to cultural differences among people and appreciate the opportunities that diversity brings. Church leaders take the time to understand the collective journeys of their congregations and understand the role of history in Church development.

3) Church leaders are aware that issues of aging, gender, race, religion, sexual orientation, physical and mental disabilities, and language all affect how the message of the Gospel is received and interpreted. They are especially protective of children and young people and supportive of a safe environment for them.

D. Well-Being. Church leaders are expected to attend to their own human, spiritual, intellectual, and pastoral well-being.

1) Human Well-Being.

a) Church leaders are encouraged to be attuned to their physical, mental, and emotional health. They must be aware of warning signs in their behavior and moods that can indicate conditions that can be detrimental to their health. Inappropriate use of alcohol or misuse of prescription drugs are examples. Church leaders must immediately seek help when they identify warning signs in their professional or personal lives.

b) Church leaders have a responsibility to be supportive of one another, in terms of both affirmation and holding one another accountable for their physical and emotional well-being. Intervention in the maladaptive behavior of Church ministers is an act of charity. Church

leaders must determine healthy limits in their work environment and live within these limits as much as possible.

c) They need to make use of allotted time for vacation and days away from the work environment. Church leaders should participate socially with their communities in the celebration of feasts and other observances.

d) Caregivers also need care. They cannot be of help to others if they are in need of help themselves. Church leaders need support, encouragement, nurturing, time away from the work environment, and positive peer interactions. Anchors for these needs can be found in prayer, spiritual direction, counseling/therapy (as needed), relaxation, and time spent in genuine friendship.

2) Spiritual Well-Being. Church leaders have a duty to stay attuned to their own spiritual health. They must maintain and nurture an ongoing prayer life. They need to address their own spiritual needs in order to remain focused in the faith. Regularly meeting with a spiritual director is highly recommended. Church leaders need to take advantage of time provided for retreats and days of reflection.

3) Intellectual Well-Being. Church leaders have a responsibility to attend to their ongoing intellectual development. They should participate in seminars and workshops in areas that are relevant to their current ministry and should stay current through reading both religious and secular sources. Church leaders have a responsibility to participate in a regular process of evaluation of their effectiveness in ministry. Diocesan instruments and procedures should be used where these exist. Church leaders need to make use of the time and funding provided for ongoing formation.

4) Pastoral Well-Being. Church leaders are responsible for providing for and nurturing the life of the diocesan, institutional or parish community. They have a responsibility to know and respect the people entrusted to them for ministry. As appropriate to their ministry, clerics must celebrate the sacraments with decorum, in fidelity to the official rites of the Roman Catholic Church. Church leaders must know and respect the policies and procedures of the diocese and nurture in themselves the pastoral heart necessary to lead their people in word, worship and service.

E. Competence.

Church leaders shall maintain high levels of professional competence in their particular ministry. Training, education and experience all contribute to make them competent and credible in their areas of expertise. Church leaders shall not attempt to provide services in those areas in which they lack competence; competence also means knowing one's limitations.

Appendix B. Ethical Standards in Professional Relationships

1. Administration. Church leaders exercise respectful and just treatment of employees and volunteers in the day-to-day administrative operations of their ministries.

A. Church leaders shall seek to relate to all people with respect, sensitivity and reverence. Meetings are to be conducted with patience and courtesy toward the views of others, in an environment where it is safe for others to offer constructive criticism.

B. Church leaders seek to empower others, supporting each person to live the life to which God calls them. They are to seek to work in ways that respect the different talents people bring to the Church.

C. Church leaders exercise responsible stewardship of all Church resources. They must also ensure that whatever their area of ministry, there is a clear accounting for all funds.

D. Church leaders ensure that systems are in place to protect both the Church and the individual from financial mismanagement. Audits of financial operations are to be conducted according to diocesan policies.

E. Personnel and other administrative decisions made by Church leaders are to be in accordance with civil and canonical obligations as well as diocesan policies. Likewise they should reflect Catholic social teachings.

F. All Church leaders who receive financial recompense for their ministerial service under stipulated contract terms or Diocesan scales may not receive a dual reimbursement for work which falls ordinarily under the scope of their pastoral assignment or ministry (e.g. a pastor who teaches religious education may not receive both a pastor's salary and that of a director of religious education).

2. Conduct in Counseling. Church leaders who conduct counseling for families, individuals, or groups, must respect their rights and safety and advance the welfare of each person.

A. Church leaders must not step beyond their competence in counseling situations. The parameters for Church leaders are dictated by their training or certification from a recognized professional association of peers, or state licensing.

