

ETHICAL AND RESPONSIBLE CONDUCT POLICIES

(Effective 7/96, Revised 4/03)
(Rev. 10/ 30/ 03)

INTRODUCTION:

The primary purposes of these policies and procedures are the safety of children, the well being of the community, and the integrity of the Church's ministry. In compliance with Article 6 of the United States Conference of Catholic Bishops' (hereinafter, USCCB) *Charter for the Protection of Children and Young People*, 2002 (hereinafter, Charter), these policies provide clear standards of behavior and appropriate boundaries for all church personnel, especially those who have regular contact with children and young people. Not only do they address behavior with children and young people, but they also give direction on ethical and responsible conduct related to one's role in the Church and one's interaction with adults.

I. SCOPE AND DEFINITIONS

This document covers the following areas:

- Basic Ethical Standards
- Use of Controlled Substances
- Sexual Harassment and Sexual Exploitation of Adults
- Progressive Discipline Process
- Child Abuse
- Responding to Allegations of Sexual Abuse of Minors
- Screening and Selection

General Definitions:

For purposes of these policies, the term "church personnel" shall include:

- Priests incardinated in the Diocese of Beaumont;
- Priests who are members of religious institutes assigned to pastoral work in the diocese, including members who are invited into the diocese by the religious pastor to cover the parish while the pastor is away for vacation or other temporary leave from the parish (e.g. sabbatical, medical leave);
- Priests of other dioceses who are assigned to pastoral work in this diocese; priests seeking incardination in this diocese; other priests, including those who are retired, or who request canonical faculties to do part-time or supply ministry or chaplaincy; also extern priests who are invited into the diocese by the pastor to cover the parish while the pastor is away for vacation or other temporary leave from the parish (e.g. sabbatical, medical leave);
- Permanent and transitional deacons incardinated in this diocese; permanent deacons of other dioceses with canonical faculties to function in this diocese;
- Seminarians and those enrolled in the Permanent Diaconate formation program;
- Women religious and religious brothers working for the diocese; individuals in other forms of consecrated life who are associated with the diocese;
- All paid personnel whether employed in areas of ministry or other kinds of services by the diocese and its parishes, missions, schools, and agencies;
- All volunteers who give time to church-related service with regular access to children and minors.

- Any person (cleric, religious, lay) who exercises ministry or Christian service for or on behalf of the diocese.

Other definitions include:

allegation: a report or accusation that is received from any source and is yet to be proven;

child or minor: a person under 18 years of age who is not and has not been married or who has not had the disabilities of minority removed for general purposes (Texas Family Code, §101.003); according to canonical norms, a “minor” is also a person under 18 years of age;

cleric: an ordained deacon, priest, or bishop;

the diocese: the Roman Catholic Diocese of Beaumont including, but not limited to, diocesan offices, parishes, missions, schools, agencies, and institutions directly accountable to the Bishop of Beaumont

incardinated: the permanent attachment of a cleric to a particular diocese or religious institute;

Religious: men or women who formally consecrate their lives to God and the service of the Church by vows or promises through a religious institute which is officially recognized as such by the Church.

The provisions contained within these policies do not constitute an employment agreement or contract or a guarantee of continued employment, nor do they alter the “employment at will” status. Nothing in these policies is to be construed as abrogating the priority of civil and criminal law concerning employment in the State of Texas.

II. BASIC ETHICAL AND MORAL STANDARDS

This policy establishes basic standards of ethical and moral conduct for all church personnel associated with the Diocese of Beaumont. Fundamental to our mission is the personal integrity and the highest ethical standards of all those who represent the diocese. The intent of this policy is to insure that all personnel follow the traditional strong moral and ethical standards of the Catholic Church.

Church personnel enjoy a public trust and confidence. It is essential that they view their own actions and intentions objectively to assure that no observer would have grounds to believe that any irregularity in conduct exists. All church personnel have a responsibility to uphold the standards of the Catholic Church in their day-to-day work and personal lives. These include, but are not limited to:

Confidentiality

Church personnel often deal with sensitive and confidential information (e.g. persons, situations, finances). In no instance should confidential information be used for one’s own or another’s benefit. Unless approved by one’s supervisor, in no instance should confidential information be disclosed to non-church personnel, including family or associates, or even other church personnel who have no legitimate need for such information in discharging their duties to the diocese. Maintaining confidentiality is expected even after an individual is no longer employed with the diocese.

Sacramental records shall be regarded as confidential. When compiling and publishing diocesan, parish, or organizational statistical information from these records, great care must be taken to preserve the anonymity of individuals. Most sacramental records older than 70 years are open to the public. Information regarding adoption and legitimacy remains confidential, regardless of age. Only church personnel authorized to access the records and supervise their use shall handle requests for more recent records, observing the diocese's *Guidelines in Sacramental Record Keeping for Parishes/Missions, and other Support Staff*.

Diocesan, parish, school, or organizational financial records are confidential unless review is required by the diocese or an appropriate government agency. Financial records should not be released without the approval of the appropriate church authority (e.g. Bishop, pastor, administrator, principal, director). Individual contribution records of the diocese, parish, or organization shall be regarded as private and shall be maintained in strictest confidence.

There may be instances when the duty to maintain confidentiality must yield to the need to report to civil and/or church officials any illegal actions or misconduct of church personnel or violation of these ethical and moral standards.

Information disclosed to a pastoral counselor or spiritual director during the course of counseling/direction shall be held in the strictest confidence possible, except for compelling professional reasons or as required by law. If there is clear and imminent danger to the client or to others, the pastoral counselor or spiritual director may disclose only the information necessary to protect the parties affected and to prevent harm. 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.

Under no circumstances whatsoever may the sacramental seal of reconciliation be violated by a confessor. According to canon law (cc. 983, 1388), there may be no disclosure, even indirect, of information received through the sacrament of reconciliation.

Conflicting Loyalties and Interests

No church personnel shall serve as a director of a board or be part of any organization which advocates positions in direct conflict with the teachings and moral standards of the Catholic Church.

If any church personnel, or any member of his/her immediate family has any financial interest in any transaction or proposed transaction with the diocese, such person shall promptly disclose to his/her immediate supervisor the nature of the financial interest and the related transaction or proposed transaction.

Church employees who have other employment or responsibilities unrelated to their function may not conduct outside business during their regular office hours or utilize church facilities, equipment, or supplies for the outside activity.

Personal Responsibility

Church personnel should conduct their personal financial and business affairs in a responsible manner so as to be above criticism. Diocesan or parish credit cards and expense account reimbursements are intended only for those documented items directly related to diocesan and parish purposes. Salary advances are not allowed.

Public Statements

In order that public statements made on behalf of the diocese have the benefit of current policy and to assure consistency, all statements to the media will be handled by the Bishop or Vicar General or another person delegated by the Bishop. With respect to parish affairs, the Pastor or his designee may speak to reporters.

Advertising Policy

All church personnel involved in the preparation and distribution of advertising for the Church shall insure that the content and impact of all media presentations made by or on behalf of the diocese or its subsidiaries are in accordance with sound Catholic moral values and accepted good taste.

Use of Letterhead

It is inappropriate for any church personnel to use official stationery for personal or non-job related purposes, particularly when such use implies endorsement by the diocese/parish or makes reference to diocesan/parish employment in matters of personal dispute.

Use of Computers, E-mail, Internet

Computer equipment and e-mail and Internet access, if available, are to support and enhance business functions and communications so as to further the mission of the Church. All users of these systems are expected to conduct their on-line activities in an ethical manner consistent with the moral teachings of the Catholic Church. Inappropriate use of these systems can adversely affect the diocese, interfere with the work of its employees, increase costs, and expose the diocese to liability. All users are required to comply with general directives as they are issued, as well as the following:

- E-mail and Internet access are intended to facilitate business communications and should primarily be used to conduct *work-related* business. *Brief*, infrequent use of e-mail and the Internet for necessary personal communications is permitted but should not interfere with one's work or with the work of others, nor be used for any personal or commercial gain, political cause, product advertisement, or non-job related solicitation.
- Abusive, threatening, obscene, derogatory, and profane correspondence, or any form of harassment are not permitted. Also not permitted is distributing chain letters/messages or other non-familiar e-mail that can decrease the performance of the computer system, take up valuable resources, and expose the system to viruses. Activities such as accessing pornographic or obscene web sites, entering sweepstakes, gambling, etc. are prohibited.
- The diocese values confidentiality and the right of every person to privacy and a good name. The sender and receiver of e-mail should be selective of information that is included in the e-mail message. Employees are to be professional and careful regarding information that is transmitted about other persons.

