

# POLICIES & PROCEDURES FOR THE PROTECTION OF CHILDREN & YOUNG PEOPLE

ROMAN CATHOLIC DIOCESE  
OF TULSA & EASTERN OKLAHOMA

2018



August 1, 2018

Dear Brothers and Sisters in Christ,

Our children, youth, and vulnerable adults are treasures to the Church, and as such the Diocese of Tulsa has a sacred obligation to protect them. In compliance with the *Charter for the Protection of Children and Young People* issued by the USCCB, the Diocese of Tulsa continues to make every effort to ensure it employs the best practices in establishing a safe environment throughout the diocese.

In order to continue our efforts to offer the safest environment possible for children, I am pleased to promulgate the new *Policies & Procedures for the Protection of Children & Young People* as particular law for the diocese. I fully support these initiatives and believe they will assist us in our great commission to evangelize the nations and form intentional disciples of Jesus Christ. I would ask that these new policies be widely distributed throughout the diocese and that priests and other leaders ensure that their communities are informed of the new policies and trained accordingly.

Each person who undergoes the safe environment training betters the entire community as each person becomes a valued ally in the effort to protect the most vulnerable among us. We have made great strides to ensure the safety and well-being of the children entrusted to our care. As this is an effort of the entire Diocese of Tulsa, I am grateful for your support and cooperation.

Sincerely yours in Christ,

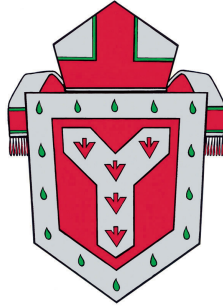
Most Reverend David A. Konderla  
Bishop of Tulsa

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# GENERAL POLICIES & PROCEDURES FOR THE PROTECTION OF CHILDREN & YOUNG PEOPLE

## I. GENERAL PROVISIONS

There are few offenses more serious than the sexual abuse of a minor, especially by a member of the clergy or other agent of the Church. Accordingly, it is the policy of the Diocese of Tulsa & Eastern Oklahoma (“Diocese”) to use every reasonable means to prevent the occurrence of sexual abuse, to treat with utmost seriousness any allegation of sexual abuse, and to alleviate, as far as possible, the suffering of all persons affected by sexual abuse if an incident should occur.

### 1. Key Commitments to the Protection of Children & Youth

In adherence to the 2018 *Charter for the Protection of Children and Young People* (“*Charter*”) issued by the United States Conference of Catholic Bishops (“USCCB”), the Diocese commits to do the following:

- 1.1 Reach out in support of victims and to all other persons affected adversely by an incident and communicate a sincere commitment to their spiritual and emotional well-being. *Charter*, Art. 1.
- 1.2 Respond promptly to all allegations of sexual misconduct. *Charter*, Art. 2.
- 1.3 Comply fully with the reporting requirements of the State of Oklahoma and the USCCB *Charter* and cooperate with any investigation the civil authorities might undertake. *Charter*, Art. 4.
- 1.4 When indicated by circumstances, temporarily relieve from duty the accused person until the matter is more fully investigated as required by this policy. *Charter*, Art. 5.
- 1.5 Require every person engaged in the service of the Church to comply with and otherwise support this policy; including, but not limited to, priests, deacons, non-ordained religious, lay employees, and Covered Volunteers. *Charter*, Art. 6.

- 1.6 With due respect for the privacy of individuals involved, deal as openly as possible with members of the community about the incident. *Charter*, Art. 7.
- 1.7 Educate all those involved with the appointment, hiring, and retention of personnel about procedures designed to prevent the exposure of children to unfit persons. *Charter*, Art. 12, 13.
- 1.8 Employ appropriate screening and evaluative techniques to assure the fitness of all diocesan, parish, and diocesan agency personnel and volunteers who have contact with minors. *Charter*, Art. 13.

## **2. Distribution of Policies & Procedures**

- 2.1 A copy of *Policies and Procedures for the Protection of Children & Young People* (“Policies”) shall be distributed to all parishes and other Diocesan entities and placed on the Diocesan website. It is recommended that parishes and other Diocesan entities place the policies on their website and/or link to the pertinent Diocesan webpage. The Policies and the *Code of Ethics Agreement: Child & Youth Protection & General Conduct* shall be integrated into VIRTUS online.
- 2.2 It is recommended that copies of *Quick Reference Guide: Reporting Procedures for Sexual Abuse of a Minor or Vulnerable Adult* shall be placed in accessible and prominent areas of each school, parish or Catholic entity. Such places may include convenient, known, and easily accessible locations in rooms in which minors gather in parishes, schools, and other Catholic entities or as otherwise designated by the Office of Child & Youth Protection or the Catholic Schools Office.

## **II. PROCEDURES FOR PROTECTING MINORS FROM SEXUAL ABUSE**

### **1. USCCB Charter Compliance**

In adherence to the *Charter*, the Diocese of Tulsa & Eastern Oklahoma through VIRTUS provides a web-based platform in English and Spanish that specializes in helping churches and religious organizations create safe environments for children, youth and vulnerable adults. *Charter* compliance is mandatory for all Employees and Covered Volunteers who have or could have contact with children as defined in § 2.1 and 2.2 below. No Employee or Covered Volunteer may partake in any Church ministry or function without first completing the mandatory compliance requirements and receiving confirmation and clearance to serve by their Local Administrator.

## 2. Key Definitions

2.1 **Employee:** Any person who is employed by or engaged in ministry in the Diocese, whether part-time or full-time, who is given payment for services rendered. Minors serving as Employees shall comply with these policies in the same manner as a minor serving as a Covered Volunteer would. See § 2.2(E) below.

A. **Independent Contractor:** Independent contractors who work with children (e.g., non-employee tutors, coaches, etc.) shall be treated as Employees under these Policies. The OCYP Requirements and adherence to these Policies shall be a mandatory contractual obligation of the independent contractor in order to serve the parish, school, or Catholic entity. The *Facilities Use Agreement for Independent Contractors Who Work with Children* template is available through the Office of the Chancellor. All other independent contractors (e.g., guest speakers, repairmen, vendors, lawn care, etc.) need not be treated as Employees, but must be actively supervised while on Church property. Church entities may develop policies and procedures to govern the supervision of said independent contractors, e.g., check-in policies, boundaries, and assigned supervisors.

2.2 **Covered Volunteer:** The default presumption is that all adult volunteers are deemed to be Covered Volunteers unless clearly shown otherwise. The term *Covered Volunteer* includes any nonemployee:

- A. to come into contact with children in the performance of his or her ministry;
- B. is entrusted with the care and supervision of children including, but not limited to, any childcare workers;
- C. all leaders and helpers of various youth organizations associated with the Diocese or any parish, and/or granted permission to use Church grounds, such as scouts, campfire groups, athletic groups, and choirs;
- D. those who may have contact or access to children, including, but not limited to, volunteers for an event with minors or parents who volunteer to drive and chaperone fieldtrips;
- E. if permissible by parochial policy, minors at least 16 years of age who volunteer to work with children, such as those involved in childcare (minors serving as Covered Volunteers may receive VIRTUS training only with parents' written permission; see § 3.2(A) below for background check and supervision requirements).

2.3 **Local Administrator:** A local staff member or volunteer who collaborates with the Office of Child and Youth Protection and is responsible for using administrative access within VIRTUS to determine who has or has not completed child & youth protection requirements—including background checks. The Local Administrator assists the Pastor,

Principal, or Executive Director in establishing local policies and procedures that ensure that only those who have completed the requirements are eligible for employment or to volunteer.

- 2.4 **Director of Child & Youth Protection:** A diocesan position at the Chancery charged with ensuring the Diocese remains in compliance with the *Charter* and assisting all the Local Administrators throughout the diocese in their mission to establish safe environments by enforcing the diocesan child and youth protection requirements. The Director of Child & Youth Protection is charged with reviewing and clearing all Employees and Covered Volunteers under these Policies unless otherwise agreed to in writing by the Chancellor. The Director of Child & Youth Protection is charged with promptly informing the Chancellor of all child and youth protection issues.
- 2.5 **Victims Assistance Coordinator:** A diocesan position that primarily assists in the counseling and professional assessment of alleged victims of sexual abuse.
- 2.6 **Pastoral Response Team:** A diocesan team of professionals that may be mobilized to meet the pastoral needs of a community affected by the sexual abuse of a minor.
- 2.7 **Minors, Children, Child:** all persons under the age of eighteen and those persons, including adults, who habitually lack the use of reason, as applicable under these Policies. In addition, as applicable, young adults who are of legal age but remain within the care of our parishes or schools are included under the terms *minors*, *children*, and *child*, e.g., members of youth groups who are eighteen years of age or students in Catholic schools who are eighteen years of age.

### 3. **Child & Youth Protection Requirements**

- 3.1 The Child & Youth Protection Requirements are threefold: (1) the background check submission (2) adherence to policies, procedures, and ethical standards, and (3) the child & youth protection education. The requirements are facilitated through the VIRTUS online platform. New Employees and Covered Volunteers will need to create their own online VIRTUS account in coordination with their Local Administrator.
- 3.2 **Background Check Submission:** Each new person required to complete the Child & Youth Protection Requirements must provide the necessary personal information for a criminal background check. For the sake of the mandatory criminal background check, the VIRTUS online system will ask for a social security number from the applicant. If the applicant does not have a social security number, he or she should insert all nines in the spaces provided. The Local Administrator—and ultimately the local pastor, principal, or executive director—is responsible for ensuring the background checks are completed.

- A. Applicants who are minors and are approved as either an Employee or Covered Volunteer shall not receive a background check and shall be supervised at all times by an adult Employee or adult Covered Volunteer

B. Applicants who do not have a social security number and are approved as either an Employee or Covered Volunteer shall be supervised at all times by an Employee or Covered Volunteer whose compliance to the Child & Youth Protection Requirements included a valid social security number.

3.3 **Policies & Procedures:** As part of the application, the applicant is required to acknowledge he or she has read, understood, and agreed to adhere to the applicable standards of the Policies available online in VIRTUS.

3.4 **Code of Ethics Agreement:** As part of the application, the applicant is prompted to read the required documents. The applicant is mandated to acknowledge he or she has read, understood, and agrees to adhere to the *Code of Ethics Agreement: Child & Youth Protection & General Conduct* available online in VIRTUS.