B. In conducting group sessions, Church leaders must insure that no individual is subject to trauma or abuse resulting from group interaction. The Church leader must state to group participants the nature of the group, and the parameters of confidentiality of all individual disclosures.

C. Church leaders do not disclose information learned from counseling sessions. In beginning what is clearly a counseling relationship, the Church leader should inform the counselee that confidentiality is limited when there is child abuse or a clear and imminent

danger to the client or to others. In such cases, the Church leader must contact the necessary authorities or other professionals, as mandated by Utah law.

D. In cases where the counselee is already in a counseling relationship with another professional, the Church leaders must make clear what they can provide to the counselee. Generally, this should be confined to spiritual assistance.

E. Church leaders who move to another parish while conducting counseling with parishioners shall help make appropriate referrals for continued care.

F. Church leaders ordinarily do not begin a counseling relationship with someone with whom they have a preexisting relationship (e.g., employee, professional colleague).

G. Church leaders do not engage in sexual intimacies with those whom they counsel.

H. Physical contact with the counselee can be misconstrued and should be generally avoided.

I. It must always be clear to both the Church leader and the counselee that a counseling relationship is in process. This can best be done when the counseling, especially if extended, is conducted in an appropriate setting and at appropriate times. Counseling must not be done in private living quarters or at places or times that would be ambiguous or misleading to the counselee or others.

J. Church leaders will be cognizant at all times of the significance of boundaries in all relationships. During the course of the counseling relationship, Church leaders ordinarily do not socialize with counsees.

K. Church leaders who conduct counseling must hold themselves accountable in that activity. This may be accomplished by engaging in professional peer consultation and/or supervision as appropriate. They shall keep a calendar of times and places of contacts, especially in the case of more frequent meetings with the same person.

L. When a Church leader's independent judgment is impaired (e.g., by prior or concurrent personal or professional relationships, where the Church leader becomes personally involved or an advocate for one person against another), the Church leader will advise the counselee that he or she can no longer provide counseling and refer the counselee to other counselors.

3. Conduct with Minors. Church leaders working with minors must use appropriate judgment to insure safe and professional integrity.

A. Church leaders must be aware of their own vulnerability and that of any individual minor with whom they may be working. In every instance possible, a team approach to youth ministry activities shall be fostered. Church leaders must avoid establishing any exclusive relationship with a minor and exercise due caution when they become aware of a minor desiring such a relationship. Both the participants and members of the Church community can misunderstand such relationships.

B. Physical contact with minors can be misconstrued by both minors and other adults, and should be avoided. Church leaders must not strike, spank, shake, slap, or otherwise physically discipline a minor except in the instance where the Church leader fears for the safety of the minor, (an) other individual(s), or the Church leader him/herself.

C. Minors must not be put into a position where they are humiliated, ridiculed, threatened, or degraded by any Church leader. Discipline which frightens or humiliates children or youth must always be avoided. Positive reinforcement shall be used rather than criticism, competition or comparison.

D. Church leaders do not use alcohol when working with minors.

E. Church leaders do not provide sexually explicit, inappropriate, or offensive material to minors nor make remarks that could be suggestive or otherwise inappropriate.

F. Providing overnight accommodations in rectories or other personal residences for minors with whom the Church leader may have other than a close familial relationship, is prohibited. Likewise it is unwise for a church leader to travel alone overnight with a minor who is not a close relative.

G. Church leaders must refuse to accept expensive gifts from minors or parents without previous written approval of the administration or appropriate supervisor. Church leaders must also refrain from giving expensive gifts to minors without prior approval of the parents or guardian and the administrator or appropriate supervisor.

H. Church leaders will know and understand diocesan policies and procedures concerning allegations of sexual misconduct involving minors and strictly comply with the policies and procedures. Failure to report suspected abuse to civil authorities is, according to Utah law, a misdemeanor. Church leaders will cooperate fully in any investigation of abuse of children or youth.

4. Sexual Misconduct. Church leaders do not exploit the trust of the parish community for sexual gain or intimacy

A. Church leaders will not exploit a person for sexual purposes.

B. It is the personal and professional obligation of the Church leader to be aware of diocesan policies regarding sexual exploitation and sexual harassment.

C. Church leaders who have made a commitment to celibacy are called to witness this in all relationships. Likewise, those who have made a marital commitment are called to witness to this fidelity in all their relationships.