Responsible Conduct

All church personnel are to exhibit the highest ethical standards and personal integrity. Therefore, church personnel should not engage in the following:

- Formally rejecting the teachings of the Catholic Church or the Christian way of life; promotion of causes in direct conflict with the teachings of the Catholic Church;
- Exhibiting actions that are disruptive to the ministry and public worship;
- Procuring or participating in abortion, homicide, or euthanasia;
- Possessing pornographic materials or accessing pornography on the Internet;
- Engaging in behavior contrary to the moral teachings of the Catholic Church;

- Stealing or any other form of theft or fraud, including misappropriation of church funds, falsification or alteration of records, forgery, destruction or disappearance of records or assets, or any other similar or related irregularity;
- Child abuse; sexual harassment, sexual exploitation of adults, or other grave sexual misconduct;
- Racial insults, derogatory ethnic slurs;
- Unauthorized possession, distribution, or use of alcohol or any illegal drug or narcotic, inability to perform work due to abuse of alcohol or drugs;
- Physical assault and fighting;
- Removal of diocesan or parish property without permission; willful destruction or waste of property belonging to the diocese/parish;
- Willful failure to follow instructions, guidelines, policies; insubordination;
- Unauthorized possession of weapons;
- Failure to report to work without proper notification to supervisors;
- Harming the reputation of others by disclosing the faults or failings of others to persons who have no cause to know them or by making false allegations against another;
- Retaliation against an individual for bringing a legitimate complaint/allegation to proper church authorities.

Professional Relationships:

Administration:

- Church personnel must exercise just treatment of employees and volunteers in the day-to-day administrative operations of their ministries.
- Church personnel shall seek to relate to all people with respect, sensitivity and reverence. Meetings are to be conducted with patience and courtesy toward the views of others, in an environment where it is safe for others to offer constructive criticism.
- Church personnel must exercise diligent oversight to insure that all personnel under their supervision abide by the ethical and responsible conduct standards articulated in these policies.
- Church personnel are to exercise responsible stewardship of all parish/institution resources. They must also ensure that, whatever their area of ministry, there is a clear accounting of all parish/institution funds, and all diocesan policies regarding temporalities are observed.
- Church personnel are to ensure that systems are in place to protect both the Church and the individual from financial mismanagement and liability risks.
- Personnel and other administrative decisions made by church personnel should not only meet civil and canon law obligations, but also should reflect Catholic social teachings.

Conduct in Pastoral Counseling or Spiritual Direction:

Church personnel who conduct pastoral counseling or spiritual direction for families, individuals, or groups must respect their rights and advance the welfare of each person.

- Church personnel should not step beyond their competence in pastoral counseling situations and shall refer clients to other professions when appropriate. The parameters for church personnel are dictated by their training and formation.
- If conducting group sessions, church personnel must insure that no individual is subject to trauma or abuse resulting from group interactions. Church personnel must state to group participants the nature of the group, and the parameters of confidentiality of all individual disclosures.
- Church personnel shall not disclose information learned from pastoral counseling or spiritual

direction sessions. In beginning what is clearly a counseling/spiritual direction relationship, church personnel should inform the counselee/directee that confidentiality is limited when there is clear and imminent danger to the counselee/directee or to others. In such cases, church personnel must also contact the necessary authorities or other professionals when necessary. If it is discovered, while counseling/directing a minor, 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 minor's health and well-being, the pastoral counselor or spiritual director should disclose only the information necessary to protect the health and well-being of the minor.

- Church personnel who move to another parish/institution while conducting pastoral counseling with parishioners/clients should help make appropriate referrals for continued care.
- Church personnel ordinarily shall not begin a pastoral counseling relationship with someone with whom they have a preexisting relationship (e.g. employee, professional colleague).
- Church personnel shall not engage in sexual intimacies with those whom they counsel/direct. This includes consensual and nonconsensual contact, forced physical contact and inappropriate sexual comments. Physical contact (e.g. touching, hugging, holding) with the counselee/directee can be misconstrued and should be avoided. Church personnel should never exploit another person for sexual purposes.
- It should always be clear to both church personnel and the counselee/directee that a pastoral counseling/spiritual direction relationship is in process. This can best be done when the counseling/spiritual direction, especially if extended, is conducted in an appropriate setting and at appropriate times. Counseling/spiritual direction should, therefore, not be done in private living quarters or at places or times that would be ambiguous or misleading to the counselee/directee.
- Church personnel should be cognizant at all times of the significance of boundaries in all pastoral counseling/spiritual direction relationships. The pastoral counselor/ spiritual director assumes the full burden of responsibility for establishing and maintaining clear and appropriate boundaries. During the course of the relationship, church personnel ordinarily do not socialize with counselees/directees.

Conduct with Minors:

Church personnel working with minors should use appropriate judgment to insure trusting relationships marked by personal and professional integrity.

- Church personnel must be aware of their own vulnerability and that of any individual minor with whom they may be working. In every instance possible, a team approach to youth ministry activities should be considered. Church personnel should avoid establishing any exclusive relationship with a minor and exercise due caution when they become aware of a minor desiring such a relationship. Both the participants and members of the church community can misunderstand such relationships.
- Physical contact with minors can be misconstrued by both minors and other adults and should only occur under appropriate public circumstances.
- Church personnel should not use or supply alcohol and/or illegal drugs when working with minors.
- Church personnel should never obtain or possess sexually explicit, pornographic, or morally inappropriate materials, nor should they participate in the distribution or receipt of pornographic materials through any medium. Church personnel should not provide any sexually explicit, inappropriate, or offensive material to minors. Conversations or discussions of topics of a sexual nature with minors should be limited to the leader's

teaching capacity or made in response to specific questions. Church personnel are not permitted to discuss their own sexual activities with minors.

- Clergy are not to provide overnight accommodations in rectories or other personal residences for minors, with the exception of occasional visits from immediate family members. Minors are not permitted in the private living quarters of the rectories.
- Church personnel are prohibited from sleeping in the same beds, sleeping bags, or small tents with minors unless the adult is an immediate family member of the minor.
- Church personnel should never accompany minors to movies, sporting events, or other forms of entertainment without at least one other adult being present. Youth trips, especially overnight ones, must have a sufficient number of adult chaperons.
- Church personnel should not be alone in locker rooms or other dressing rooms with a single youth without another adult present.
- Church personnel must always conduct themselves as professional adults, who set the limits and boundaries of all relationships with minors.
- Some forms of physical affection have been used by adults to initiate inappropriate contact with minors. In order to maintain the safest possible environment for minors, the following are examples of affection that are not appropriate for Church sponsored and affiliated programs:
 - inappropriate or lengthy embraces when a brief hug is customary behavior
 - kisses on the mouth
 - touching bottoms, chests, or genital areas
 - showing affection in isolated areas of the program such as bedrooms, closets, staff-only areas, or other private rooms
 - wrestling with minors
 - tickling minors
 - giving piggyback rides
 - massage given by minor to adult in private
 - massage given by adult to minor in private
 - any form of unwanted affection
 - compliments that relate to physique or body development.

It is the policy of the diocese to investigate thoroughly all reports of any violation of these standards, to make any required report to civil authorities, and to appropriately discipline the responsible person, up to and including termination of employment, volunteer service, or ministry. Refer to Section IV for further direction: "Reporting and Investigating Allegations of Ethical Misconduct, Sexual Harassment, and Sexual Exploitation of Adults."

III. USE OF CONTROLLED SUBSTANCES

This policy establishes the basic standards of the diocese relative to use, abuse, sale, and possession of alcohol or drugs (legal or illegal) which impair a person's ability to perform his/her ministry, job, or service.