3.5 **Background Questionnaire:** As part of the application, the applicant is required to answer the Background Questionnaire available online in VIRTUS.

3.6 **Child & Youth Protection Education:** The applicant is required to participate in training concerning sexual abuse and complete any required materials.

3.7 **Responsibility:** It is essential that all pastors, school principals, Local Administrators, and other pertinent Church leaders ensure that every Employee and Covered Volunteer under their direction or supervision is in compliance with all three Child & Youth Protection Requirements and any and all requirements in the Policies.

3.8 All the requirements in this section shall be known as the “Child & Youth Protection Requirements.”

#### **4. Screening a Candidate to be a New Employee**

4.1 All applicants must complete the Child & Youth Protection Requirements prior to engaging in any Church related work or activities.

4.2 All applicants must complete an *Employment Application Form* or equivalent, which for purpose of these Policies, at a minimum, must contain an employment history.

4.3 A formal face-to-face interview shall be conducted.

4.4 Three (3) personal references must be obtained along with references from former employers. Personal references and former employers must be contacted. Employer may ask for additional references and call other potential references.

4.5 Eligibility for employment is contingent upon a satisfactory background investigation. If, in the screening, there are any affirmative responses on the Background Questionnaire or questionable information in the criminal background check, the applicant shall not be

approved unless written permission is granted by the Office of Child & Youth Protection. There can be no exception without written approval from the Vicar General or the Chancellor.

- 4.6 No applicant may engage in any Church related work or activity in any capacity until the Local Administrator confirms the completion of all Child & Youth Protection Requirements and informs the Pastor, Principal, or Executive Director.

## **5. Screening a Candidate to be a Covered Volunteer**

- 5.1 Applicants shall complete the Child & Youth Protection Requirements prior to engaging in any Church related activities.
- 5.2 Eligibility for volunteering is contingent upon a satisfactory background investigation. If, in the screening, there are any affirmative responses on the Background Questionnaire or questionable information in the criminal background check, the applicant shall not be approved unless written permission is granted by the Office of Child & Youth Protection. There can be no exception without written approval from the Vicar General or the Chancellor.
- 5.3 Parishes may establish additional standards for applicants, such as: submission of resumes, references, or interviews.
- 5.4 No applicant may volunteer in any capacity until the Local Administrator confirms the completion of all Child & Youth Protection Requirements and grants permission to the applicant to volunteer in the parish.

## **6. Renewal of Child & Youth Protection Requirements for Clergy, Employees, and Covered Volunteers**

- 6.1 Every five (5) years, Personnel (i.e., clergy, Employees, and Covered Volunteers) shall confirm they have read and understand the Policies and the *Code of Ethics Agreement: Child & Youth Protection & General Conduct*; they shall also complete the *Background Check Questionnaire*.
- 6.2 Every five (5) years, Personnel shall submit and complete a background check through the VIRTUS online interface. If, in the screening, there are any affirmative responses on the Background Questionnaire or questionable information in the criminal background check, the applicant shall not be approved unless written permission is granted by the Office of Child & Youth Protection. There can be no exception without written approval from the Vicar General or the Chancellor.

- 6.3 Every five (5) years, Personnel shall participate in Child & Youth Protection Education.
- 6.4 Continued eligibility for employment or volunteer work and/or ministry is contingent upon completing the re-screening requirements *before* the five-year anniversary date and upon a satisfactory background investigation.
- 6.5 Personnel transferring from one Tulsa diocesan entity to another Tulsa diocesan entity need not reread Policies until five (5) years have expired since previously doing so, if the previous acknowledgment of the Policies is recorded on VIRTUS; similarly, persons who have undergone a Criminal Background Check and participated in child & youth protection education within the past five (5) years and who provide proof of same need not undergo screening or education again until the expiration of the five (5) year period.

**7. Employees or Covered Volunteers Driver Application**

- 7.1 Employees or Covered Volunteers who seek to drive as part of their duties and responsibilities shall adhere to the policies and procedures in the *Employee & Covered Volunteer Driver Application*.

**8. Child & Youth Protection Education**

- 8.1 The Diocese is committed to the prevention of child abuse and to identify and address child abuse once it has occurred. By raising the awareness and understanding of the issue of abuse among priests, deacons, religious, staff members, volunteers, and other adults who work with or have contact with children who are associated with the Diocese, and by increasing their knowledge and ability to address child abuse issues once they arise, risks to child safety can be greatly reduced. By educating children on how to be safe and stay safe, the Diocese will enhance the ability of children to protect themselves and encourage an environment that allows children to communicate any potential endangerment.
- 8.2 **Purpose and Objective:** Through both initial and ongoing education, the Diocese will offer programs that provide specific training in the prevention, recognition, and reporting of child abuse. The objective of these programs is to prevent, recognize and appropriately report child abuse through educational programs, such as seminars, workshops and meetings, provided by the Diocese and completed by all Employees and Covered Volunteers as defined herein.
- 8.3 **Child & Youth Protection Education for Adults:** Every Employee and Covered Volunteer must undergo the initial education as described above in the Child & Youth Protection Requirements. Renewal education shall be required every five years from the date of the initial education. Completion of the renewal education shall be mandatory for continued service as an Employee or Covered Volunteer. Every pastor, principal, or executive director is responsible, with the aid of their Local Administrator, to ensure all Employees or Volunteers complete the required training. Records of completed training are recorded in the VIRTUS system.

Covered Employees and Volunteers shall participate in education that includes, but is not limited to, the following subjects:

- Appropriate boundaries and established prohibitions in ministry;
- Nature of the problem of child abuse;
- Signs and symptoms of child abuse;
- Laws, policies, and procedures to report child abuse allegations;
- Policies and procedures to prevent child abuse by Employees or Covered Volunteers or any others who come into contact with children;
- Policies and procedures to prevent child abuse on any Church-owned property or at Church-sponsored events and activities;
- Types of disclosure and how to respond appropriately;
- Policies and procedures to respond to allegations of child abuse;
- Policies and procedures for reporting child abuse allegations;
- Conversations between parents and children regarding a child's personal safety; and,
- Strategies for protecting children from potential abuse.

Opportunities for adult training may be completed by participating in online education available in VIRTUS or attending a scheduled education session hosted by the Office of Child & Youth Protection.

Monthly on-going education through reading bulletins issued by VIRTUS is provided for all: priests, deacons, school employees, Local Administrators, and leaders of parish religious education and youth ministry programs.

Other opportunities for education may include face-to-face instruction and education for those who minister to the homebound, elderly, and otherwise vulnerable adult population. These opportunities are available upon request.

- 8.4 **Child & Youth Protection Education for Children and Youth in Parochial Schools and Religious Education Programs:** With the assistance of their Local Administrator, Principals, Directors/Coordinators for Religious Education and Youth Ministry Leaders will ensure that age-appropriate abuse prevention education training is conducted at both the elementary (K–6th grade) and middle/secondary (7th–12th grade) levels.

Such programs shall be conducted twice per year, every year, to children in all grades of every diocesan school, as well as to all children participating in parish religious education and youth ministry programs. The education shall take place no later than November during the first semester and April during the second semester. Education schedule and material will be made available by the Office of Child and Youth Protection. Private Catholic schools are strongly recommended, but are not obligated, to participate in the above education programs or their equivalent.

Children shall attend scheduled training that includes, but is not limited to, the following subjects:

- Basic safety skills;
- Recognition of dangerous and abusive situations;
- Appropriate and inappropriate physical contact and other interpersonal boundary violations;
- Ability to say “no” to unwanted situations;
- Ability to identify trusting adults with whom to report;
- Importance of reporting if inappropriate or unwanted actions are directed to self or others; and
- Recognition that abusive situations are never the fault of the child.

8.5 **Recording Child & Youth Protection Education for Children:** With a view toward assessing the progress of the educational efforts called for by this Policy and completing the annual data collection audit, records shall be kept of the number of children trained. The data shall be recorded directly under the Educator tab in VIRTUS by the local administrator, or his/her designee. Data for the first semester shall be recorded no later than December 1 and data for the second semester no later than May 1, unless otherwise communicated by the Office of Child & Youth Protection.

## 9. **Duties & Expectations of the Local Administrator**

9.1 **Ensuring Local Compliance:** The Pastor, Principal, or Executive Director shall appoint a Local Administrator who is responsible for using their administrative access within VIRTUS online to monitor who has or has not completed the Child & Youth Protection Requirements. This person must complete all Child & Youth Protection Requirements before requesting administrative access to VIRTUS from the Office of Child & Youth Protection. The name and contact information of the appointed local administrator shall be communicated in writing by the pastor, principal, or executive director to the Office of Child & Youth Protection. The Local Administrator should assist the Pastor, Principal, or Executive Director in establishing local policies and procedures that ensure that only those who have completed the Child & Youth Protection Requirements are eligible for employment or to volunteer.

All newly appointed local administrators shall attend an orientation with the Director of Child & Youth Protection. Yearly in-service meetings and workshops are recommended.

9.2 **Cultivating a Safe Environment:** In acknowledgement of the principle of subsidiarity, the best way to provide a Safe Environment for minors in the local community is through those serving in leadership in the local community. Local Administrators should view themselves as the front line of ensuring a Safe Environment. Background checks and online training sessions alone do not *make* someone safe. The Local Administrator, under

the direction of their supervisor, should always be vigilant and aware of the people and communities they serve.

- 9.3 **Assisting in the Registration Process:** The Local Administrator is charged with assisting those individuals who present themselves to complete Child & Youth Protection Requirements. The Local Administrator should make available the *VIRTUS Registration Instructions* provided by the Office of Child & Youth Protection and respond to those who have questions about registration and who need assistance in navigating the VIRTUS website.
- 9.4 **Maintaining Confidentiality:** In the course of fulfilling his or her duty, the Local Administrator may have access to an applicant's confidential information. Local Administrators are held to the highest standards of professionalism and must hold in confidence all private information made known to them.
- 9.5 **Monitoring Child & Youth Protection Compliance:** Any adult who anticipates working with children or youth in the Diocese must complete the Child & Youth Protection Requirements, which must be completed prior to employment or volunteering. The Local Administrator has the duty of ensuring that all those who present to work with minors in any capacity complete the Child & Youth Protection Requirements prior to service.