D. Any allegations of sexual misconduct must be reported to the proper diocesan authority and also to the appropriate government agency when required by Utah law. Diocesan policies and procedures will be followed to insure the rights of all involved and to facilitate justice for the aggrieved.

E. Church leaders have a responsibility to comply with all mandatory reporting requirements as provided under Utah law. Information received under the seal of the confessional is exempt.

5. **Professional Behavior.**

A. Church leaders commit to a professional work environment which reflects the diocesan policy of fair and equal employment to every person regardless of race, religion, color, sex, sexual orientation, national origin, age, marital status, arrest or conviction record, veteran, handicap status or any other status protected by law. Church leaders will provide a work environment that is free from intimidation and harassment based on any of these factors. Church leaders do not engage in physical, psychological or verbal harassment of employees, volunteers, parishioners, or others and will not tolerate such harassment by other Church employees or volunteers.

B. Harassment encompasses a broad range of physical or verbal behavior, which can include, but is not limited to, the following:

- 1) physical or mental abuse;
- 2) racial insults;
- 3) derogatory ethnic slurs;
- 4) unwelcome sexual advances or touching;
- 5) sexual comments or sexual jokes;
- 6) requests of sexual favors used as a condition of employment or affecting any personal decision such as hiring, promotion, or compensation;
- 7) display of offensive materials.

C. Harassment can occur as a result of a single severe incident or a pattern of conduct which results in the creation of a hostile, offensive, or intimidating work environment.

D. Church leaders are to follow the established procedure for reporting of harassment, and are to ensure that no retaliation for bringing forward a claim of harassment will be tolerated.

E. Church leaders are to insure that there is a clear policy on reporting harassment for both employees and volunteers.

6. **Confidentiality.** Information disclosed to a Church leader during the course of counseling, advising, spiritual direction and any other professional contact will be held in strictest confidence.

A. Parishioners and other persons who come to the Church leader must feel that they are entering a relationship marked by respect, trust and confidentiality.

B. The Church leader is also bound to safeguard the confidentiality of any notes, files, or computer records pertaining to professional contact with individuals.

C. If consultation with another professional becomes necessary, utmost care should be taken to do so only by using non-identifying information; when this is not possible, the other professional must be bound to the same degree of confidentiality as the Church leader. If the other professional is not so bound, the disclosure should not be made.

D. When consultation is necessary, the leader must exercise great care to limit the content of the information to be shared. The leader must first determine: what is the precise information that the Church leader needs to have shared; with whom is the information to be shared; and why does it need to be shared.

E. Knowledge that arises from professional contact may be used in teaching, writing and preaching or other public presentations only when effective measures have been taken to absolutely safeguard individual identity and confidentiality.

F. Except as provided above with respect to consultation, confidential information can be disclosed only with the written, informed consent of the individual. In legal proceedings in which the Church leader is a defendant and the allegations stem from a professional contact, the disclosure of confidential information gained in that contact is permitted only to the minimum necessary to achieve the purpose of defense.

G. When entering into a counseling or pastoral relationship with a minor, Church leaders must instruct the minor from the outset regarding several exceptions to the ordinary rights to confidentiality: the reporting of child abuse; threats of self-inflicted harm to the minor and threats against others because of the minor's emotional status or behavior. Threats of self-harm may also include suicidal ideation with a plan to commit the act and/or plans to commit violence against another. In these situations, which pose a grave risk for the minor's welfare and the welfare of others, communication of information to a parent or legal guardian and/or to the civil authorities should occur expeditiously with or without the consent of the minor. The Church leader must exercise great care and judgment in determining the appropriateness of this kind of disclosure and in balancing the ultimate welfare of the minor being counseled with the duty to warn.

H. These obligations are independent of and supplementary to the confidentiality of the confessional. Under no circumstances whatsoever can there be any disclosure, even indirect, of information received through the confessional.

7. Records and Information. Appropriate confidentiality shall be maintained in creating, storing, accessing, transferring and disposing of parish or institutional records.

A. Sacramental records shall be regarded as confidential. When, for valid Church reporting or statistical purposes, information from these records is made public, great care must be taken to preserve the anonymity of the individuals.

B. Parish financial records are to be held as confidential unless an appropriate governmental agency or office requires review. The Diocesan Finance Office and Office of the Vicar General should be contacted regarding the release of all financial records.

C. The records of individual contributions to the parish shall be regarded as private and therefore shall be used only as necessary.

