

## Appendix D – DIOCESE OF ALBANY

### Guidelines for Appropriate Conduct for All Professional and Volunteer Personnel Who Work with Minors

These guidelines for the appropriate conduct of all professional and volunteer personnel who work with and serve children and youth are written and published in compliance with Article 6 of the Charter for the Protection of Children and Young People approved by the Roman Catholic Bishops of the United States in November 2002. They establish norms of conduct and professional boundaries for everyone, clergy, religious and laity, who work with and have regular contact with minors. They are applicable to both the professional and the volunteer. They apply to those in diocesan offices and agencies, parishes, schools, and institutions.

Article 6 states: *“While the priestly commitment to the virtue of chastity and the gift of celibacy is well known, there will be clear and well-publicized diocesan/eparchial standards of ministerial behavior and appropriate boundaries for clergy and any other Church personnel in positions of trust who have regular contact with children and young people.”*

These are issued in response to the sexual abuse of minors scandal that has taken place in our Church. In many ways this document is not new to those who administer diocesan and parish programs and processes. They have been part of the training programs and on-going supervision of diocesan offices, schools, parishes and institutions for many years.

This document is offered to ensure that our children and young people are safe and secure in our care and that their families have confidence that this Diocese will do everything possible to provide the environment where each child and young person can grow in age, grace, and wisdom. In addition, the rules of conduct and professional boundaries provide a structure for our own personnel to insure their own integrity and well-being.

The following directives flow from Article 6 of the Charter for the Protection of Children and Young People:

#### **A. Types of Misconduct**

*For the purposes of this policy, misconduct with a minor<sup>1</sup> includes the five types of behavior listed below:*

1. Conduct that is contrary to the discipline and teaching of the Church;
2. Conduct or language which creates an intimidating, hostile or offensive environment;
3. Conduct which exploits or takes unfair advantage of another;
4. Physical, sexual or emotional abuse of minors; and
5. Downloading or possessing child pornography

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<sup>1</sup> This includes children and youth under the age of 18 and adults who habitually lack the use of reason.

**B. Prevention of Abuse: Guidelines for Working with Minors**

Abuse of minors is contrary to the teachings of the Church and is prohibited by the Roman Catholic Diocese of Albany. Church personnel have a responsibility to actively protect minors from all forms of abuse. In response to the call by the United States Conference of Catholic Bishops to break the “cycle of abuse,” the Diocese of Albany has adopted child abuse education and prevention policies.

**C. Standards for the Diocese of Albany**

Those who act in the name of the Church have tremendous power in the lives of the people to whom they serve. The great power differential which is present causes them to be held to a higher level of behavior. In such relationships, the reality is that the inappropriateness of behavior is judged not to be the intent of the person, but its impact upon the recipient.

1. All Church personnel who work with minors are required to complete the Roman Catholic Diocese of Albany application form, which includes accurate information, references and acknowledgement of any prior convictions of a crime, other than a minor traffic offense. These forms are kept by the office, agency, school or parish and updated as needed.
2. No one may serve in the Diocese of Albany as an employee or volunteer in any capacity with children or youth who has admitted and/or been convicted of sexual misconduct or abuse involving a minor.
3. Church personnel will receive appropriate training and supervision. This training will involve participation in the diocesan mandated training program and any other training appropriate for working with a minor determined by a particular office or agency of the Diocese.
4. Allegations of sexual misconduct of a minor will be taken seriously and reported according to the processes outlined in Section III of the Diocesan Policy on Reporting Allegations of Sexual Abuse.
5. All programs involving children and youth must have adequate supervision. An adequate ratio of adults to children/youth to maintain order and safety is necessary. A greater number of supervisors/chaperones are recommended when a program involves a field trip or overnight event.
6. Parents and guardians are encouraged to be part of any and all services and programs in which their children are involved, including observation of programs and activities.
7. All programs for minors that are sponsored by the parish, school or agency should have the approval of those in positions of leadership. Those leaders need to ensure that such programs are appropriate, safe, and have adequate supervision.
8. Supervision of children’ programs should include but not be limited to the following: identifying and restricting access to secluded areas; developing policies regarding use of secluded areas, such as requiring staff to check bathrooms before sending children in alone; prohibiting children from entering staff-only areas; monitoring all youth internet activities; and ensuring the use of appropriate blocking and filtering computer software.

9. Ensure that adults only meet with children where other adults can have open access; remind adult participants in children's programs not to meet with a child one-on-one behind closed doors.
10. Church personnel under the age of 18 must work under the direction of an adult supervisor.