## 10. Filing & Record Requirement

- 10.1 **Confidentiality of Files:** Given the nature of the documents to contain confidential or sensitive information, access to the files shall be limited to the Local Administrator and those individuals delegated by the local Priest, Principal, or Executive Director. Though hardcopy files are not mandatory, any existing hardcopies shall be stored in a locked and secure location or shredded when disposed of. Clergy files shall be handled separately and in accordance with Canon Law. See canons §§ 384, 486, 487.
- 10.2 **Document Retention:** The VIRTUS online interface automatically and permanently files and stores the completed documents. Paper copies need not be retained unless they are unavailable in VIRTUS.
- 10.3 **Master List of Child & Youth Protection Requirements Statistics:** The VIRTUS online interface is used to keep a Master List of all Employees and Covered Volunteers who have completed the Child & Youth Protection Requirements. All Master Lists shall be kept current as personnel are removed or added. All schools and other Church entities will be subject to an annual audit of their Master List for accuracy and completeness. The completion and maintenance of an accurate Master List will be the responsibility of the Local Administrator under the Pastor, Principal, or Executive Director.
- 10.4 **Master List of Child & Youth Protection Education for Children Statistics:** The parish and school shall also keep a record of the number of children trained. The

VIRTUS Educator tab is used to keep a Master List of the number of minors who have undergone the Child & Youth Protection Education for Children. Said Master List must be updated twice a year in accordance with the provisions above. See § 8.4 above.

- 10.5 **Use of Information:** The Diocese may not use information from the criminal records, juvenile records, or sexual misconduct registry information of a person obtained through this process for any purpose other than determining the fitness of that individual for work or volunteering within the Church. The results of the screening process will be communicated confidentially to the Pastor, Principal, or Executive Director by the Director of Child & Youth Protection.

## 11. Standards of Conduct

Every Pastor, Principal, and Executive Director is ultimately responsible to ensure that each parish and agency of the diocese adheres to the Child & Youth Protection Requirements, all other standards in the Policies, and to the *Code of Ethics Agreement: Child & Youth Protection & General Conduct*.

## 12. Office of Child & Youth Protection Support & Support Visits

- 12.1 The Office of Child & Youth Protection exists to support and serve the Local Administrators and their supervisors in their effort to provide a Safe Environment for minors. Questions about the Child & Youth Protection Requirements should be directed to the Director of Child & Youth Protection for the Diocese. Technical questions regarding the VIRTUS online interface should also be directed to the Director of Child & Youth Protection.
- 12.2 Support visits shall be made by the Director of Child & Youth Protection no less than every other year to assist Local Administrators with the responsibility of adhering to the requirements of the *Charter* and other diocesan policies. The *CYP Support Checklist* will be used during the visit. Additional visits will be scheduled on an as-needed basis.
- 12.3 The Bishop of the Diocese, in his sole discretion, reserves the right to have audited at any time any and all entities that adhere to these Policies.

## III. PROCEDURES FOR RESPONDING TO SEXUAL ABUSE ALLEGATIONS

### 1. Introduction

- 1.1 **Intent:** It is the intent of the Diocese that all allegations of sexual misconduct against a minor by clergy or other Church personnel shall be dealt with in accordance with the norms prescribed herein, with state and federal law, and with the requirements set forth in the *Charter* and *Norms*.
- 1.2 **Applicability:** The following procedures apply to allegations of sexual abuse of a minor or vulnerable adult raised against a priest, deacon, non-ordained religious, lay Employee,

or Covered Volunteer. As dictated by the *Charter*, these procedures may also apply to adults who habitually lack the use of reason. The following procedures do not address an allegation of sexual misconduct against the Bishop of Tulsa. Any allegation against the Bishop of Tulsa shall be submitted to the Vicar General who will contact the Department of Human Services and the Papal Nuncio.

- 1.3 **Confidentiality:** In both civil and canon law, persons accused of crimes are presumed innocent until proven guilty. In accordance with Canon 220 of the Code of Canon Law, which deals with a person's right to privacy and protection from defamation of character, and with Canon 1717, which states that care must be taken so that a person's good name is not endangered during an investigation, all the proceedings prescribed in this document are of the highest confidential nature.
- 1.4 **Agents:** Under the guidance of the Bishop of Tulsa, the following persons shall have primary responsibility for implementing the procedures under this policy:
- **Immediate Response:** The Vicar General, Chancellor, and Director of Child & Youth Protection share the responsibility of ensuring the immediate administrative response of the Chancery to an allegation of sexual abuse.
  - **Pastoral Response:** The Vicar General, Chancellor, and Director of Child & Youth Protection share the responsibility of ensuring an appropriate pastoral response should an allegation arise, which may include the Pastoral Response Team.
  - **Administrative Consultation:** The Diocesan Review Board is responsible for reviewing the Chancery's response to sexual allegations against clergy and ensuring the response was conducted to the highest standards under the *Charter, Norms*, and any pertinent state and/or federal law. The Diocesan Review Board also conducts an annual review of diocesan policies related to the protection of minors to ensure compliance with the *Charter*. See *Diocesan Review Board: Policy & Operating Guidelines*, page 24.

## 2. **Mandatory Duty to Report the Sexual Abuse of a Minor or Vulnerable Adult**

Under Oklahoma law "every person having reason to believe that a child under the age of eighteen (18) years is a victim of abuse or neglect shall report the matter promptly to the Department of Human Services." Okla. Stat. tit. 10A § 1-2-101(B)(1). Reporting is mandatory with due regard for the seal of the Sacrament of Penance. *Charter*, Art. 4.

- 2.1 **Emergency:** If a person has reason to believe that a minor is in imminent danger of sexual abuse, the person should contact the authorities by calling 911. See *A Quick-Reference Guide*.
- 2.2 **Non-Emergency Reporting:** Persons shall report by calling the Department of Human Services Statewide Child Abuse Hotline: 1-800-522-3511. If you suspect that a vulnerable adult is the victim of abuse, neglect, or exploitation, please contact your local

DHS County Officer or, if outside business hours, call 1-800-522-3511. Persons filing a report should record the case referral number. See *A Quick-Reference Guide*.

**2.3 Pastoral & Administrative Reporting:** The procedure is as follows:

- A. If a person has already reported an incident to DHS, the person shall immediately notify his or her supervisor(s). If possible, the person should give the supervisor the DHS referral number. Supervisors shall immediately report the incident to the Vicar General or the Chancellor.
- B. If the person is unsure as to whether he or she can make the report in good faith and with due care, the person shall immediately consult with his or her supervisor(s) and/or contact the Chancellor, who serves as diocesan legal counsel, or the Vicar General at the Chancery (main: 918-294-1904; Office of the Chancellor: 918-307-4928).
- C. If at any point a supervisor is aware a DHS report has been made or there is uncertainty as to whether a DHS report should be made, the supervisor shall immediately contact the Vicar General and/or the Chancellor;
- D. At any point in the procedures, the Vicar General and the Chancellor are available for counsel to any person who believes a DHS report may need to be made;
- E. Under no circumstances may a supervisor—including the Vicar General and Chancellor—interfere with the reporting obligations of any individual who believes a DHS report must be made. All persons are free to make a DHS report according to their sole discretion.

**2.4 Hotline Reporting:** If a person prefers to report anonymously or to report to a recording, the individual may call the Diocesan Pastoral Response Hotline at 918-307-4970. The person will be greeted by a voicemail. The Chancellor monitors the hotline. Calling the Pastoral Response Hotline does not alleviate the mandatory duty to report abuse of a minor to DHS.

**2.5 Contents of Reporting:** In each case, information reported to DHS and the Diocesan Pastoral Response Hotline should include the following, if possible:

- A. Name, address, telephone number and age of victim, together with the name, address and telephone number of parents of the victim, the nature of the abuse and the name, address and telephone number of the alleged perpetrator.
- B. Even if the source is anonymous, an attempt should be made to obtain enough information (names, addresses, telephone numbers of persons having knowledge) to permit an investigation.

- C. Whether a DHS report has been made or will be made by the person who is the source of the information. If made, obtain from the informant the DHS case referral number.
- D. If the source is the victim, or parents of the victim, he or she should be assured that they will be contacted by a representative of the Church.

### **3. THE PASTORAL AND ADMINISTRATIVE RESPONSE**

- 3.1 The Vicar General and/or the Chancellor shall handle the intake of all sexual abuse allegations. The Chancellor shall promptly inform the Vicar General of all matters related to any allegation of sexual abuse of a minor. The Vicar General and/or Chancellor, as assisted by the Director of Child & Youth Protection, is responsible for immediately taking the following actions:
  - 3.2 Contact the authorities by calling 911 if it is believed that a minor is in imminent danger.
  - 3.3 Inquire into whether or not the allegation of sexual abuse has been reported to the Oklahoma Department of Human Services by requesting the post-report referral number as given by the DHS statewide abuse hotline. As soon as a report may be made in good faith and with due care, the Vicar General or the Chancellor shall contact DHS and either make an initial report or supplement a previously submitted report.
  - 3.4 Contact the Bishop, to provide the details as known, including the identity of the alleged perpetrator and the apparent victim, and provide him also with the means of contacting the person reporting the complaint or allegation. The Vicar General or Chancellor shall caution the Bishop and any priest associated with this investigation not to hear the sacramental confession of accuser or accused.
  - 3.5 Determine the credibility of the allegation. The Bishop, the Vicar General, the Chancellor, the Director of Child & Youth Protection and the diocesan attorney should work together to determine the credibility—*is there a semblance of truth?*—of the sexual allegation.
    - A. Consult diocesan attorney throughout the remainder of the pastoral and administrative response.
    - B. Promptly contact the Chairperson of the Diocesan Review Board to inform him or her that an allegation of sexual abuse of a minor by a priest or deacon has been received. The Chairperson should be notified of both credible and non-credible claims. The Bishop may determine whether the Board should be notified of an allegation against a layperson. See *Diocesan Review Board: Policy & Operating Guidelines*, page 24.
    - C. If applicable, the Bishop, Vicar General, Chancellor, Director of Child & Youth Protection, diocesan attorney, and Chairperson of the Diocesan Review Board may determine whether a third-party investigator should be hired. A diocesan-sponsored

investigation shall not, under any circumstances, hinder the investigations of law enforcement or of DHS.