It is the policy of the diocese to prohibit the use, possession for consumption, sale, or dispensing of illegal drugs and narcotics on its premises, and the presence on its premises of any person who is under the influence of illegal drugs or involved in the abuse of alcohol or legal drugs. Also prohibited is serving alcohol to minors under any circumstances. The diocese recognizes the harmful effects of drugs and will not tolerate the employment or service of persons who use illegal drugs or continually abuse alcohol or legal drugs.

Procedures to be followed are:

- All church personnel reporting to work in possession of, or under the influence of, illicit drugs or alcohol will not be permitted to remain on church premises.
- Church personnel who observe unusual behavior associated with alcohol abuse or illicit drug use should contact their supervisor immediately. In the absence of a local supervisor within the facility, church personnel should contact the Vicar General (409/924-4303).
- Once a person is determined to be under the influence of illicit drugs or the effects associated with alcohol abuse, he/she will be escorted from the premises and provided transportation home. Under no circumstances should a person be directed to leave the premises and drive home by himself or herself. Transportation which does not use the impaired person as a driver must be provided. Persons residing on church premises will be escorted to their quarters and await further instructions from their supervisor.
- If there is a question as to whether an individual is impaired by either alcohol or drugs, it is the responsibility of the individual's supervisor or Vicar General to make the determination with a primary concern for the safety of the individual and others.
- In cases where chemical dependence, addiction, or persistent abuse is suspected as a cause of attendance problems or deficient performance, the situation should be referred to the Vicar General; if performance or attendance problems persist, the procedures outlined in the Progressive Discipline Policy should be implemented.

Supervisors are responsible for the administration of this policy and are to ensure that church personnel understand their job responsibilities and expected level of performance. Supervisors are to manage the issue of controlled substances in accordance with this policy and to administer corrective action, when required. They also are to coordinate the safe transportation of the impaired individual to his/her residence.

The Vicar General assists clergy/supervisors in dealing with personnel suspected of use, possession, or abuse of controlled substances. This will include assistance with investigation of specific incidents involving personnel and reporting the results to the appropriate supervisor. The Vicar General also provides advice and counsel to administrators and personnel regarding the intent and proper administration of this policy. He will facilitate the use of designated assistance agencies where available and appropriate.

Church personnel must be informed of the policy on the use of controlled substances and act accordingly.

IV. SEXUAL HARASSMENT AND SEXUAL EXPLOITATION OF ADULTS

Sexual harassment is contrary to Christian principles and outside the course and scope of employment of all church personnel and will not be tolerated by the diocese. It subverts the mission of the diocese and threatens the careers, educational experience, and well being of all affected persons. In both obvious and subtle ways, the very possibility of sexual harassment is destructive to individuals and to the Church community as a whole. When through fear of reprisal a person submits, or is pressured to submit, to unwanted sexual attention, the ability of the diocese to carry out its mission is undermined.

Sexual harassment is especially reprehensible when it evolves from relationships such as those between cleric and parishioner or staff, teacher and student, supervisor and subordinate, or staff and other staff. Sexual harassment in these situations exploits unfairly the power or authority inherent in a cleric's, administrator's, teacher's or supervisor's position. Through

grades, wage increases, recommendations for advancement, promotion, and the like, those in authority can have a decisive influence on a person's career and beyond.

While sexual harassment most often takes place in situations of a power differential between the persons involved, the diocese also recognizes that sexual harassment may occur between persons of the same status. The diocese will not tolerate behavior between or among members of the church community which is demeaning to any person or which creates an unacceptable working environment.

Sexual exploitation is also immoral, contrary to Christian principles and undermines the mission of the diocese. Trust and respect are diminished when those in positions of authority or influence engage in immoral conduct or abuse, or appear to abuse their power.

Supervisors exercise power over subordinates, whether in giving praise, criticism, or evaluation. Any amorous or sexual relationship between supervisors and subordinates increases the chances that a supervisor will abuse his or her power or authority and sexually exploit the subordinate. Other persons may be affected by the sexual misbehavior because it places the supervisor in a position to favor or advance one person's interests at the expense of others and implicitly makes obtaining benefits contingent on amorous or sexual favors. Therefore, the diocese views it as unethical if any church personnel engage in immoral relations with counselees, with students enrolled in classes or subject to their supervision, or with subordinates whom they supervise, even when both parties appear to have consented to the relationship.

Because of the respect and even reverence with which many people view the Church's pastoral leaders (clergy, religious, and lay), there is always an imbalance of power or authority and hence a vulnerability inherent in the pastoral relationship. Because of this imbalance, conduct inappropriate to the pastoral relationship is never acceptable. It is always the responsibility of the pastoral leader to maintain the appropriate physical, emotional, and sexual boundaries of those they serve and those with whom they work.

Descriptions:

Sexual harassment includes any unwelcome sexual advances, request for sexual favors or other verbal or physical conduct of a sexual nature when, to a reasonable person, (1) submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment, (2) submission to or rejection of such conduct by an individual is used as a basis for employment decisions affecting such individual, or (3) when such conduct has the purpose or effect of substantially interfering with an individual's work performance or creating an intimidating, hostile or offensive working environment. Examples of sexual harassment, which could be a single severe incident or a persistent pattern of behavior, include, but are not limited to:

- physical or sexual assault;
- direct or implied threats that submission to sexual advances will be a condition of employment, work status, promotion, grades, or letters of recommendation;
- direct propositions of a sexual nature, whether verbal or in writing;
- subtle pressure for sexual activity, such as repeated and unwanted staring, gesturing, displaying sexually suggestive objects or pictures;
- a pattern of conduct (not legitimately related to the subject matter of a course if one is involved)

intended to cause discomfort or humiliation, or both, that includes one or more of the following: (1) comments of a sexual nature, (2) sexually explicit verbal or written statements, questions, jokes, or anecdotes; (3) using sexually degrading words to describe an individual or an individual's body;

- a pattern of conduct that would cause discomfort for, or humiliate, or both, a reasonable person at whom the conduct was directed that includes one or more of the following: (1) unnecessary and intentional touching, patting, pinching, hugging, or brushing against a person's body, (2) remarks of a sexual nature about a person's clothing or body, (3) remarks about sexual activity or speculations about previous sexual experience, or (4) displays of offensive materials;
- persistent or repeated unwelcome flirting or pressure for dates or generally intimidating conduct;
- retaliating against a co-worker who refuses sexual advances or who reports or complains about sexually harassing or abusive conduct.

Sexual exploitation means any conduct which:

- is sexual contact between a pastoral counselor or spiritual director and the recipient of his/her counseling / direction, regardless of who initiates the contact. Examples of this would be:
 - sexual touch or other intrusive touching that causes uneasiness or discomfort in the one touched;
 - an inappropriate gift (such as lingerie);
 - a prolonged hug when a brief hug is customary behavior;
 - kissing on the lips;
 - showing sexually suggestive objects or pornography;
 - sexual intercourse, anal or oral sex.
- is verbal behavior such as:
 - innuendo or sexual talk;
 - sexual comments;
 - tales of sexual exploits, experiences, or conflicts;
 - making sexual proposals.

Responding: Any person who thinks she/he is being sexually harassed or exploited should first point out the offensive behavior to the offender whenever possible. At times an individual may not realize that his/her behavior was offensive or caused the other person to feel uncomfortable. Misunderstandings can sometimes be resolved and/or prevented if the person is willing to point out the fault to the other privately at an early stage. This is the peacemaking response encouraged in Matthew 18:15. If a person is not able to confront the offender or attempts to do so unsuccessfully, then that person should report the problem to the appropriate church authorities.

Reporting and Investigating Allegations of Ethical Misconduct, Sexual Harassment, and Sexual Exploitation of Adults:

Church personnel must hold each other accountable for maintaining the highest ethical and professional standards. Personnel have a responsibility to report ethical misconduct, sexual harassment, sexual exploitation, or any other grave sexual misconduct on the part of other church personnel. The one who makes a report in good faith will not suffer loss of employment

or other retaliatory consequences. Failure to report to church authorities known instances of misconduct, harassment, or exploitation may result in disciplinary action.