**D. Professional Boundaries**

It is the responsibility of all Church personnel to maintain appropriate professional boundaries with those they serve.

**E. Sexual, Emotional and Physical Boundaries**

1. All Church personnel are prohibited from engaging in any sexual contact, including sexual intercourse, anal or oral sex and intrusive touching with a minor.
2. Church personnel must not give touches and embraces to a minor that are not acceptable or are uncomfortable to the individual. This includes physical games such as wrestling or tickling.
3. Expressions of affection are only appropriate in public settings when such behavior is the norm and acceptable to all parties. **Keep the acronym PAN in mind with respect to physical touches: Public – Appropriate – Non-sexual.**
4. Church personnel are prohibited from engaging in any inappropriate, sexually-oriented conversations with minors. Christian human sexuality is part of the curriculum for children and youth within the Diocese of Albany to provide an understanding of God's gift of human sexuality and to convey the Church's teaching on this subject. Parents must be notified when this part of the Catholic school or parish catechetical curriculum is introduced, be invited to review all teaching materials, and have the right to withdraw their child from this part of the curriculum as part of their parental rights. Teachers and catechists are not permitted to discuss their own sexual activities with minors.
5. Church personnel must not show or display sexually suggestive objects, media or pornography.
6. Church personnel must not use inappropriate language or behavior in working with children or youth.
7. Personnel must not give or receive inappropriate gifts. It is advisable that a parent or guardian's permission should be obtained before giving or receiving any gift to or from a child.
8. Church personnel are prohibited from speaking to minors in a way that is harsh, threatening, intimidating, shaming, derogatory, demeaning or humiliating, and are expected to refrain from swearing in the presence of minors.

**F. Conduct**

1. Church personnel who work with children and youth need to be good role models in conduct, speech and dress.
2. Church personnel who minister to children and youth must meet them in areas that are visible and accessible. One-on-one meetings must be held in a

public area and in a room with visual access. Someone from the staff should be notified about this meeting.

3. Church personnel must avoid developing exclusive relationships with individuals or a group of individuals.
4. Church personnel must never buy alcohol, drugs, cigarettes, videos or reading material that is inappropriate and give it to a minor.
5. Church personnel must refrain from: the illegal possession and/or illegal use of drugs at all times; the use of prescription drugs that impair judgment; and the use of alcohol when working with minors.
6. In accordance with the law, church personnel will not access or download child pornography.
7. It is appropriate to work in pairs when working with youth and to have both male and female adults present if there is a co-ed event.
8. Adults must never be alone with a young person if they are showering or changing clothes. They should never be nude in the presence of minors in their care. Changing and showering facilities or arrangements for adults must be separate from facilities or arrangements for minors.
9. Church personnel must not invite young people into their personal living space or be alone with them in their own living space.
10. Church personnel are prohibited from sleeping in the same beds or sleeping bags with minors.
11. Houses used for the residence of clergy and religious are for the use of these ministers. Their personal living space should not be used for overnight accommodations for children or youth.
12. Church personnel should avoid driving alone with a minor, except in an emergency situation when this may be necessary for the health, safety and well-being of the minor. In such cases, minors should be transported directly to their destination. No unauthorized stops should be made. The parents /guardians as well as supervisors must be informed as soon as possible.

# THE STANDARD CODE OF CONDUCT<sup>1</sup>

*Our Children are the most precious gifts entrusted to our care. We acknowledge that all individuals shall be treated with respect, courtesy, dignity, patience and integrity.*

## I will:

1. Assume the full burden of responsibility for setting and maintaining clear and appropriate physical and emotional boundaries with minors<sup>2</sup>.
2. Show prudent discretion in the expressions of affirmation used with minors. This includes refusing expensive gifts from minors and refraining from giving expensive gifts to minors. The following are examples of appropriate forms of affirmation with minors.

Hugs	Arms around the shoulders
Pats on the shoulder or back	Holding hands while walking with small
Handshakes	Sitting beside small children
“High-fives” and hand-slapping	Kneeling or bending down for hugs with small
Verbal praise	Holding hands during prayer
Touching hands, faces, shoulders and arms of minors	Pats on the head when culturally appropriate