- 3.6 Notify the supervisor, if applicable, of any accused priest, religious, deacon, lay employee, or volunteer that an allegation of sexual abuse has been submitted against his or her subordinate and determine whether or not administrative leave is appropriate.
- 3.7 Consult with the Diocesan Insurance Risk Manager regarding the applicability and procedures of reporting the allegation to insurance.
- 3.8 Communicate to the parish affected, the diocese, and the general public in an open and transparent manner, if applicable, about the sexual allegation while respecting the privacy and reputation of the individuals involved. *Charter*, Art. 7.
- 3.9 Update the Bishop so that he may continue to independently evaluate the evidence available to him, and determine whether the exercise of his executive power of governance, through administrative act, to remove an offending cleric from office, to remove or restrict his faculties, or to limit his exercise of priestly ministry, may be necessary or advisable for the good of the Church and the community, or to protect any person from harm.
- 3.10 Notify the Congregation of the Doctrine of the Faith. In those cases where the initial investigation indicates that a complaint against a priest or deacon is credible and that there is sufficient evidence that sexual abuse of a minor has occurred, the Vicar General or other delegate of the Bishop shall notify the Congregation for the Doctrine of the Faith that cause appears to exist for invocation of the precautionary measures contained in canon 1722, including restriction of the ministry of an accused priest or deacon. *Norms*, 6.
- 3.11 Implement the following directives unless otherwise instructed by the Congregation of the Doctrine of the Faith:
  - A. Mandate an appropriate relocation of the accused and take steps to deny the accused access to the place where the alleged abuse occurred and to the person allegedly abused, if such actions are deemed necessary and appropriate. Caution the accused not to discuss the allegations with anyone and inform the accused that he has been placed on administrative leave, with pay. In the case of a priest, the Bishop or Vicar General will determine his temporary residence. At no time, though, should he return to the parish or other workplace where he is assigned or approach the victim or witnesses involved. If appropriate, a penal precept (see c. 1319) may be issued to this effect. Furthermore, a priest's or deacon's faculties to preach (c. 764), and a priest's faculties to hear confessions (c. 974.1) shall be revoked. He should also be instructed not to celebrate the Eucharist publicly and not to preside at any public or liturgical ceremony. If criminal charges are filed by the District Attorney, the accused shall remain on administrative leave until the proceedings are concluded. While these

measures could be difficult, they may be necessary to protect the good of the community.

- B. Advise the accused to enlist his or her own legal counsel, independent of that of the Diocese. Any accused who lacks the financial means to hire an attorney may request assistance from the Diocese by application submitted to the Vicar General. Such assistance will not be available in every case but will be considered by the Bishop in light of the circumstances surrounding the individual application. In the case of priests and deacons, the accused is also advised to consult a canonist to advise him of his rights within the Church.
  - C. Notify the Bishop and all the priest members of the Pastoral Response Team and Diocesan Review Board that a case is pending and that they must not hear the sacramental confession of the accuser or the accused.
  - D. Contact the parents of the alleged victim if the victim is a minor and/or the alleged victim if the victim is now an adult and offer the services of the Victims Assistance Coordinator. The Vicar General may also hold a meeting between the victim, the victim's family, and the diocesan leaders designated by the Vicar General. At the discretion of the Bishop and/or at the request of alleged victim, a meeting may also be scheduled for the Bishop to meet the families and/or the alleged victim.
  - E. Instruct the Pastoral Response Team to assemble and carry out their duties as assigned under these Policies.
- 3.12 Instruct the Chancellor to maintain the records related to the sexual abuse allegation and compile a confidential report. The report shall be presented to the Diocesan Review Board summarizing the pastoral and administrative response of the diocese to the sexual abuse allegation. The Bishop shall receive in turn written recommendations from the Board. See *Diocesan Review Board: Policy & Operating Guidelines*.
- 3.13 Execute the following measures if the accused is found to have abused a minor in any criminal or civil proceeding, unless there existed sufficient evidence to do so earlier:
- A. Lay employees will be terminated, and volunteers will be dismissed.
  - B. The faculties of a priest or deacon will be withdrawn, and no new ecclesiastical office provided. According to the provisions of the Code of Canon Law, the priest or deacon may be subject to canonical penal process leading to penalty of suspension and even loss of the clerical state.
  - C. Appropriate pastoral care may continue to be offered to the accused regardless of the outcome of any legal proceedings.

## **IV. POLICIES & PROCEDURES OF THE PASTORAL RESPONSE TEAM**

### **1. Preface**

1.1 The Pastoral Response Team (“Team”) works under the direction of the Chancellor as assisted by the Director of Child & Youth Protection. The Team is not mobilized in all cases of a sexual abuse allegation. The purview of the Team is generally those cases in which the broader community is in need of specialized pastoral care. The purpose of the Team is to attend to the spiritual, psychological, and other needs that arise in persons and in the community affected by allegations of sexual abuse.

### **2. Introduction to the Pastoral Response Team**

2.1 The Team is called upon to respond to the needs of persons affected negatively by allegations of sexual abuse of a minor. The team is ordinarily composed of mature Catholic men and women, most of whom are parents, and at least one parish priest. The Bishop appoints one member of the team to serve as the Team Director.

2.2 The Team becomes actively involved with a situation involving an allegation of sexual abuse of a minor as soon as called upon to do so by the Chancellor. The team operates as an agent of the Diocese under the direction of the Team Director who in turn reports to the Chancellor who is assisted by the Director of Child & Youth Protection. The Team Director keeps the Chancellor fully informed about the Team’s deliberations and activities.

2.3 The work of the Team is to be done in a way that reflects the Church’s heartfelt concern for the welfare of all persons affected negatively by an allegation of sexual abuse. At the same time, nothing should be said or done that might reasonably be interpreted as an acknowledgment of the Church’s responsibility for the alleged offense(s). The Team has no authority to make comments of culpability or credibility on behalf of the Diocese.

2.4 Throughout the pastoral response, there must be a strong and unambiguous intolerance for sexual abuse along with a profound concern for the victims and their families. The approach taken by the Team will require careful attention to several requirements that might appear at times to be in conflict. There must be ongoing respect for the principle that an accused person is to be regarded as innocent until his or her guilt is clearly established.

2.5 In providing support, the Team members shall make no commitments that would require substantial expenditure of diocesan funds without the express approval of the Chancellor.

2.6 At all times members of the Team are to demonstrate utmost respect for the privacy of persons affected in any way by their work, as well as for the confidentiality of the information with which it deals. On the other hand, members must be prepared to share within the Team any and all information that might in any way affect its work.

### **3. Service to the Alleged Victim and His or Her Family**

- 3.1 The Church has a sacred obligation to demonstrate a heartfelt concern for the welfare of the alleged victim and the welfare of his or her family. The Team may be called upon to advise members of the Chancery on how best to express this genuine concern. The Team should not engage directly with the alleged victim unless expressly permitted to do so by the Chancellor.

### **4. Serving the Alleged Perpetrator and His or Her Family**

- 4.1 The stigma and shame associated with sexual abuse of a minor might make the accused fear that the Church will abandon him or her. As noted above, there must be ongoing respect for the principle that an accused person is to be regarded as innocent until his or her guilt is clearly established. The Team may be called upon to advise members of the Chancery on how best to provide support to the accused. The Team should not engage directly with the alleged perpetrator unless expressly permitted to do so by the Chancellor.

### **5. Service to the People of the Catholic Community of the Accused**

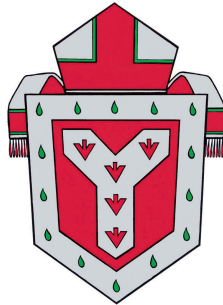
- 5.1 The news that a staff member has been accused of child abuse may cause serious distress throughout the Catholic community with which the accused is associated. The Team, if called upon, will work with the Chancellor, the Director of Child & Youth Protection, and the local leaders of the affected community to best understand the pastoral needs and challenges of the situation. Pursuant to the circumstances, the Team will execute a plan to provide pastoral care and counseling to the affected community.

### **6. Service to Persons Serving in the Same or Similar Ministries as the Accused**

The Team should attend to any need for support as might arise among persons who share the same ministry, who live in the same residence or who otherwise have a special association with the accused. Such persons should be provided opportunity to meet with Team members individually and/or as a group to discuss special concerns.

### **7. Service to the Diocese and to the General Public**

- 7.1 The effect of an allegation of sexual abuse against a minor by Church personnel can be grave and substantially harmful to the Church in Eastern Oklahoma and to the general public. The Team may be called upon to advise members of the Chancery on how best to address the pastoral needs of the Diocese and/or the general public. The Team should not engage directly with members of the public or the media unless expressly permitted to do so by the Chancellor.



# SAFE ENVIRONMENT AUDIT: ANNUAL DUTIES & PROCEDURES

## 1. Introduction

- 1.1 In adherence to the *Charter for the Protection of Children and Young People*, the Diocese is committed to maintaining safe environment programs in accord with “Catholic moral principles.” *Charter*, Art. 12. The Diocese works “with parents, civil authorities, educators, and community organizations to provide education and training for children, youth, parents, ministers, educators, volunteers, and others about ways to make and maintain a safe environment for children and young people.” *Charter*, Art. 12.

The Diocese evaluates the background of all incardinated and non-incardinated priests and deacons, all diocesan, parish and school personnel and volunteers who come in contact with children in accordance with the *Charter*, Art. 13.

To ensure these goals, each year the Chancery audits the safe environment practices of the parishes, schools, and other Catholic institutions. The annual audit information is then shared with the USCCB and a third-party auditing firm. In addition, every three years an onsite audit is conducted, in which the auditors come to the Diocese and conduct a holistic audit. In both the annual audit and the triennial onsite audit, the auditors will make a formal finding of whether the Diocese is in compliance with the *Charter*.

- 1.2 The Bishop of the Diocese, in his sole discretion, reserves the right to have audited at any time any and all entities that adhere to these Policies.
- 1.3 The purpose of this document is to give a general description of the policies, procedures, duties, and expectations of the annual Safe Environment Audit. Diocesan entities are mandated to participate in the annual audit. The Director of Child & Youth Protection, an employee of the Chancery, oversees the Safe Environment Audit.

## **2. Preparation for the Safe Environment Audit**

- 2.1 The parish or other diocesan entity shall keep Master List of all Employees and Covered Volunteers who have completed the Child & Youth Protection Requirements in the VIRTUS online system. See, *General Polices & Procedures of Children & Young People*, II.10.3.