Notification should be made to the proper immediate administrator, such as the following:

- the pastor or administrator of the parish;
- the principal of the school;
- the director of the institution;
- the Vicar General: 409/924-4303; (Rev. 4/2008)
- the Bishop: 409/924-4310 (Rev. 4/2008).

The one making the complaint of alleged misconduct must provide to his/her immediate administrator pertinent information so that an investigation can be initiated (Use report form-- Appendix #1). This information shall include:

- the complainant's full name, address, phone number;
- names of the parties involved;
- detailed description of alleged misconduct, frequency;
- relevant dates, times, places, circumstances, efforts to resolve privately, etc.
- names & phone numbers of other persons with direct knowledge;
- other relevant facts.

Once the immediate administrator has obtained the pertinent information, he/she is to notify the Bishop or the Vicar General in the most expedient manner possible, including faxing a copy of the completed report form (Appendix #1). All allegations will be taken seriously. The Vicar General and/or the Chancellor will investigate the allegation and, when necessary, will be assisted by the diocesan attorney. The investigation will be conducted thoroughly and expeditiously, with objectivity, fairness, and justice, as well as due regard for the privacy and reputations of all involved. The immediate administrator will be kept informed and, when requested by the Vicar General, will also assist with the investigation. Where deemed necessary, the accused shall be placed on administrative leave with pay for the duration of the investigation.

If the accused acknowledges that the allegation is true or does not contest it, or if the allegation is confirmed by the investigation, the accused will be subject to disciplinary action up to and including termination of employment, volunteer service, ministry, and possible prosecution. Depending on the specific nature and circumstances of the offense and the extent of the harm, as well as any prior complaints, immediate termination, rather than any measure of progressive discipline, may be warranted. However, before implementation, immediate termination of employment must first be approved by the Vicar General.

Depending on the type, circumstances, and severity of the violation, pastoral care and counseling shall be offered to the alleged victim.

If the investigation determines that no misconduct was committed, the accused, if placed on administrative leave, will be reinstated to employment, ministry, or service. If it is determined, however, that the accused acted imprudently, some type of discipline or restrictions may be imposed.

V. PROGRESSIVE DISCIPLINE PROCESS

It is the policy of the Diocese of Beaumont to maintain qualified personnel who exhibit exemplary conduct. To this end, all church personnel are to be informed by their supervisors of what is expected of them in the performance of their jobs (i.e. written job descriptions), how to conform to diocesan policies and standards of behavior, and how well their performance meets expectations (e.g. annual job performance appraisals).

When job performance or standards of conduct of church personnel do not meet expectations of the Diocese of Beaumont, it is the responsibility of supervisors (pastors, administrators, principals, department heads, directors) to address the problem(s) in a timely and equitable manner. Informal efforts should be made to recommend improvements as the need arises and to resolve personnel deficiencies or problems before they require disciplinary action. Occasionally, however, it becomes necessary to alert an employee more formally that a job performance or conduct problem has become serious and must be corrected in order to continue employment. The progressive discipline process will ordinarily include three steps: 1) Initial meeting (verbal warning), 2) Written formal warning, 3) Termination of Employment / Resignation.

1. Initial meeting (verbal warning). When informal efforts to encourage personnel to make improvements or to correct behavior have not resolved the problem, the supervisor is to meet with the person more formally and give a verbal warning including the following:

- Clearly identify the problem with specific examples;
- Conduct the meeting in an educational, informative, and confidential manner; allow sufficient time to discuss thoroughly the issues;
- Determine a mutually agreed upon action plan and deadline to resolve the problem (e.g. 2-3 weeks);
- Get the person's verbal commitment to change/correct behavior. Let the person know that his/her commitment to change is essential to continuing the job.
- Document a brief summary of the meeting and the action plan/deadline and place it in the individual's personnel file.
- When the deadline arrives, meet with the employee to review compliance with the action plan and assess whether it is necessary to move to the written warning stage.

2. Written formal warning. If the verbal warning has not resolved the problem, or if the same problem re-occurs at a later date, or if the initial problem is of such a serious nature that it is appropriate to skip the verbal warning, the supervisor is to prepare the "Formal Warning" document (Appendix # 2) which includes:

- a specific statement of the problem and what is still not acceptable or appropriate;
- reference to previous attempts to point out the problem and bring about change;
- a statement of the policy, procedure, or standard that is still not observed satisfactorily;
- a statement of the corrective action(s) to be taken;
- a clear statement of the consequences of not improving (i.e. termination);
- a reasonable time frame for resolution (e.g. 3-6 weeks).

The completed document is presented to the person at a meeting with the supervisor and a witness. Again, get the person's commitment to change, and have him/her sign the document. If the employee refuses to sign the warning, the witness can sign a statement that the warning

was given to the employee. A copy of the signed written warning is given to the employee and the original is placed in the person's personnel file.

The supervisor may meet with the employee to review progress during the stipulated time frame but must meet with the employee at the end of the time frame. Even if the employee makes the required improvement and is allowed to continue employment, he/she will remain "on permanent probation" for the particular job performance or conduct problem that necessitated the written warning. Acknowledgment of this fact by the employee is to be documented in writing and signed/dated by the employee during the meeting. A copy of this signed acknowledgment is given to the employee and the original is placed in the person's personnel file.

3. Termination of Employment or Resignation. If the job performance or conduct problem has not been rectified within the specified time frame or if the same problem re-occurs at a later date, termination of employment may be the only alternative. However, before implementation, termination of employment must first be approved by the Vicar General. If approval is given, then termination should be handled confidentially, with a witness present, and in a manner that will respect the employee's dignity. For example, schedule the termination meeting when it is not likely to attract a lot of attention from other employees, and avoid having the employee pack personal items or clean out a desk in front of the entire staff. It is recommended that the witness accompany the employee while collecting personal items.

Sometimes employees prefer to resign rather than be fired. Resignation or termination may have the same practical impact, but an employee may feel better if given the opportunity to resign. If, during the termination meeting, an employee is given the opportunity and decides to resign, the employee can write a brief resignation note and sign and date it. Keys, handbooks, and other diocesan property should be turned in to the supervisor before leaving the premises.

Note: Depending on the nature of the problem, not all of the above steps must be followed. Problems of a very serious nature should be addressed with immediate written warnings or termination of employment as appropriate. On rare occasion, employee behavior may be so severe that removal from the workplace is necessary. Suspension (with pay) of an employee may be necessary to conduct an investigation. Immediately upon the employee's return, the supervisor should meet with the employee to discuss the results of the investigation, outcomes and consequences. Careful documentation of all steps must be maintained.

VI. CHILD ABUSE

The primary purpose of these policies and procedures is the safety of children, the well-being of the community, and the integrity of the Church. Abuse of children (minors) is contrary to Christian principles and outside the course and scope of employment of all church personnel and will not be tolerated by the diocese.

Texas law requires that anyone who has reasonable cause to believe that a child's physical or mental health or welfare has been or may be adversely affected by abuse or neglect must report his or her suspicions to the Texas Department of Protective and Regulatory Services or a local state law enforcement agency.

When church personnel are involved in child abuse, the diocese's ability to carry out its mission is undermined. All church personnel must comply with applicable laws regarding reporting incidents of actual or suspected child abuse and with the provisions in these policies. The only exception to this policy is a disclosure made to a priest in the sacrament of reconciliation. However, any priest who hears the confession of someone who abuses children or someone who is the victim of abuse shall urge the penitent to report the abuse to the proper civil and Church authorities.