8. Conflicts of Interest. Church leaders must avoid putting themselves in a position that might present a conflict of interest, since the existence, or even the appearance, of a conflict of interest can call into question one's integrity and professional conduct.

A. The potential for a conflict of interest exists in many circumstances. Examples of such behavior by a Church leader include: conducting private business or other dealings with the Church or any of its members; accepting substantial (non-token) gifts for services or favors; employing or engaging in transactions with his or her friends or relatives; acting with partiality toward employees or Church members; or violating a confidence of another for personal gain.

B. Disclosure of all relevant factors can in some circumstances lessen the potential for a conflict of interest.

9. Reporting Misconduct. Church leaders have a responsibility to report ethical misconduct on the part of other Church leaders.

A. In cases where there are clear indications of illegal actions by a Church leader, notification must be made immediately to the proper civil and Church authorities.

B. In cases where there are clear indicators of unethical, but not illegal actions by a Church leader, notification must be made to the proper Church authorities.

C. When Church leaders believe that one of their colleagues may have seriously violated this Code of Ethical Standards, they must attempt to resolve the issue, if possible, by bringing it to the attention of the individual. If this fails, the Church leader shall take further action by reporting to the supervisor or next higher authority, or by referral to the Diocese.

D. All accusations and concerns, either past or present, involving the sexual abuse of minor and/or adult sexual exploitations, as defined by Utah law or Diocesan Policies, must be reported promptly to the appropriate diocesan official.

E. When Church leaders are uncertain whether a particular situation or course of conduct would violate this Code of Ethical Standards, they must consult with peers knowledgeable about ethical issues and this Code, or the Diocese, in order to determine the proper response.

Appendix C. Guidelines for Working with Children and Young People

It is expected all Church personnel will demonstrate good moral character so as to serve as Christian role models. In addition to the Code of Ethics guidelines for conduct, Church personnel will observe the following guidelines when dealing with minors:

1. An adequate number of adults should be present at events involving children or young people to support the safety of such gatherings.
2. Facilities should be appropriately monitored during church services, school or other activities.
3. Children should only be released to parents, guardians, or persons designated by parents or guardians.
4. Parental/guardian permission, including a signed Consent to Participate form, should be obtained before taking children or young people on trips.
5. Qualified drivers, as specified in diocesan policy, should be used for any church or school event.
6. Children or young people should not be left unsupervised when on church or school related trips.
7. All adult leaders and sponsors for any overnight activities must be approved in advance by the appropriate chief administrator or program director. Such overnight activities are to be discouraged.
8. Minors are not to be given alcoholic beverages tobacco, drugs or materials prohibited by law.
9. Activities are not to conflict with curfew laws.
10. Touching should be age appropriate and based on the need of the minor, not on the need of the adult. Any inappropriate or questionable physical contact with a minor is prohibited. If a minor initiates physical contact, an appropriate limited response is proper.
11. Being alone with a minor is to be avoided in a residence, sleeping facility, locker room, rest room, dressing facility, or other closed room or isolated area where it may appear to be inappropriate to a ministerial relationship.
12. An adult supervisor should not stay in a hotel room or other sleeping area with a minor who is not related unless a group of minors is present.
13. Minors should not be exposed to topics, vocabulary, materials, recordings, films, games or use

of computer software, or any other form of personal interaction or entertainment that could not be used comfortably in the presence of parents.

14. Sexually explicit or pornographic material is never appropriate.

15. Online chats or chat room conversations between adult leaders and children or young people are never appropriate. E-mail correspondence with children or young people should be appropriate and professional.

16. No medication of any kind is to be administered without written parental/guardian permission.

17. Clear professional boundaries must exist between adults and minors. Vigilance should be maintained regarding inappropriate personal or physical attraction developing between an adult and a minor.

18. If one-on-one pastoral care of a minor should be necessary, meeting should not take place in isolated environments. Meetings should be scheduled at times and in locations that insure accountability. Both the length and number of sessions should be limited. Parents/guardians should be notified of such meetings.

19. Minors should not have access to keys to church or school facilities. If a minor does have access to a key as a result of being a Church employee or volunteer, the minor is to be properly screened and informed about policies and procedures.

20. Taking photographs of minors while they are unclothed or dressing (e.g., in a locker room or bathing facility) is never allowed.

Appendix D. Canonical Process for Priests or Deacons

1. **Preliminary Investigation.** The Bishop shall delegate an individual to conduct an investigation and gather evidence in the case. The Review Board's advice may be sought regarding the facts and findings of the investigation and the probable nature of the allegation. The Bishop shall determine the probable nature of the delict and issue a decree closing the preliminary investigation.