In general, Child & Youth Protection Requirements statistics should include:

- A. Total number of people required to comply with Child & Youth Protection Requirements.
  - B. Total number of people who completed Child & Youth Protection Requirements.
  - C. Total number of people who need to complete Child & Youth Protection Requirements.
- 2.2 The parish and school shall keep a record of the number of children trained each year. The data shall be recorded directly under the Educator tab in VIRTUS by the local administrator, or his/her designee. Data for the first semester shall be recorded no later than December 1 and data for the second semester no later than May 1, unless otherwise communicated by the Office of Child & Youth Protection. See, *General Polices & Procedures of Children & Young People*, II.8.5 & 10.4.

In general, Child & Youth Protection Education for Children statistics should include:

- A. Number of Children who regularly attend Religious Education Classes K-8.
- B. Number of Children who attend Teaching Safety Classes K-8.
- C. Number of Youth who regularly attend Religious Education Classes 9-12.
- D. Number of Youth who attended Teaching Safety Classes Grades 9-12.
- E. Number of Children who parents declined having their children attend the Touching Safety Classes.
- F. Parents who have signed the OPT out form and are on file in the Parish.
- G. Number of Parents who refused to sign the OPT out form.
- H. Number of Parents who have been offered and received copies of the lessons to teach at home.

2.2 The official third-party auditing company of the USCCB sets the requisite parish statistics by releasing a new Safe Environment Audit Form each year. The form is typically released by the middle of the month of May. Please note the Chancery relies on the release of these forms to begin the annual Safe Environment Audit. The required information and questions presented to the parishes and other diocesan entities is subject to minor revisions on an annual basis. No parish or diocesan entity should submit their Safe Environment Audit information until the new forms have been received and released by the Chancery.

### **3. Distribution of the Annual Safe Environment Audit Packet**

3.1 Once available, the Office of Child & Youth Protection at the Chancery will mail or otherwise distribute electronically the updated Safe Environment Audit Forms and all other pertinent documents to the parishes and other diocesan entities. The Annual Safe Environment Audit Packet is generally distributed in the month of May. The Packet will contain deadlines, the revised forms, the completed forms from the previous year for reference, and the Chancery contact information for questions and assistance.

3.2 Once available, the revised forms will also be placed on the diocesan website. Forms from previous audit years are not in compliance with current USCCB standards and cannot be accepted.

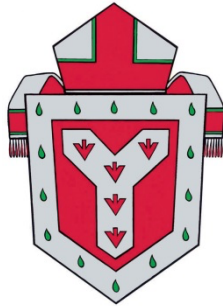
### **4. Submission Requirements of the Annual Safe Environment Audit Packet**

4.1 The deadline for the Annual Safe Environment Audit is June 30<sup>th</sup> unless otherwise communicated by the Director of Child & Youth Protection. Parishes, schools, and other diocesan entities are encouraged to incorporate this date into their annual calendars.

4.2 Submitted Annual Safe Environment Forms are required to have the signature of the Pastor, the Principal, or the Executive Director. The signature requirement is a mandate from the national auditors. Any forms submitted without a signature are not in compliance and cannot be accepted.

### **5. Chancery Support**

Please direct any questions to the Director of Child & Youth Protection at the Chancery.



# DIOCESAN REVIEW BOARD

Diocese of Tulsa

## **Statement of Policy**

The operating guidelines of the Review Board (“Board”) of the Diocese of Tulsa (“Diocese”) are promulgated in compliance with the revised 2018 *Charter for the Protection of Children and Young People* (“Charter”) and *Essential Norms for Diocesan / Eparchial Policies Dealing with Allegations of Sexual Abuse of Minors by Priests or Deacons* (“Norms”). The following is the fulfillment of the *Diocesan Review Board Implementation Plan* promulgated by His Excellency Bishop Slattery in 2003. The operating guidelines of the Board will be updated in accordance with any revisions, amendments, or other modifications to the *Charter* or the *Norms* or any other applicable document subsequently approved by the United States Conference of Catholic Bishops.

## **In Summary**

The Board functions “as a confidential consultative body to the bishop/eparch in discharging his responsibilities.” Norms § 4. The Duties of the Board include meeting annually to review diocesan policies concerning sexual misconduct and offering a written report advising the bishop of any concerns or recommendations. The Board does not set diocesan policy. If an allegation of sexual abuse does arise, the Board also has the duty to assist the bishop “in his assessment of allegations of sexual abuse” and in assessing the suitability of accused priests and deacons for ministry. *Id.* The Board will retrospectively offer “advice on all aspects of these cases.” *Id.* The Diocesan Review Board is not investigatory and does not conduct independent investigations. *See Resource Booklet: Diocesan Review Boards Questions & Answers* qq. 5, 10. Greater detail of the role of the Board may be found in Charter, art 2; Essential Norms, § 3-6; and *USCCB Resource Booklet: Diocesan Review Boards Questions & Answers*.

## **Purpose of the Operating Guidelines**

These operating guidelines regulate the organization and conduct of the Board in its execution of the responsibilities assigned to it by the Bishop of Tulsa in compliance to the Charter and Norms.

# **OPERATING GUIDELINES**

## **Section 1: Membership, Tenure, & Officers**

- 1.1 The Bishop of Tulsa shall appoint the members of the Board.
- 1.2 The Board “will be composed of at least five persons of outstanding integrity and good judgment in full communion with the Church. The majority of the Board members will be lay persons who are not in the employ of the diocese/eparchy; but at least one member should be a priest who is an experienced and respected pastor of the diocese/eparchy in question, and at least one member should have particular expertise in the treatment of the sexual abuse of minors.” *Charter, Art. 2; Norm § 5.*
- 1.3 Board members will be appointed for a term of five years and may be reappointed. No member may serve more than two consecutive terms.
- 1.4 The Board will select one member to be nominated to serve as Chairperson and one member to be nominated to serve as Vice Chairperson. The names of these nominees will be presented to the Bishop of Tulsa who will consider the nominations and either make a formal appointment of the positions or request additional nominees be presented.
- 1.5 The Chairperson and Vice Chairperson will serve three-year terms. In the third year of the term, the Bishop may reappoint the Chairperson or the Board may submit a nominee for Chairperson to the Bishop. The Chairperson-designee shall then shadow the Chairperson during his or her third and final year.
- 1.6 Under the recommendation of the Charter, to safeguard the canonical integrity of the work of the Board, the Promoter of Justice shall serve as an *ex officio* and non-voting member of the Board. Norms § 5.
- 1.7 The Bishop of Tulsa may, at any time, remove any member of the Board on his own initiative or at the request of the Chairperson at any time.
- 1.8 All Board members shall serve without compensation.
- 1.9 Board members may make a request through the Chairperson to the Chancellor for reimbursement for extraordinary travel, lodging, meals, or other expenses when such expenses are incurred as part of their services to the Diocese as a member of the Board.

## **Section 2 – Schedule of Meetings & Venue**

- 2.1 The Board shall have at least one annual meeting.
- 2.2 The Board shall convene *ad hoc* meetings as necessary to carry out the duties and responsibilities of the Board that cannot be adequately addressed at the annual meeting.
- 2.3 All formal meetings of the Board shall be conducted at the Chancery or in another Catholic facility within the Diocese, such as, but not limited to, parish meeting rooms, Catholic schools, etc.
- 2.4 The proceedings of all meetings shall follow a written agenda as set by the Chairperson and such agenda shall be kept on file with the Chairperson as proof of meeting.
- 2.5 Written minutes and other records must conform to the confidentiality requirements of Section 8 of these operating guidelines.

## **Section 3 – Duties of the Board Regarding Diocesan Policies**

- 3.1 The Board shall conduct an annual review of current policies and procedures of the Diocese to assure full compliance with the *Charter*, the *Norms*, and, if possible, civil law.
- 3.2 The Board shall, at least annually, review any modifications or amendments to the *Charter* or to the *Norms* promulgated by the United States Conference of Catholic Bishops.
- 3.3 The Board may make recommendations to the Bishop regarding how the diocese may best ensure a safe environment throughout the diocese.
- 3.4 The Board shall submit a Report addressed to the Bishop of Tulsa with the results of its review of Diocesan policies and submit the report to the Chancellor.
- 3.5 The Board does not set Diocesan policy.

## **Section 4 – Duties of the Board in Review of an Allegation of Sexual Abuse of a Minor by a Deceased Priest or Deceased Deacon**

- 4.1 When, according to the provisions of the *Policies & Procedures for the Protection of Children & Young People* (“Policies”), an allegation of sexual misconduct has been received by the Chancery and has been deemed either credible or non-credible, the Chancellor shall promptly notify the Chairperson and inform him or her of the allegation.
- 4.2 After the allegation has been handled according to the provisions of the Policies, the Chancellor, Director of Child & Youth Protection, or, if applicable, a third-party investigator, shall present to the Board a memorandum detailing the allegation.

- 4.3 The Chairperson shall set a meeting for the Board to review the memorandum.
- 4.4 The Board shall retrospectively review the handling of the allegation by the Diocese and assure the Diocesan response meets the standards set by the Policies, the *Charter*, the *Norms*, State and Federal law, and the highest expectations of Catholic excellence and charity.
- 4.5 The Board shall submit a Report addressed to the Bishop of Tulsa with the results of its review of Diocesan policies and submit the report to the Chancellor. The Report is due within fifteen (15) business days of the presentation of the allegation to the Board.
- 4.6 The Board is not investigatory and shall not conduct any independent investigations.

**Section 5 - Duties of the Board in Review of an Allegation of Sexual Abuse of a Minor by a Priest or Deacon**

- 5.1 When, according to the provisions of the Policies, an allegation of sexual misconduct by a priest or deacon has been received by the Chancery and has been deemed either credible or non-credible, the Chancellor shall promptly notify the Chairperson and inform him or her of the situation.
- 5.2 After the allegation has been handled according to the provisions of the Policies, the Chancellor, Director of Child & Youth Protection, or, if applicable, a third-party investigator, shall present to the Board a memorandum detailing the allegation.
- 5.3 The Board shall review the response of the Diocese, beginning with its receipt of the allegation to the conclusion of the matter, to assure the Diocesan response meets the standards set by the Policies, the *Charter*, the *Norms*, State and Federal law, and the highest expectations of Catholic excellence and charity.
- 5.4 The Board may be asked to submit a recommendation to the Bishop of Tulsa whether the accused cleric should be placed on administrative leave while an investigation is conducted.
- 5.5 The Board may be asked to submit a recommendation to the Bishop of Tulsa whether the accused cleric should continue on administrative leave, return to ministry, or be removed.
- 5.6 Upon the completion of the investigation and handling of the allegation, the Board shall submit a Report addressed to the Bishop of Tulsa with the results of the review and submit the report to the Chancellor. The Report is due within fifteen (15) business days of the presentation of the allegation to the Board.
- 5.7 The Board is not investigatory and shall not conduct any independent investigations.