Definition:

Child abuse, according to the Texas Family Code, §261.001, includes the following acts or omissions by any person:

- mental or emotional injury to a child that results in an observable and material impairment in the child's growth, development, or psychological functioning;
- causing or permitting the child to be in a situation in which the child sustains a mental or emotional injury that results in an observable and material impairment in the child's growth, development, or psychological functioning;
- physical injury that results in substantial harm to the child, or the genuine threat of substantial harm from physical injury to the child, including an injury that is at variance with the history or explanation given and excluding an accident or reasonable discipline by a parent, guardian, or managing or possessory conservator that does not expose the child to a substantial risk of harm;
- failure to make a reasonable effort to prevent an action by another person that results in physical injury that results in substantial harm to the child;
- sexual conduct harmful to a child's mental, emotional, or physical welfare, including conduct that constitutes the offense of indecency with a child under Section 21.11, Penal Code, sexual assault under Section 22.011, Penal Code, or aggravated sexual assault under Section 22.021, Penal Code;
- failure to make a reasonable effort to prevent sexual conduct harmful to a child;
- compelling or encouraging the child to engage in sexual conduct as defined by Section 43.01, Penal Code;
- causing, permitting, encouraging, engaging in, or allowing the photographing, filming, or depicting of the child if the person knew or should have known that the resulting photograph, film, or depiction of the child is obscene as defined by Section 43.21, Penal Code, or pornographic;
- the current use by a person of a controlled substance as defined by Chapter 481, Health and Safety Code, in a manner or to the extent that the use results in physical, mental, or emotional injury to a child;
- causing, expressly permitting, or encouraging a child to use a controlled substance as defined by Chapter 481, Health and Safety Code;
- causing, permitting, encouraging, engaging in, or allowing a sexual performance by a child as defined by Section 43.25, Penal Code.

Texas Law Regarding Reporting of Child Abuse

The following is a summary of the reporting requirements of Texas relating to incidents of child abuse according to the Texas Family Code, §261.101ff.

It's the law: A person having cause to believe that a child's physical or mental health or welfare has been adversely affected by abuse or neglect by any person shall immediately

make a report. A report involving a minor child should be reported to the Texas Department of Protective and Regulatory Services child abuse hotline at 1-800-252-5400 or to any local law enforcement agency within 48 hrs. of first suspecting the abuse or neglect.

Immunity: A person acting in good faith who reports or assists in the investigation of a report of alleged child abuse or neglect or who testifies or otherwise participates in a judicial proceeding arising from a report, petition, or investigation of alleged child abuse or neglect is immune from civil or criminal liability.

Confidentiality: The identity of an individual making a report is confidential and may be disclosed only on the order of a court or to a law enforcement officer for purposes of conducting a criminal investigation of the report.

Failure to report: A person commits an offense if the person has cause to believe that a child's physical or mental health or welfare has been or may be adversely affected by abuse or neglect and knowingly fails to report. An offense under this section is a Class B misdemeanor punishable by a fine (currently not to exceed \$2,000), confinement in jail (currently not to exceed 180 days), or by both. Reporting to the diocese does not release the individual from making the mandated report to civil authorities.

Canonical Description and Reporting: *

The universal law of the Church has traditionally considered the sexual abuse of minors by clergy to be a grave delict (a canonical violation that warrants a penalty) and punishes the offender with penalties, not excluding dismissal from the clerical state if the case so warrants. In addition to being subject to the civil law, clergy and religious are also subject to canonical penalties if the canonical offense is committed. The following is the description of the canonical offense that is the basis for the USCCB *Essential Norms for Diocesan/Eparchial Policies Dealing with Allegations of Sexual Abuse of Minors by Priests or Deacons*, 2002, (hereinafter "Norms"):
Sexual abuse of a minor includes sexual molestation or sexual exploitation of a minor and other behavior by which an adult uses a minor as an object of sexual gratification.

Transgressions in question relate to obligations arising from divine commands regarding human sexual interaction as conveyed to us by the sixth commandment of the Decalogue. Thus, the norm to be considered in assessing an allegation of sexual abuse of a minor is whether conduct or interaction with a minor qualifies as an external, objectively grave violation of the sixth commandment (USCCB, *Canonical Delicts Involving Sexual Misconduct and Dismissal from the Clerical State*, 1995, p. 6). A canonical offense against the sixth commandment of the Decalogue (c. 1395, §2) need not be a complete act of intercourse. Nor, to be objectively grave, does an act need to involve force, physical contact, or a discernible harmful outcome. Moreover, "imputability [moral responsibility] for a canonical offense is presumed upon external violation...unless it is otherwise apparent." (c. 1321, §3). Cf. cc. 1322-27. Ultimately, it is the responsibility of the bishop, with the advice of the Diocesan Review Board, to determine the gravity of the alleged act. (USCCB Norms, Preamble)

The diocese will strictly adhere to the procedural norms established by the Congregation for the Doctrine of the Faith (hereinafter, CDF) for reporting instances of

sexual abuse by clergy once sufficient evidence has been obtained through a canonical preliminary investigation (USCCB Norms, #6). The Diocese will also comply with the universal laws of the Catholic Church and the particular law of the USCCB.

* *Boxed sections throughout the document apply only to clerics and religious.*

VII. RESPONDING TO ALLEGATIONS OF SEXUAL ABUSE OF MINORS

Reporting an Allegation: In addition to reporting to local law enforcement, allegations of sexual abuse of minors committed by a *cleric or religious* are reported immediately to the Bishop or the Vicar General first by telephone at 409/924-4310 or 409/924-4303 respectively, then by mail at the Diocesan Pastoral Center, P. O. Box 3948 (703 Archie Street), Beaumont, TX 77704-3948 or by fax at 409/838-4511. All of the above actions should be taken with regard to allegations of sexual abuse of minors by *lay church personnel* (including volunteers), but additionally a report should be made to the pastor of the parish, principal of the school, or the director in charge of the diocesan institution where the lay person functions. (Rev. 4/2008)

To the extent possible, when reporting to the local law enforcement and to the Bishop or Vicar General, the person making the report should provide:

- the name, address, and age of the alleged victim(s)/survivor(s);
- the name of the accused;
- the parish, school or ministry where the abuse is suspected;
- an accurate description of the alleged abuse, the relevant dates, times, and circumstances in which the abuse allegedly occurred;
- the names, addresses and telephone numbers of corroborating witnesses who may have knowledge of the alleged abuse or identify other potential victims;
- and sign/give his/her name, mailing address, and phone number(s) for prompt follow-up. (Use Form in Appendix # 1.)

All allegations will be processed to the extent of the verifiable and specific information provided, including, but not limited to, the facts requested in the preceding paragraph. Anonymous complaints that cannot be investigated due to lack of accompanying verifiable facts will be communicated to the accused, and, if a religious, to his/her religious superior. The consequences of false allegations cannot be overstated, since they involve injury to the innocent, loss of reputation, scandal to the Church and the larger community, and potential criminal investigation. Criminal, civil, and canon law provide penalties for knowingly reporting a false allegation.

The diocese will maintain confidentiality to the extent possible, consistent with civil reporting requirements and the diocese's policies and procedures. All appropriate steps shall be taken to protect the privacy, reputation, and rights of all parties involved, particularly those of the person claiming to have been sexually abused and the person against whom the charge has been made (USCCB Norms, #13).

After an allegation is made, neither the Bishop nor any priest involved in the investigation may hear the sacramental confession of the accused, including potential witnesses, confidants, or others who may have relevant information regarding the allegations or the person accused.

Presumption of Innocence: All persons are presumed innocent unless and until guilt is either admitted or determined by due process. The presumption of innocence of the person accused does not preclude the diocese from taking immediate and prudent action regarding continuation in ministry, employment, or service of the accused before the investigation is completed and a determination is made. Experience shows that some allegations have been proven to be entirely false, while others may be linked with substantial error. Justice to all parties also demands that the rights of those accused be defended.

Initial Review of the Allegation: * The Initial Review Committee (hereinafter, IRC) will ordinarily be comprised of the Vicar General, the Chancellor, and one lay member of the Diocesan Review Board. The IRC will meet with the alleged victim/survivor or parent/guardian or complainant within 48 hrs. of receipt of the allegation or as soon as possible, unless the person delays or refuses to meet. The person making the report will be permitted to bring another person with him/her to the interview, but this other person may not be civil legal counsel. The IRC will take from the person a signed, written report of the allegation being made, and will provide that person with a copy of these procedures. An audio or videotape or court reporter may be used to assure accuracy of the record. The IRC will immediately consult with the diocesan attorney, who will give notification of the alleged incident to Child Protective Services or local law enforcement authorities, if such report has not already been made. The Chancellor will obtain and/or review the personnel file of the accused and prepare a summary report for the case file.