3. Refrain from forms of touch such as tickling, wrestling or massaging, which could be construed as sexual with minors.
4. Assure that a meeting space with a minor or vulnerable adult has visual access. If this is not possible, make sure that another adult is present.
5. Avoid driving alone with minors. In an emergency, request the presence of another adult.
6. Not consume alcohol products, use tobacco products or profanity nor be under the influence of prescribed drugs that impair judgment, illegal drugs or alcohol when engaged in working with minors.
7. Not share a bedroom with minors when there is no other adult supervision present in the room.
8. Never provide minors with alcohol, drugs or with videos, reading or graphic materials that are inappropriately sexual in nature.
9. Not access or possess child pornography
10. Never initiate sexual behavior with a minor and will refuse it even when the other invites it. I will report to my supervisor any sexual behavior initiated by a minor.
11. Read and abide by the Diocesan policy for reporting allegations of sexual abuse.<sup>3</sup>

This code of conduct does not abrogate or replace any other obligations that I have under any applicable law, guideline, policy or regulation. Name: \_\_\_\_\_ Date \_\_\_\_\_

(Please Circle One)                      Clergy                      Employee                      Volunteer

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

Name and location of school/parish/agency: \_\_\_\_\_

<sup>1</sup> All clergy, employees, and volunteers of the Albany Diocese are required to sign and follow this Code of Conduct when they are working with minors. The signed code of conduct will be kept on file.

<sup>2</sup> This includes children and youth under the age of 18 and adults who habitually lack the use of reason. <sup>3</sup> See “[How to Report Sexual Abuse.](#)”

## How to Report Sexual Abuse

### Victims of Sexual Abuse

The Diocese of Albany urges all victims to report any instance of sexual abuse against a minor by a member of the clergy, its employees or volunteers, to the local police or to the office of the appropriate District Attorney. ([Contact information for DAs](#))

### Adults Reporting Past Abuse.

Adults who wish to report allegations of childhood abuse to the diocese should contact the diocesan Assistance Coordinator (phone: 518-453-6646; e-mail: [assistance.coordinator@rcda.org](mailto:assistance.coordinator@rcda.org)). The Assistance Coordinator will respond to you within 24-48 hours. All allegations of abuse of minors received by the Assistance Coordinator will be reported to the office of the appropriate District Attorney. Copies of reports will also be sent to the Bishop, the diocesan attorney and the diocesan Review Board members. **Reports received will not be screened for credibility.**

The Diocese of Albany is committed to full cooperation with the civil authorities in the reporting and investigation of such allegations. If the diocese receives notification from the DA's office that it will not investigate an allegation of sexual abuse that was submitted, or that it is unable to take any action, the diocese will then follow its own protocol for processing an allegation of sexual abuse.

### Employees Reporting Abuse:

1. **Where the victim is a current minor.**

a) **Allegations against parish/school staff/volunteers.**

The parish leader/ school principal should immediately report all allegations received of sexual abuse against clergy, employees or volunteers to the **local police and to the diocesan attorney Michael Costello Esq. (# 518-463-1177) The person receiving the report will not screen such reports for credibility.**

The diocesan attorney will inform the appropriate DA **within 24 hours.** If the diocesan attorney cannot be reached, please call the Assistance Coordinator at 518-453-6646.

b) **Allegations against parish or school leaders.**

If an allegation is received against the parish leader or school principal, **the person receiving the report will not screen such reports for credibility.**

The diocesan attorney Michael Costello Esq. should be notified as soon as the report is received and he in turn will immediately notify the local police **and the appropriate DA's office within 24 hours.** If the diocesan attorney cannot be reached, please call the Assistance Coordinator at 518-453-6646

Copies of any report made to the police or DA should be sent to the Assistance Coordinator who will inform the Bishop, the diocesan attorney and the diocesan Review Board members. The School Superintendent will be informed of all reports received against school personnel.

c) **Allegations against the child's family.**

Allegations received by school or parish staff that a child/youth has been harmed or is at risk of being harmed by a parent/guardian or other person legally responsible for his or her care.(e.g. any adults living in the home) should be reported to the Child Abuse Central Register.

Mandated reporters call: 1-800-635-1522

Parish staff who are not mandated reporters: 1-800 -342-3720

If a child is in immediate danger call 911 or the local police.

For further information please visit: <http://www.ocfs.state.ny.us/ohrd/ccg/>

**2. Where the victim is an adult.**

**Parish, school staff and other** diocesan personnel receiving such reports from adults who were abused as minors, should notify the Assistance Coordinator (Phone # 518-453-6646) within one business day. **Such reports received will not be screened for credibility** The person receiving the complaint should remind the victim of his/her right to report the allegation directly to the office of the district attorney where the alleged abuse occurred. All allegations of abuse of minors received by the Assistance Coordinator will be reported to the office of the appropriate District Attorney, with copies sent the diocesan attorney and the Review Board members.

The School Superintendent will be informed of all reports received against school personnel.