## **Section 6 – Duties of the Board in Review of an Allegation of Sexual Abuse of a Minor by Lay Employees of the Diocese or Volunteers in Diocesan Activities, if Requested**

- 6.1 If requested by the Bishop of Tulsa, when, according to the provisions of the Policies, an allegation of sexual misconduct has been received by the Chancery and has been deemed either credible or non-credible, the Chancellor shall notify the Chairperson and inform him or her of the allegation.
- 6.2 After the allegation has been handled according to the provisions of the Policies, the Chancellor, Director of Child & Youth Protection, or, if applicable, a third-party investigator, shall present to the Board a memorandum detailing the allegation.
- 6.3 The Board shall review the handling of the allegation by the Diocese and assure the Diocesan response meets the standards set by the Policies, the *Charter*, the *Norms*, State and Federal law, and the highest expectations of Catholic excellence and charity.
- 6.4 The Board may be asked to submit a recommendation to the Bishop of Tulsa whether the accused employee or volunteer should be placed on administrative leave while an investigation is conducted.
- 6.5 The Board may be asked to submit a recommendation to the Bishop of Tulsa whether the accused employee or volunteer should continue on administrative leave, return to ministry, or employment or be denied.
- 6.6 Upon the completion of the investigation and handling of the allegation, the Board shall submit a Report addressed to the Bishop of Tulsa with the results of the review and submit the report to the Chancellor. The Report is due within fifteen (15) business days of the presentation to the Board.
- 6.7 The Board is not investigatory and shall not conduct any independent investigations.

## **Section 7 – Requirements of the Reports of the Board**

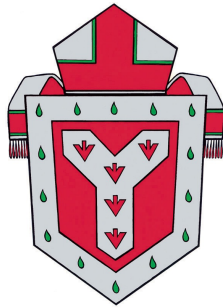
- 7.1 The Board shall address the Report to the Bishop of Tulsa and present it to the Chancellor within fifteen (15) business days from either its meeting to review the Policies or from the presentation to the Board on an allegation. In lieu of a written Report, the Board, as prudence dictates, may present an oral Report to the Bishop at a special meeting of the Board.
- 7.2 Board Reports concerning Diocesan Policies:
  - 7.2(a) The Board shall submit a finding of whether or not the Diocesan policies are in compliance with the *Charter*, the *Norms*, and, if possible, civil law.

- 7.2(b) The Board may submit any general recommendations concerning Diocesan policies.
- 7.3 Board Reports concerning sexual misconduct allegations against living or deceased clergy may, if applicable, advise the Bishop of Tulsa of its findings, but not necessarily limited to, the following:
- 7.3(a) whether the evidence suggests that a crime has been committed
  - 7.3(b) whether the evidence suggests that conduct or interaction with a minor did occur which qualifies as an eternal, objectively grave violation of the sixth commandment
  - 7.3(c) whether the evidence suggests that conduct has occurred which may not appear to be criminal or involve the violation of the sixth commandment, but which raises questions about the suitability of the accused for continued ministry
  - 7.3(d) the presence of any diagnosed or diagnosable sexual deviation or other relevant psychopathology
  - 7.3(e) the presence of any exculpatory evidence which might exonerate the accused
  - 7.3(f) any harm or injury suffered by the alleged victim
  - 7.3(g) any harm or injury suffered by the Catholic community or the community-at-large
  - 7.3(h) recommendations concerning the suitability of the accused for continued ministry in the Diocese
  - 7.3(i) recommendations concerning possible disciplinary or corrective action by the Bishop of Tulsa
  - 7.3(j) recommendations concerning the pastoral and other needs of the alleged victim, the Catholic community, and the community-at-large
  - 7.3(k) comments concerning the response of the Diocese to the complaint, the conduct of the investigation, and possible recommendations for modifications of diocesan policies and procedures
  - 7.3(l) any other information the Board determines to be important for the Bishop of Tulsa to consider in making his decisions about the matter in question
- 7.4 The specific advice offered to the Bishop of Tulsa in the Report will consist of those points agreed upon by the majority of the voting Board members present at the meeting.

- 7.5 Any specific opinions held by a minority of the members that differ from the majority opinion may be clearly stated in the report either immediately following the majority opinion or as an addendum to the report to the Bishop of Tulsa.
- 7.6 All members of the Board who participated in the deliberations formulating the report shall be listed on the Report.
- 7.7 The Chairperson shall sign the Report.
- 7.8 The Chairperson may contact the Chancellor at any time during the process to present concerns or questions.

### **Section 8 – Confidentiality Requirements**

- 8.1 Written minutes may be taken so as to indicate, in a summary fashion, the actions taken by the Board regarding the items on the written agenda; the agenda and the minutes may be kept on file with the Chairperson as proof of meeting and in order to compose the Report.
- 8.2 The Chancellor, prior to the end of any meeting, shall collect the minutes, the agendas, and all notes and records, save a copy of the minutes and the agenda allowed to the Chairperson.
- 8.3 No electronic copies of the minutes or agenda shall be made or communicated.
- 8.4 The Chancellor shall make available for the Chairperson hard copies of any requisite confidential information.
- 8.5 Access to records shall be limited to persons authorized by the Bishop of Tulsa as dictated by canon law, civil law, or applicable policies of the Diocese.
- 8.6 All information regarding allegations discussed during Board business is confidential.
- 8.7 No member of the Board shall voluntarily release any information regarding the Board or the business of the Board to the public and/or the media.
- 8.8 No member of the Board shall participate in a formal meeting of the Board before signing the *Code of Ethics Agreement*.



# CODE OF ETHICS AGREEMENT

The Diocesan Review Board  
Diocese of Tulsa

The Code of Ethics Agreement is as follows:

- 1.1 Board members will not, at any time, display favoritism or preferential treatment of one case, case individual, or group of case individuals over any other, with the goal of impacting the result of such matter through such favoritism or preferential treatment. Notwithstanding the foregoing, preference may be given to a particular case, case individual or group of case individuals, based on the significance of the facts surrounding the same. A *case individual* is defined as anyone directly or indirectly named in a case or anyone who has a material relationship with anyone directly or indirectly named in a case.
- 1.2 No Board member may maintain a relationship with a case individual that could, as determined by the Chairperson in his/her reasonable discretion, materially:
  - 1.2a conflict with the performance of the member's duties and responsibilities on the Board, or
  - 1.2b affect the member's independence or judgment.
- 1.3 Board members will not interact with any case individual except in a professional manner in accordance with the diocesan *Policies & Procedures for the Protection of Children & Young People*, as the same may be amended from time to time.
- 1.4 Board members will never accept for themselves, any member of their family living in the same household as such member, or close associates, any personal (tangible or intangible) gifts, favors, or services from a case individual, from a member of a case individual's family living in the same household as such case individual, or close

associate, no matter how trivial the gift or service may seem. No Board member will give any gifts, favors, or services to case individuals, their family members living in the same household as such case individual, or close associates.

- 1.5 Board members will not knowingly enter into any direct business relationship with case individuals or their family members living in the same household as such case individual (i.e. selling, buying, or trading personal property) while such matter is pending before the Board.
- 1.6 No Board member will have outside contact (other than incidental contact) with a case individual, his/her family, or close associates while said case is under review, except for those activities which are an approved, integral part of the process of the Board.
- 1.7 Board members shall disclose any material relationship with case individuals to the Chairperson that would contravene the terms of this Agreement. The Chairperson shall determine, acting in his or her reasonable discretion, if a personal conflict exists, and if the Chairperson determines that a personal conflict does exist, the Chairperson shall notify such Board member who, upon receipt of such notification, must immediately remove him/herself from all future proceedings in a given case.
- 1.8 A Review Board member will abstain from voting in any case, in which he/she has not heard or examined substantially all the evidence made available to all other Board members.
- 1.9 Subject to other Diocesan policies and applicable law, all information and documents received during the review of cases is confidential. Subject to other Diocesan policies and applicable law, case information will not be disclosed or repeated to non-members of the Board. Subject to other Diocesan policies and applicable law, all files, records and other documents containing confidential information shall be returned to the Chairperson upon the conclusion of the meeting.
- 1.10 Subject to other Diocesan policies and applicable law, the remarks of other Board members made during formal discussions or deliberations are confidential and shall not be repeated outside formal meetings unless permitted by the Bishop of Tulsa.
- 1.11 Subject to other Diocesan policies and applicable law, Board members shall not make any public statements or remarks concerning diocesan business without the permission of the Bishop of Tulsa.
- 1.12 The exercise of care and confidentiality will continue after members complete their term(s) on the Board.
- 1.13 Board members will not engage in any conduct which is criminal in nature or which would bring discredit upon the Diocese of Tulsa.

1.14 All Board members will avoid misconduct, and/or the appearance of misconduct, which is morally reprehensible in accordance with the teaching of the Roman Catholic Church and that would inhibit (or have the appearance of inhibiting) such member's ability to fully perform its obligations to the Board.

1.15 All Board members are required to immediately report any violation of these restrictions to the Chairperson and to the Director of Child & Youth Protection. Any violation or attempted violation of this Code of Ethics Agreement may result in removal of such member from the Board.

Board members agree to be bound by this Code of Ethics Agreement and may not perform any of the prohibited actions directly or indirectly.