Assistance to Victim/Survivor, Family, and Faith Community:

In accord with the USCCB Norms, #3, the Assistance Coordinator will immediately offer pastoral/spiritual care and reasonable assistance for counseling to the alleged victim/survivor and family as mutually agreed. The Assistance Coordinator shall identify licensed professionals and other social services, such as Catholic Charities Counseling Services, to assist in the care of the alleged victim/survivor and family. Such outreach and care flow from the mission and ministry of the Church and its compassion for those who have been harmed by anyone acting in the name of the Church.

The Bishop will offer to meet with the alleged victim/survivor and the family, to listen with patience and compassion to their experiences and concerns.

The Church's prompt response to the alleged victim/survivor and family demonstrates a sincere concern for their spiritual and emotional well-being and shall not be considered in itself as an indication that the diocese is in any way culpable or responsible for the actions of the accused or that the accused is guilty of the charge.

Faith communities and institutions undergo a complex process of grieving when they learn about allegations of child sexual abuse by a trusted and respected pastoral leader. The Bishop and/or his delegate(s) will reach out to the faith community directly impacted by the allegation and subsequent withdrawal of the alleged offender. Efforts will be made to provide accurate information regarding the facts of the allegation and investigation, but communication may be limited by the concern for the privacy of the alleged victim and the family and the need to protect the rights of the alleged offender, particularly when criminal charges are pending.

Notifying Civil Authorities:

If, during the initial review, and before informing the person accused, the allegation provides cause to believe that a person who is currently a minor (below age 18) has been abused by a cleric, religious, or other church personnel, the Vicar General will encourage the parents/guardians of the minor or the complainant to report the allegation immediately to the Texas Department of Protective and Regulatory Services and local law enforcement, if they have not already done so. (Child Protective Services maintains a 24-hour child abuse hotline: 1-800-252-5400 and does permit anonymous reports). In addition, the diocesan attorney will also make a report on behalf of the diocese to the Child Protective Services and local law enforcement officials.

In cases where the alleged victim/survivor is now an adult and alleges being abused as a minor, the diocese will inform the adult that he/she may report to civil authorities, give the person the names and phone numbers of local law enforcement, and even assist the person to place the call, if he/she prefers.

The Diocese of Beaumont will cooperate fully with civil authorities. Such cooperation will not, however, limit the diocese's responsibility to take action with respect to religious, pastoral, and administrative matters that are internal to the Church and beyond the authority of the government. If the accused is a cleric or religious, the appropriate action must also be in accord with the norms of canon law.

Notifying the Person Accused: *

Once the Diocese has confirmed with civil law enforcement that the internal ecclesiastical investigation will not interfere with any criminal investigation, the IRC will proceed to notify and meet with the accused. An audio or videotape or court reporter may be used to assure accuracy of the record. If the accused presents possible exculpatory evidence or names of corroborating witnesses, the preliminary investigation must verify this evidence and contact the witnesses.

If the accused is a cleric or religious, the Bishop or Vicar General will notify the person about the allegation and request that the person meet with the IRC to receive the specifics of the allegation, the name(s) of those making the allegation, and to give an initial response and present his/her version of the events in question. The accused will be permitted to bring another person to the hearing with the IRC, but this other person may not be civil legal counsel. Since this is a preliminary stage, the cleric can only be "heard," unless he agrees to a formal interview. If the person accused is a member of a religious institute or another diocese, the allegation will be reported by the Bishop to that person's competent religious superior. The Bishop will request the superior's cooperation and assistance with the diocesan investigation.

Since religious are also subject to their own proper superiors and to the discipline of their institute (c. 678, §2), the religious institute may also choose to review the allegation in keeping with its own policies and procedures.

If the accused is a lay employee or volunteer at a parish, school, or other diocesan institution, the Vicar General will arrange with the respective pastor, principal, or director to meet together

with the person accused to notify the person about the allegation and to request that the person meet with the IRC to receive the specifics of the allegation, the name(s) of those making the allegation, and to give an initial response and present his/her version of the events in question. The accused will be permitted to bring another person to the interview with the IRC, but this other person may not be civil legal counsel. The respective pastor, principal, or director may be asked to assist with the initial review and with other aspects of the investigation, as deemed appropriate.

If the accused denies the allegation during the meeting with the IRC, he/she will be provided with a copy of these procedures and be advised that the Diocesan Review Board may choose to interview him/her later. Depending on the circumstances of the case, the severity of the allegation and the urgency to protect the alleged victim or other minors from further harm, the IRC may recommend to the Bishop immediate temporary withdrawal of the accused from ministry, employment, or service, pending a final determination.

The accused will be directed not to contact the alleged victim/survivor, parents/ guardians, or the complainant.

If the accused is a cleric, he will be advised that he may seek the advice/services of a canonical advocate (not the judicial vicar), especially if he has denied the allegation (c. 1481). If the allegation has been reported to civil authorities and/or there is the possibility of civil or criminal action, the cleric will be urged to retain an attorney (excluding the diocesan attorney). The cost of such canonical or legal assistance will be borne by the cleric.

DIOCESAN REVIEW BOARD (hereinafter, DRB): *

In accord with the USCCB Norms, #4, the diocese has established a review board which will function as a confidential consultative body to assist the Bishop in discharging his responsibilities of assessing allegations of sexual abuse of a minor by church personnel and determining suitability for ministry or service.

Composition and Functions: *

The DRB shall be composed of persons with outstanding integrity, good judgment, and competence to carry out investigations. It shall consist of the Vicar General and the Chancellor as *ex officio* members, and no less than five (5) lay members, men and women, who are not in the employment of the diocese. All but one lay member must be active Catholics in full communion with the Church. The members must have competence in fields such as, but not limited to, law, law enforcement, psychiatry, psychology, counseling, and social work.

Of the total membership, at least one member should be a priest who is an experienced and respected pastor of this diocese, one member a canonist, and at least one member must have particular expertise in cases of sexual abuse of minors. The DRB may utilize consultants in a particular case as the need arises.

Members of the DRB shall be appointed by the Bishop for a term of five (5) years, which can be renewed. Initial appointments are arranged so that terms will be staggered.

The DRB, as a consultative body, shall be directly responsible to the Bishop and shall not be accountable to other officials of the diocese, except as may be necessary for the efficient administration of its business. The DRB will establish its own internal rules and procedures which are consistent with the USCCB Charter and the Norms, and it will decide the place and frequency of meetings. None of the members shall receive compensation for their services but shall be reimbursed for expenses. As a consultative board, all matters considered and discussed and all information presented to the DRB shall be maintained in confidence by the members. All contact with the media and all inquiries from the public regarding an alleged incident of sexual abuse of a minor will be handled by the Bishop or the Vicar General.

The functions of the DRB shall be:

- 1) to review and assess allegations of sexual abuse of minors (those currently minors or adults who allege they were abused as a minor) by church personnel thoroughly and expeditiously and to submit a written statement of findings and specific recommendations to the Bishop;

In the case of a cleric, the findings are to indicate whether there is a strong probability that a canonical offense has been committed and, thus, probable cause to proceed with a penal procedure. The determination of the existence of a delict with moral certitude and the infliction of any penalty are the tasks of a subsequent canonical penal process.

- 2) to make recommendations concerning withdrawal (administrative leave) of the alleged offender from ministerial duties, employment responsibilities, or volunteer service while the investigation continues;

In instances where the accused is a cleric or religious, all recommendations and actions of the DRB shall be in accordance with applicable norms of canon law.

- 3) to determine whether further action is warranted and suggestions as to such action if the conduct of the accused does not constitute sexual abuse but is otherwise inappropriate;
- 4) to make recommendations, if the accused has been withdrawn from ministry, employment, or service pending investigation, concerning return to ministry in particular cases or continuation of employment or volunteer service once the investigation is completed and a determination is made and what restrictions, if any, should be imposed if the individual is reinstated;
- 5) to offer advice on all aspects of these cases, whether retrospectively or prospectively;
- 6) to review diocesan policies and related procedures for dealing with allegations of sexual abuse of minors at least every two years in order to recommend any modifications, where appropriate; to review its own internal rules and procedures and modify as needed.

The DRB shall meet at least semi-annually and as often as it deems necessary to carry out its responsibilities. Ad hoc consultants may attend the meetings upon invitation by the chairperson. The meetings shall reflect the pastoral character of this process which is consultative and advisory, not adversarial and adjudicative.