A. If the allegation is false, the investigation is concluded, the accused cleric is notified, and where necessary, the appropriate steps to restore the reputation of the accused are undertaken.

B. If there is no on-going criminal investigation or the canonical actions would not interfere with the civil investigation, and if the Bishop has established the probability of the reserved delict, the accused cleric is notified of the result of the investigation. If necessary, the restrictions of Canon 1722 (administrative leave) can be applied at any point during the preliminary investigation. The Congregation for the Doctrine of the Faith is notified of all relevant documentation and the *votum* of the Bishop giving his opinion of the case as well as his suggestion for future action, and a derogation from the statute of limitations (or prescription) is requested if the case so warrants.

C. An offending priest or deacon will be offered professional assistance for his own healing and well-being, as well as for the purpose of prevention. He may be requested to seek, or urged voluntarily to comply with, an appropriate medical and psychological evaluation, as long as this does not interfere with a civil investigation.

D. Once advised of an allegation, the accused cleric and other concerned parties will be kept abreast of the development of the investigation with due regard for the norms of Canon Law. Priests who are defendants in a criminal case are not to present themselves in clerical garb.

E. The accused cleric is advised to retain civil and canonical counsel as needed. When appropriate, the diocese will supply canonical counsel for the cleric.

F. Appropriate supervision will be arranged for the offending cleric, as well as adequate sustenance. Other concerned parties will be so advised.

G. Remedies for damage resulting from sexual abuse shall be proposed by the Bishop.

2. **The Congregation for the Doctrine of the Faith.** Upon receiving the referral from the Bishop, the Congregation for the Doctrine of the Faith will choose one of the following:

A. Call the case to itself because of special circumstances; or

B. Notify the Bishop of its decision that the Bishop should proceed with the judicial penal process; or

C. Advise the Bishop that the case warrants referral to the Holy Father for a *dismissio ex officio* of the cleric concerned; or

D. Authorize the Bishop to use the administrative penal process of Canon 1720 with referral to the Congregation for the Doctrine of the Faith for dismissal by decree.

3. Judicial Trial. The Bishop will issue the decree of appointment of the Tribunal for the trial; judges, promoter of justice, notary. The Bishop then transfers the acts of the preliminary investigation to the promoter of justice. The penal procedure is conducted according to the Code of Canon Law.

A. If a permanent penalty has not been applied, the Bishop can exercise his power of governance by imposing an administrative remedy “to remove the offending cleric from office, to remove or restrict his faculties, and to limit his exercise of priestly ministry.”

B. The Bishop ensures that the penalized cleric who is not dismissed has those things that are necessary for his decent support. The Bishop provides for the dismissed cleric who is truly in need.

4. Appeals and Recourses. Because of the exclusive competence of the CDF in matters of *delicta graviora*, including the sexual abuse of a minor by a cleric, all appeals and recourses must be directed to the CDF, both with regard to any preliminary decisions by the CDF, as well as decisions in first instance by lower tribunals.

A. Judicial appeals against first instance sentences in penal trials concerning *delicta graviora* are heard by the CDF Tribunal at second instance. The decision of the DCF Tribunal at second instance is final.

B. Hierarchical recourses against administrative acts of bishops concerning cases of clerics accused or found guilty of a *delictum gravis* is made to the CDF. A further recourse against the ensuing decision of the CDF is possible to the Ordinary Session of the CDF (*the Feria IV*). Recourse to the Apostolic Signature has been excluded in these cases (Decision of the Holy Father, 2/14/03).

Appendix E. Code of Conduct for Minors

1. Introduction. The Catholic Diocese of Salt Lake City is committed to the protection of children and young people and establishing a safe environment in which they worship, recreate, and learn so as to grow into responsible Christian adults. The intent of this Code of Conduct is to promote responsible behavior and Christian values that create an orderly, nurturing and safe environment.

2. Rights and Responsibilities. Rights are those things we are entitled to have. Responsibilities are the actions that are expected as a result of those rights.

A. Children and young people have the **right** to:

- 1) a safe environment;
- 2) receive the best formation program to meet their needs;
- 3) feel secure from physical, verbal, and written harassment;
- 4) be treated in a fair, consistent, and respectful manner;
- 5) receive instruction and assistance for social, emotional, and academic concerns; and
- 6) a clean and pleasant environment.