**Review Board Member**

Name: \_\_\_\_\_

Signature: \_\_\_\_\_

Date: \_\_\_\_\_

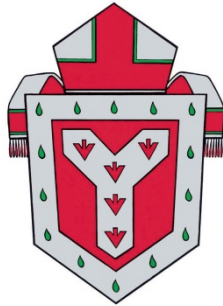
**Witness**

Name: \_\_\_\_\_

Signature: \_\_\_\_\_

Date: \_\_\_\_\_

*All copies of the signed Code of Ethics shall be kept on file at the Office of Child & Youth Protection at the Chancery for the Diocese of Tulsa & Eastern Oklahoma.*



## CODE OF ETHICS AGREEMENT: CHILD & YOUTH PROTECTION & GENERAL CONDUCT

### I. INTRODUCTION

The *Code of Ethics Agreement: Child & Youth Protection & General Conduct* (“*Code of Ethics*”) is applicable to all “Church Personnel,” including, but not limited to, priests, deacons, religious, principals, teachers, Employees, and Covered Volunteers. The *Code of Ethics* is intended to provide clear standards of behavior and, in particular, a blueprint for the boundaries of appropriate behavior in all interactions with children, young people, and, in select cases, fellow adults. The *Code of Ethics* is intended to be read along with the *Policies and Procedures for the Protection of Children and Young People* (“Policies”).

### II. DEFINITIONS

1. For purposes of the *Code of Ethics* only, the following are definitions for terms used herein:
  - 1.1 **Sexual Misconduct:** Including, but not limited to:
    - A. **Child Abuse:** any form of negligent, reckless, intentional or malicious infliction of injury to a child's physical, moral or mental well-being.
    - B. **Sexual Abuse of a Minor:** contacts or interactions between a child and an adult or a child and a minor where the child is being exploited or used as an object of sexual gratification for the adult; the acquisition, possession, or distribution of pornographic images of minors for the purposes of sexual gratification, by whatever means or using whatever technology.
    - C. **Sexual Harassment:** unwelcome sexual advances, requests for sexual favors, and other communication (oral or written, including, but not limited to, electronic mail

and social media) or physical behavior of a sexual nature. There are three categories. One type occurs when submitting to this type of behavior or conduct is implicitly or explicitly made a term of employment. Another type is when submitting or refusing to submit to this conduct is used as a basis for any decision affecting an individual's employment. The third type is behavior or conduct that creates a hostile environment.

- 1.2 **Diocese:** The Roman Catholic Diocese of Tulsa, including parishes, schools, agencies, ministries, and institutions which are directly accountable to the Ordinary of Tulsa.
- 1.3 **Church Personnel:** any priest, religious, deacon, administrator, employee, or Covered Volunteer, as defined in the Policies, working on behalf of the Diocese or applying to work for the Diocese, as defined above, who has or will have contact with children, as defined in the course of his or her duties for the Diocese.
- 1.4 **Minors, Children, or Child:** all persons under the age of eighteen and those persons, including adults, who habitually lack the use of reason, as applicable to this Code of Ethics. As applicable, young adults who are of legal age but remain within the care of our parishes or schools are included under the terms *minors*, *children*, and *child*.
- 1.5 **Child Abuse Reporting:** Under Oklahoma law “every person having reason to believe that a child under the age of eighteen (18) years is a victim of abuse or neglect shall report the matter promptly to the Department of Human Services.” Okla. Stat. tit. 10A § 1-2-101(B)(1). Reporting is mandatory. Persons shall report by calling the Department of Human Services Statewide Abuse Hotline: 1-800-522-3511. To report the sexual abuse of a minor by clergy or Diocesan personnel to the Diocese of Tulsa, you may call the Pastoral Response Hotline and leave a voicemail at 918-307-4970 or you may call the Chancery of the Roman Catholic Diocese and speak directly to the Vicar General or the Chancellor of the Diocese. The number is 918-294-1904.

### III. RESPONSIBILITY & PERSONAL WITNESS

1. The various missions of each parish, school, or other Catholic entity all serve the mission of the Roman Catholic Diocese of Tulsa & Eastern Oklahoma. All Church Personnel—by virtue of their employment or volunteerism—are called to support and advance the mission of the Catholic entity in which they participate. In order to advance the mission, Church Personnel must speak and act in accordance with the precepts of the Catholic Church and strive to give a personal witness to the teachings of Christ and His Church. All Church Personnel share in the responsibility to advance the mission through their personal lives both while serving at their respective Catholic entity and while in public.
2. The conduct of Church Personnel, both public and private, has the potential to inspire and motivate God’s people, or to scandalize and devastate their faith. Church Personnel must, at all times, be aware of the responsibilities that can accompany their work as a representative of the Catholic Church. They must also know that God's goodness and grace support them in their ministry.
3. Responsibility for adherence to these *Code of Ethics* rests with the individual. Church Personnel who disregard the *Code of Ethics* will be subject to remedial or disciplinary

action by the Diocese. Corrective action may take various forms, including but not limited to a verbal reproach, termination of employment, removal from the ministry, or other remedial action, depending on the specific nature and circumstances of the offense and the extent of the harm.

#### **IV. STANDARDS FOR ADULTS WHO COME INTO CONTACT WITH MINORS**

##### **1. General Standards of Conduct**

1.1 Church Personnel shall complete the Child & Youth Protection Requirements and adhere to any and all standards set forth in the *Policies & Procedures for the Protection of Children & Young People* before engaging in any Church activity in which they may come into contact with minors.

1.2 Church Personnel working with children shall maintain an open and trustworthy relationship between the child and adult supervisors.

1.3 Church Personnel can and should develop a good rapport with minors. They must also be vigilant to avoid the type of contact with children that could raise questions about the appropriateness of the contact, or which may lead to negative comments about the contact by reasonable people. Church Personnel must not only refrain from inappropriate/improper contact with children, but also refrain from engaging in any action that could give the appearance of inappropriate/improper contact.

A. Church Personnel must always exercise the highest degree of care in all of their interactions with children.

- Children are not independent. When Church Personnel are with children, their parent(s) or guardian must always be explicitly informed of the child's location and the purpose of the interaction.
- Federal, state, or local laws may limit or prohibit children from engaging in certain work activities. Church personnel must always ensure that children do not engage in any activities for the Church which may violate labor laws.
- Church Personnel may direct any inquiries regarding the employment of children to the Office for Human Resources at the Chancery.

B. Professional attitudes must always be observed in all interactions with minors.

C. Church Personnel are to avoid any unnatural or emotional attachment that a minor may have for them. Such attachments need to be recognized, acknowledged and properly addressed. In some instances, it may be necessary to terminate further contact with the child.

D. Church Personnel must always be aware of the "power" of their role/position and be aware of the phenomenon of transference and of countertransference.

- E. When meeting with minors, Church Personnel should avoid being alone with minors and, whenever possible, have another adult present or nearby. A recommended ratio of adults to minors for PK-8 is two adults for the first seven minors and one adult for every additional seven minors. Preschools under the jurisdiction of the Office of Catholic Schools shall follow the standard for sufficient staff set forth by that office. The recommended ratio for High School is two adults for the first ten minors and one adult for every additional seven minors.
- F. Discussions of a sexual nature should only occur, if necessary, to respond to a specific question from a minor. Any such discussion should use appropriate, professional language. Slang or street words or phrases should not be used.
- G. Topics that could not be comfortably discussed with parents or another adult should not be discussed with children. Church Personnel should not use foul, offensive, or crude language in talking to children.
- H. Meetings with minors should only occur on Church property, if possible. Church Personnel should never invite or take into the private areas of Church property or the private areas of private homes minors who are unrelated to them. Church Personnel should not spend their days off alone with minors who are not related to them.
- I. Games or sporting activities with minors should only be engaged in the presence of at least two adults.
- J. Alcohol, tobacco, controlled substances or sexually explicit material, including, but not limited to, child pornography, are never to be supplied to minors by Church Personnel.
- K. Church Personnel are not to engage in physical discipline of minors. Discipline problems should be handled in coordination with the parent(s) or legal guardian of the minor.
- L. Youth groups, in adherence to the recommended ratios in item E above are to have adult chaperones proportionate in gender to the gender of the minors present, for any activity. While on youth group trips, Church Personnel are to maintain a professional stature and be prudent and professional when socializing with minors. During such youth group trips, individual Church Personnel are not to sleep alone in the same room with a minor.
- M. Unsupervised minors should not be given keys to Church facilities.
- N. Church Personnel are never to take photographs of minors while they are unclothed or dressing (e.g., in locker rooms or bathing facilities) and are never to engage in any horseplay around in locker rooms or bathing facilities.

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

P. Physical contact with youth can be misconstrued. It should only occur in an appropriate nonsexual context and never in private.

## **2. Standards of Sexual Conduct**

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

2.2 The Diocese strictly prohibits sexual misconduct by any Church Personnel. The Diocese strictly prohibits anyone from interacting with minors on behalf of the Diocese who has a civil or criminal record of child sexual abuse, has admitted prior sexual abuse, or is known to have a diagnosis of pedophilia, or any related disorder as defined by the American Psychiatric Association and the *Diagnostic and Statistical Manual of Mental Disorders* ("DSM-5"). For the purpose of these Standards, sexual misconduct involving minors is defined as both sexual exploitation and sexual abuse of individuals both male and female under age 18 as defined by law.

A. Church Personnel who are committed to a celibate lifestyle are called to be an example of celibate chastity in all relationships and at all times.

B. Church Personnel who provide pastoral counseling or spiritual direction must avoid developing intimate relationships with persons that they counsel, other staff, or parishioners. Staff and volunteers must behave in a professional manner at all times.

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

D. All allegations of sexual misconduct or suspected sexual abuse against a minor by Church Personnel must be taken seriously. Church Personnel shall review and know the Child Abuse Reporting requirements and are to follow those mandates. See, *General Policies & Procedures of Children & Young People*, III.2.1-5.

## **3. Harassment of Minors or Other Church Personnel**

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

A. Church Personnel are to provide a professional work environment that is free from physical, psychological, written, or verbal intimidation or harassment.

B. Some examples of behavior or environment that could be considered harassment:

- Any derogatory jokes, comments or slurs delivered in a manner that could be considered belligerent or threatening to another;

- Any unwanted touching, assault, deliberate blocking, or any intimidating action that interferes with free movement;
  - Any inappropriate promises or inappropriate *quid pro quo* language;
  - Any unwelcome touching and/or demands for sexual favors, and also any unwelcome sexually oriented behavior, comments or visually derogatory or demeaning posters, written words, drawings, novelties, or gestures which create a hostile or offensive environment.
  - The Diocese prohibits all such conduct, whether committed by supervisory or non-supervisory personnel as well as by a third party (i.e., non-employee of the Diocese of Tulsa) engaged in business with the Diocese of Tulsa.
- C. 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.
- D. Possession of any pornographic pictures, or other sexually oriented material, on Church Property is strictly prohibited.
- E. Allegations of harassment are to be taken seriously and reported immediately to the individual's immediate supervisor, or other appropriate Church authorities.