Processing an Allegation: *

Upon completion of the initial review, the Vicar General will notify the chairperson of the DRB, who will convene the Board as soon as possible to begin its preliminary review, unless the accused has already admitted to the alleged sexual abuse or the facts regarding a legal violation are notorious.

In the case of a cleric, if the initial review provides information which at least seems true of a delict, the Bishop will initiate by decree a canonical preliminary investigation which will be in harmony with canon law and will be conducted promptly and objectively (c. 1717). The Vicar General or another priest appointed by the Bishop will be the designated canonical investigator, with the DRB advising him. The Vicar General may utilize other professionals to assist him. The accused cleric cannot be compelled or coerced to admit an offense, and an oath may not be administered to the accused (c. 1728 §2). All appropriate steps shall be taken to protect the reputation of the accused during the investigation. The accused cleric will be encouraged to retain the assistance of civil and canonical counsel and will be promptly notified of the results of the investigation (USCCB Norms, #6). The cost of such legal assistance will be borne by the cleric. The cleric and his canonical advocate will be informed of the material that will be presented to the DRB.

The DRB will review the report of alleged sexual abuse, the response of the accused, and the Chancellor's summary report of the personnel file of the accused.

Depending on the circumstances of each individual case and the seriousness of the allegation, the DRB will make recommendations to the Bishop concerning the withdrawal of the accused from ministerial duties, employment responsibilities, or volunteer service while the investigation continues, unless circumstances have already necessitated immediate withdrawal.

If the person accused is a lay employee, that person will be placed on administrative leave with pay and benefits, pending conclusion of the investigation and final determination. In the case of a volunteer, the individual's services will be temporarily discontinued.

The circumstances in each instance will determine which course of action or combination of actions the DRB will pursue. Individual circumstances may prescribe a course of action at variance with these procedures. Actions that are exception to these procedures will be documented and will include a statement setting forth the circumstances requiring the variance and the actions taken in place of those prescribed in these policies.

After consultation with civil authorities, the DRB may decide to delay its proceedings so as not to interfere with a criminal investigation that may be underway. Documentation reflecting action taken by public authorities or court proceedings will also be reviewed by the DRB before making its final report to the Bishop. In some cases, the investigation by civil authorities and the resulting court decision may preclude the ecclesiastical preliminary investigation.

The DRB may choose to meet with the person(s) making the report, if the person is willing to do so, and with the accused. Each will be permitted to bring another person to the interview, but this other person may not be civil legal counsel.

The DRB shall meet in closed session as soon as possible following the completion of the investigation. The DRB will determine if the evidence is credible and whether the findings show probable cause that the alleged abuse has been committed by the accused. A report of the findings will be forwarded to the Bishop to assist him in making his determination. This report may indicate whether the allegation is false and not factual, whether the allegation can neither be proved nor disproved, or whether the allegation is supported by sufficient evidence to show probable cause.

At the Bishop's request, the DRB or the Chairperson shall meet with the Bishop to respond to any questions he may have or to provide additional information before he makes his determination about the next step to take. As authorized by the Bishop, the DRB may also provide any assistance requested by the diocesan attorney.

ACTIONS TAKEN BY THE BISHOP AS A RESULT OF THE INVESTIGATION:

Admission to the Allegation:

If a cleric of this diocese admits to the truth of an allegation of sexual abuse of a minor, the bishop shall notify the Congregation of the Doctrine of the Faith by transmitting the acts of the preliminary investigation to the Congregation. The bishop shall then apply the precautionary measures mentioned in c. 1722--i.e., remove the accused cleric from the sacred ministry or from any ecclesiastical office or function, impose or prohibit residence in a given place or territory, and prohibit public participation in the Most Holy Eucharist, pending the outcome of the canonical penal process (USCCB Norms, #6). Such measures, agreed to in writing, will specify living arrangements, location, and financial support, and, if indicated by the investigation, it will address evaluation and treatment. The cleric may be requested to seek, and may be urged voluntarily to comply with, an appropriate medical and psychological evaluation at a facility mutually acceptable to the diocese and to the accused cleric (USCCB Norms, #7). No cleric will be forced into receiving an evaluation and/or psychiatric treatment (c. 220). No mental health assessment may be used against the cleric in a canonical trial. Additional professional assistance, such as therapy and spiritual direction, will be offered to him for his own healing and well-being, as well as for the purpose of prevention. In the case of an incardinated priest, the diocese will fulfill its temporal responsibilities of continued care and support as mandated by canon law. Regarding priests who are members of a religious institute or of another diocese, any medical or psychological assessment or treatment will be arranged for and paid by the respective religious institute or diocese. When even a single act of sexual abuse by a cleric is admitted or established after an appropriate process in accord with canon law, the offending cleric will be removed permanently from ecclesiastical ministry, not excluding dismissal from the clerical state, if the case so warrants (c. 1395, §2) (USCCB Norms, #8).

In every case involving canonical penalties, the processes provided for in canon law must be observed, and the various provisions of canon law must be considered (cf. *Canonical Delicts Involving Sexual Misconduct and Dismissal from the Clerical State*, 1995; cf. Letter from the Congregation for the Doctrine of the Faith, May 18, 2001). Unless the Congregation for the Doctrine of the Faith, having been notified, calls the case to itself because of special circumstances, it will ordinarily direct the diocesan bishop to proceed with a canonical trial. If the case would otherwise be barred by prescription

(the canonical statute of limitations) because the alleged victim has reached the age of 28, and since sexual abuse of a minor is a grave offense, the bishop shall apply to the Congregation for the Doctrine of the Faith for a dispensation from the prescription, while indicating appropriate pastoral reasons. For the sake of due process, the cleric is again to be encouraged to retain the assistance of civil and canonical counsel. When necessary, the diocese will supply canonical counsel to the cleric. The provisions of c. 1722 shall be implemented during the pendency of the penal process (USCCB Norms, #8A).

If the penalty of dismissal from the clerical state has not been applied (e.g. for reasons of advanced age or infirmity), the offender ought to lead a life of prayer and penance. He will not be permitted to celebrate Mass publicly or to administer the sacraments. He is to be instructed not to wear clerical garb, or to present himself publicly as a priest (USCCB Norms, #8B).

At all times, the bishop has the executive power of governance, through an administrative act, to remove an offending cleric from office, to remove or restrict his faculties, and to limit his exercise of ministry. Because sexual abuse of a minor is a crime in all jurisdictions in the United States, for the sake of the common good and observing the provisions of canon law, the bishop shall exercise this power of governance to ensure that any cleric who has committed even one act of sexual abuse of a minor as described previously in this policy shall not continue in active ministry (USCCB Norms, #9).

The cleric may at any time request a dispensation from the obligations of the clerical state. In exceptional cases, the bishop may request of the Holy Father the dismissal of the cleric from the clerical state "ex officio," even without the consent of the cleric (USCCB Norms, #10).

The cleric will be informed that it is his responsibility to cover the costs of adequate counseling or therapy for his victim(s). Even though the diocese sees this responsibility as resting with the cleric, it will work with the victim(s)/survivor(s) to see that immediate counseling assistance is available.

If the cleric/religious is from another diocese or a member of a religious institute, the removal from ministry and/or revocation of permission to serve in the diocese will be coordinated with the proper Bishop or Major Superior. If the Bishop determines that a religious cleric may no longer exercise a ministry that involves the care of souls, the public exercise of divine worship, or some other work of the apostolate (cf. cc. 392 and 678, §1) within the diocese, the cleric's faculties will be revoked and his proper superior will be requested to recall the cleric immediately. The religious institute retains its rightful autonomy and responsibility to address issues pertaining to its internal affairs, such as psychological assessment, treatment and aftercare for the cleric/religious, as well as possible dismissal from the institute.

If a lay employee or volunteer admits to the truth of the allegation of abuse, that person will immediately be terminated from employment or volunteer service by his/her immediate administrator and shall not be permitted to work for the Church in any capacity or to participate in ministry.