B. Children and young people have a **responsibility** to:

- 1) share experiences in safe and pleasant surroundings;
- 2) maintain attendance that is regular and punctual;
- 3) act safely in everyone's interest;
- 4) accept responsibility for their actions;
- 5) practice good health habits;
- 6) be honest and polite;
- 7) not interfere with the leader's facilitation and the experience of others;
- 8) show respect for the rights, feelings, and property of others;
- 9) seek help for social, emotional, and academic concerns;
- 10) adhere to rules during any related activities;
- 11) work through a decision making process with staff to explore alternative behaviors which are acceptable and more appropriate, when required;
- 12) respect ethnic, racial, religious, gender, intellectual, and physical diversities of all people; and
- 13) report discreetly any inappropriate behavior to a responsible adult.

C. **Behavior.**

- 1) Reverence, Respect, Responsibility. All behavior should be guided by reverence for life, respect for self, others, and property, and taking responsibility for one's actions.
- 2) Behavioral standards should encourage self-discipline, create an atmosphere based on love, respect and cooperation, and provide a safe, positive and well-ordered environment.

2) Behavioral standards should encourage self-discipline, create an atmosphere based on love, respect and cooperation, and provide a safe, positive and well-ordered environment.

D. **Offenses.** The following behavior does not contribute to a safe, respectful Christian environment and will not be tolerated:

1) causing physical harm (fighting, throwing objects, using or distributing drugs, weapons, etc.).

2) causing psychological harm (intimidation, threats, etc.).

3) using a tone or gesture of disrespect or that is abusive (profanity, harassment, etc.).

4) showing disrespect to adults or authority (insubordination, unwillingness to obey, etc.)

5) showing disrespect for property (vandalism, theft, etc.).

6) demonstrating irresponsible behavior (being unreasonable, repeated violations, unwillingness to change, etc.).

7) harassing others (verbal abuse, bullying, inappropriate touching, etc.).

8) being dishonest (lying, cheating, etc.).

Appendix F. Definitions

1. **Child Abuse:** Contact or behavior between a person and a child (any person under 18 years of age) which causes harm or threatens harm to said child's health or welfare including damage to the physical, emotional or psychological health and welfare of the child resulting from non-accidental physical or mental injury, incest, sexual abuse, sexual exploitation, molestation, or repeated negligent treatment or maltreatment. (Cf. Section 62A-4a-402) of the Utah Code Annotated)

2. **“Sexual Abuse of a Minor” or “Child Sexual Abuse”:** For purposes of this policy, includes:

A) “incest”, “molestation”, “sexual abuse”, or “sexual exploitation of minors” as defined in Utah law (Cf. Section 62A-4a-402 of the Utah Code Annotated), and

B) any offense against the sixth commandment involving a child. (Cf. Canon 1395, §2 of the 1983 *Code of Canon Law; Essential Norms for Diocesan/Eparchial Policies Dealing with Allegations of Sexual Abuse of Minors by Priests or Deacons*, Washington, D.C., USCCB, 2003, n. 11, p. 33.)

3. **Diocese:** The Roman Catholic Bishop of Salt Lake City, a Utah corporation sole, also known as the Diocese of Salt Lake City, including but not limited to parishes, schools, institutions and organizations with direct accountability to the Bishop of Salt Lake City.

4. **Church Personnel:** Any priest, seminarian, deacon or deacon applicant, religious, or lay employee working in or on behalf of the Diocese.

5. **Child, Youth, and/or Young Person:** Any person under eighteen years of age.

6. **Volunteer:** Any unpaid person engaged in or involved in an authorized Diocesan activity, and for the purposes of this program, entrusted with the regular care and/or supervision of children or young people.

7. **Local Director of Safe Environment:** A person appointed in writing by the pastor, principal, or administrator of the parishes, schools, institutions, and organizations to monitor the adherence of the Safe Environment Program for their community.

8. **Diocesan Director of Safe Environment:** The individual appointed by the Bishop to oversee the implementation of the Diocesan Safe Environment Program in collaboration with the Vicar General. Also called the Assistance Coordinator.

9. **Diocesan Review Board:** A group appointed by the Bishop to act as a confidential consultative body to him. The Review Board's functions include:

A. providing guidance for the establishment and maintenance of a diocesan Safe Environment Program.

B. reviewing diocesan policies and procedures for dealing with allegations of the sexual abuse of

minors at least every two years in order to recommend to the Bishop any needed modifications.

C. recommending fitness of ministry in particular cases.

D. assessing allegations of sexual abuse of minors and meeting with victims and the accused separately when requested.