#### **4. Standards of Conduct for Pastoral Counselors and Spiritual Directors**

- 4.1 As used in this section, the terms “Pastoral Counselors” and “Spiritual Directors” refer to priests, deacons, seminarians, church personnel, and volunteers who provide formal or informal pastoral, or spiritual counseling services to individuals, families, or other groups. Pastoral Counselors and Spiritual Directors must respect the rights and advance the welfare of each person.
- 4.2 Pastoral Counselors and Spiritual Directors:
- A. Shall not step beyond their competence in pastoral or spiritual counseling and shall refer persons they counsel to other professionals after four sessions if matters arise that are outside the purview of pastoral matters.
  - B. Shall carefully consider the possible consequences of pastoral counseling before entering into any pastoral counseling relationship with someone with whom they have a pre-existing relationship (i.e., employee, professional colleague, friend, etc.).
  - C. Shall not audiotape or videotape sessions unless permitted by Oklahoma law for clinical purposes for professional counselors or professional social workers.
  - D. Shall never counsel anyone at a person's home unless the individual is homebound or

as required by an emergency situation. If an exception applies, the Pastoral Counselor or Spiritual Director should observe prudent visibility and regularity in engaging in pastoral counseling or spiritual direction.

- E. Shall not engage in any form of sexual conduct, including physical conduct of a sexual nature, with the persons they counsel. This includes consensual sexual contact.
- F. Shall not engage in sexual conduct with any individual who is close to the persons they counsel, such as a relative or friend of the person they counsel. Pastoral Counselors and Spiritual Directors should presume that the potential for exploitation or harm exists in any such intimate relationships.
- G. Are responsible for establishing and maintaining clear, appropriate boundaries in all pastoral counseling and pastoral or spiritual counseling-related relationships.
- H. Are to avoid physical contact of any kind (i.e., touching, hugging, holding hands) between themselves and the persons they counsel. Such actions can be misconstrued and should be avoided. Church Personnel should be mindful that not all members of the congregation are comfortable with physical touching and that a handshake should ordinarily suffice.
- I. Shall conduct pastoral counseling sessions in appropriate settings at appropriate times. Specifically, any meetings held in an office or room anywhere within a Diocesan facility shall not block the window in any manner or, if there is no window, shall always keep the door open for all to see.
  - Pastoral or spiritual counseling sessions must take place in only the professional portion of the rectory or other Church facility. Sessions are never to be conducted in the private living quarters.
  - Pastoral counseling sessions are not to be held in places or at times that would tend to cause confusion about the nature of the relationship for the person being counseled. Pastoral counseling sessions should be held in an appropriate professional setting and should be scheduled for normal business hours - ordinarily between the hours of 7:00 a.m. and 9:00 p.m.
- J. Shall maintain a written log of the times and places of each counseling session with each person being counseled.
- K. Pastoral Counselors shall ordinarily engage in no more than four pastoral counseling sessions with an individual before advising the individual to be seen by a licensed therapist of his or her choice; Spiritual Directors shall observe prudent regularity and intensity in their spiritual direction.

L. **Counseling Minors.** Counseling minors presents additional considerations for

Pastoral Counselors and Spiritual Directors. In addition to the aforementioned standards listed in A-K of this section, Pastoral Counselors and Spiritual Directors should adhere to the following:

- If possible, another adult should be in close proximity during the counseling session.
- Unless the subject matter precludes it, the child's parent(s) or legal guardian should be present or aware of the session.
- The relationship must always remain professional during the counseling sessions.
- If counseling entails more than two sessions, an evaluation of the matter is to be made with the child's parent(s) or guardian.
- The Pastoral Counselor and Spiritual Director need to assess regularly the relationship to determine whether the child is developing a personal/physical attraction to him or her. Such attractions need to be recognized and the child immediately referred to another Pastoral Counselor or Spiritual Director.

## **5. Confidentiality of Pastoral Counselors and Spiritual Directors**

5.1 Information disclosed to a Pastoral Counselor or Spiritual Director during the course of counseling, advising, or spiritual direction is to be held in the strictest confidence possible.

5.2 The obligation of confidentiality contained herein, is independent of the Sacramental Seal of Confession. Under no circumstances whatsoever can there be any disclosure—even indirect disclosure—of information received through the confessional.

A. At the initial meeting, Pastoral Counselors and Spiritual Directors are to discuss the nature of confidentiality and its limitations with each person in counseling.

B. Information obtained in the course of the pastoral counseling sessions is to be confidential, except for compelling professional reasons or as required by law.

- If there is clear and imminent danger to the persons they counsel or to others, the Pastoral Counselor or Spiritual Director may disclose only the information necessary to protect the parties affected and to prevent harm.
- 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.

C. Pastoral Counselors should keep minimal records of the content of sessions, and

retain them in a fashion to prevent inadvertent disclosures.

- D. 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.
- E. While providing pastoral counseling to 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 Pastoral Counselor or Spiritual Director shall:
- 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.
  - Consult with the Bishop of Tulsa, the Vicar General, or the Chancellor.

## V. REPORTING CODE OF ETHICS VIOLATIONS

1. **Reporting Misconduct:** Church Personnel have a duty to report their own ethical or professional misconduct and the misconduct of others. Church Personnel must hold each other accountable for maintaining the highest ethical and professional standards. When there is an indication of misconduct by Church Personnel, the person who learns of the misconduct should notify his/her supervisor or other appropriate Church authorities.

**VI. STATEMENT OF CONSENT & UNDERSTANDING**

I hereby represent that I have received, read, and understood the *Code of Ethics Agreement: Child & Youth Protection & General Conduct* of the Diocese of Tulsa, and I agree to strictly adhere to and actively support these policies as a condition of my employment or appointment. I specifically understand that an investigation of my background may be conducted by the Diocese of Tulsa or by a parish, agency or department of the Diocese of Tulsa as a condition of employment, appointment or retention for which I am being considered. Accordingly, I hereby consent to the release of otherwise confidential information and records concerning me by any government or law enforcement agency, and by any former employer or supervisor with or for whom I have been employed, to the Diocese of Tulsa, or any parish, agency or department thereof, to be used in considering my fitness for employment, appointment or retention. It is understood that such information shall be treated by the Diocese, its parishes, agencies and departments as strictly confidential, and shall be used only for the purpose of considering my appointment, employment or retention. It is further understood that this consent is not intended to permit or include the release of any records or information obtained or compiled by any attorney, physician, counselor or other health care professional in the course of performance of any professional services for or on my behalf. DATED this \_\_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_.

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Printed Name

\_\_\_\_\_  
Position Sought/Held

\_\_\_\_\_  
Name of Agency/Institution

DIOCESE OF TULSA & EASTERN OKLAHOMA  
BACKGROUND QUESTIONNAIRE

*Do not disclose any convictions that have been sealed or expunged, including juvenile records. Disclosure of criminal history will not automatically disqualify you from consideration. Each case will be judged on its own merits based on the job-relatedness, nature, and severity of the conviction and how long ago it occurred in compliance with the Policies & Procedures for the Protection of Children & Young People of the Diocese.*

**1. Have you ever been convicted of a crime of sexual misconduct, of physical sexual misconduct, sexual harassment, or exploitation? \_\_\_\_\_ Yes \_\_\_\_\_ No**

If "Yes" please explain \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**2. Have you ever been convicted of any other crime? \_\_\_\_\_ Yes \_\_\_\_\_ No**

If "Yes" please explain \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**3. Has any allegation or civil or criminal complaint ever been made against you relating to sexual misconduct, sexual harassment, or exploitation or physical sexual misconduct?  
\_\_\_\_\_ Yes \_\_\_\_\_ No**

If "Yes" please explain \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**4. Have you ever terminated your employment or had your employment terminated for reasons relating to allegations of sexual abuse, sexual harassment or exploitation by you, or relating to civil or criminal complaints for sexual or physical sexual misconduct brought against you by others? \_\_\_\_\_ Yes \_\_\_\_\_ No**

If "Yes" please explain \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**5. Have you ever received any medical treatment, physical or psychological, for reasons involving sexual misconduct, sexual harassment or exploitation with a minor or adults?  
\_\_\_\_\_ Yes \_\_\_\_\_ No**

If "Yes" please explain \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

6. Is there anything in your past that the Church should be aware of, in order to make a sound decision regarding your relationship as an employee or volunteer with the Church and the safety of youth and young adults? \_\_\_\_\_ Yes \_\_\_\_\_ No

If "Yes" please explain \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_  
Date

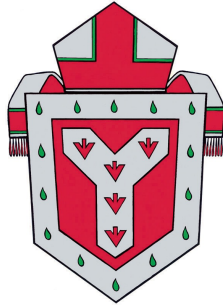
\_\_\_\_\_  
Name of Institution

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Printed Name

\_\_\_\_\_  
Position Sought/Held

*All Background Questionnaires, as part of the Child & Youth Protection Requirements, are completed and stored online via the VIRTUS database.*



**POLICIES & PROCEDURES FOR THE PROTECTION OF CHILDREN & YOUNG PEOPLE  
STATEMENT OF CONSENT & UNDERSTANDING**

I hereby represent that I have received, read, and understand the *Policies & Procedures for the Protection of Children & Young People* of the Diocese of Tulsa, and I agree to strictly adhere to and actively support these policies as a condition of my employment or appointment.

I specifically understand that an investigation into my background may be conducted by the Diocese of Tulsa or by a parish, agency or department of the Diocese of Tulsa as a condition of employment, appointment or retention for which I am being considered. Accordingly, I hereby consent to the release of otherwise confidential information and records concerning me by any government or law enforcement agency, and by any former employer or supervisor with or for whom I have been employed, to the Diocese of Tulsa, or any parish, agency or department thereof, to be used in considering my fitness for employment, appointment or retention. It is understood that such information shall be treated by the Diocese, its parishes, agencies and departments as strictly confidential, and shall be used only for the purpose of considering my appointment, employment or retention. It is further understood that this consent is not intended to permit or include the release of any records or information obtained or compiled by any attorney, physician, counselor or other health care professional in the course of performance of any professional services for or on my behalf.

DATED this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Printed Name

\_\_\_\_\_  
Position Sought/Held

\_\_\_\_\_  
Name of Agency/Institution