If the allegation has not already become public, the Bishop will determine whether and how to disclose the offense and actions taken so as to reach out to other victims, to repair scandal caused by the abuse, or to prevent future abuse. Disclosure may be made to groups such as parish staff or parishioners of the person's assignment or employment, co-workers, and the media, as well as prospective employers or volunteer service organizations.

Allegation is False/Not Factual: *

If it has been determined by civil authorities and/or by the DRB that the allegation of sexual abuse of a minor is false and not factual, and the person accused is exonerated, efforts shall be made to heal the harm done to the reputation of the person and the faith community. The person falsely accused will be returned to the place of ministry, employment, or service, and counseling may be encouraged to further assist the individual with the effects of the false allegation and the emotional challenges of re-entry. Every step possible will be taken to restore the good name of the person falsely accused, including publicizing the exoneration and the results of the legal and/or investigation process if the matter was made public.

Because of the special canonical relationship between the Bishop and incardinated clerics, the Diocese will reimburse the cleric for reasonable legal expenses incurred when an allegation is determined to be unfounded, provided that the provisions and procedures of this policy have been followed by the cleric and the cleric has fully cooperated.

Allegation Can Neither Be Proved nor Disproved: *

Even if it has been determined by civil authorities and/or by the DRB that there is insufficient evidence to prove or disprove the allegation, there may remain continuing concerns about the safety of children and/or the fitness of the accused for ministry, employment, or volunteer service. The Bishop will consider the recommendations of the DRB regarding reinstatement; any disciplinary action; restrictions on ministry, employment, service; restrictions on association with minors; recommendations for counseling or therapy; continued monitoring and/or regular supervision and accountability; or other appropriate recommendations. The fact that the allegation can neither be proved nor disproved does not exonerate the accused or guarantee reinstatement to ministry, employment, or service.

An acquittal in a criminal proceeding or a decision not to prosecute by civil authorities will not terminate the diocese's investigation or its right to take all necessary actions to protect children and determine fitness for ministry, employment, or volunteer service.

Allegation is Supported by Sufficient Evidence: *

If it has been determined by civil authorities and/or by the DRB that the allegation of sexual abuse of a minor is supported by sufficient evidence to show probable cause, even if the person accused denies the allegation, the accused will be permanently removed from ministry, employment or volunteer service in the Church.

If the person accused is a cleric or religious, he/she will be notified personally by the Bishop or Vicar General of the results of the investigation. The same provisions will apply as previously stated under "Admission to Allegation."

If the person accused is a lay employee or volunteer, the Vicar General will notify the respective pastor, principal, or director, and together they will meet with the accused regarding the results of the investigation and the Bishop's determination. The lay person will immediately be terminated from employment or volunteer service by his/her immediate administrator and shall not be permitted to work for the Church in any capacity or to participate in ministry.

If the allegation has not already become public, the Bishop will determine whether and how to disclose the offense and actions taken so as to reach out to other victims, to repair scandal caused by the abuse, or to prevent future abuse. Disclosure may be made to groups such as parish staff or parishioners of the person's assignment or employment, co-workers, and the media, as well as prospective employers or volunteer service organizations.

No cleric who has committed an act of sexual abuse of a minor may be transferred for ministerial assignment to another diocese or religious province. Before a cleric can be transferred for residence to another diocese or religious province, his proper bishop shall forward, in a confidential manner, to the receiving bishop or religious ordinary of the proposed place of residence any and all information concerning any act of sexual abuse of a minor or any other information indicating that he has been or may be a danger to minors (USCCB Norms, #11).

Follow-up:

The Vicar General shall provide all parties involved with appropriate and timely information about the assessment and recommendations of the DRB and the Bishop's determination. The Vicar General shall also provide access to all information to the competent religious superior if the accused is a member of a religious institute or another diocese. He shall disclose any information as may be required by law. The disposition of the case will be reported to the media as deemed appropriate. The Chancellor shall retain the case file in the diocesan archives.

Legal Action for Damages:

When complainants bring legal action for damages due to the harm of abuse committed by clergy and other church personnel, the diocese will attempt to resolve these claims promptly and fairly while maintaining an attitude of respect for those bringing the complaints. In accord with the USCCB Charter, the diocese will not bind any complainant to a condition of confidentiality or nondisclosure of the complaint as part of an agreement to provide services, support, counseling, or settlement of financial claims. No confidentiality agreement will be entered into except for grave and substantial reasons brought forward by the victim/survivor and noted in the text of the agreement (USCCB Charter, Article #3).

VIII. SCREENING AND SELECTION

Careful screening and selection of clergy, lay staff and volunteers is an important step in the process of assuring a safe environment for the faith community, especially for children. No individual who has abused a minor will be appointed, employed, or allowed to volunteer for the diocese. The diocese, its parishes/missions, schools, and other church entities shall strictly comply with policies and procedures for hiring staff and selecting volunteers and shall complete all elements of the screening and selection process before the applicant is hired or the volunteer selected. The Texas Department of Public Safety web site (www.txdps.state.tx.us)

provides on-line services for accessing Texas criminal convictions, and the National Sex Offender database website (www.nsopr.gov) provides on-line services for assessing sex offender records in all States. All clergy, religious, lay staff, and volunteers who have regular contact with children are provided a copy of these *Ethical and Responsible Conduct Policies* and must acknowledge in writing that they have received them and agree to abide by them. The written acknowledgment is maintained in the personnel or other files where they are employed. (Rev. 4/2008)

Clergy and Religious:

All applicants for the seminary and/or permanent diaconate formation are required to undergo psychological screening and background checks to assess their fitness for the ministry.

All applicants for the diocesan priesthood undergo a rigorous and ongoing assessment of their character and behavior. Applicants are screened not only by the Vocation Director, but also by a Vocations Board (composed of priests, religious, laity). (For the screening process, refer to the Diocese of Beaumont web site, www.dioceseofbmt.org, under the "Vocations Office".) In addition to the criminal and sex offender background checks, the diocese also does credit and driving records checks, inasmuch as possible. Every reasonable effort is taken to screen out those who might engage in misconduct. In their formation, seminarians are provided programs that deal with human growth and development, human sexuality, maintaining appropriate boundaries, making moral choices in accord with Church teaching and priestly commitment, and living a celibate and chaste life. Every semester, they are evaluated by the Seminary staff, and there is close collaboration between the Seminary rector and the Director of Seminarians. Before ordination, a seminarian ordinarily is required to do a pastoral internship, living and working in a parish in the diocese. The supervising pastor and others monitor and evaluate the seminarian, and this assists the Seminary and diocesan officials to determine fitness for ordination and ministry. Those who know the seminarian in that setting are expected to comment on all aspects of his fitness for ministry, including his ability to maintain appropriate boundaries. The character and behavior of seminarians are continually monitored by the diocese, as well as by Seminary officials, throughout their years in the priestly formation program.

During a discernment period and before official acceptance into the program, the character, behavior, and aptitude of all applicants for the permanent diaconate formation program are evaluated. If an applicant is accepted into the diaconate formation program, evaluation of character and conduct continues through observation by and interaction with directors and teachers in the spiritual and academic formation programs.

Superiors of religious communities/institutes who propose members for faculties and ministry in the diocese must provide the Bishop with a confidential *Statement of Suitability* in which they state in writing that the priest is in good standing and of good moral character and reputation and that there is nothing in his history or behavior that would make him unsuitable to work with minors. The superior is also asked to verify that there is nothing in the priest's history which might adversely affect his ability to carry out ministry or which would cause serious scandal, including financial wrongdoing. In addition, the religious priest must complete a curriculum vitae and a background questionnaire inquiring whether he has ever been accused of child sexual abuse and whether any judicial proceeding arose from such an allegation. The questionnaire also authorizes criminal and sex offender background checks, and, if deemed necessary, credit and driving records checks.

Any extern cleric (a diocesan priest or permanent deacon from another diocese) who applies for faculties and ministry in the diocese must first provide a letter from his bishop granting him permission to seek ministry in the diocese. The sending bishop must also provide the receiving bishop with the confidential *Statement of Suitability* mentioned in the previous paragraph, and the cleric must also complete the curriculum vitae and the background questionnaire mentioned in the previous paragraph. Criminal, sex offender, credit, and driving records checks are completed.

Extern clerics who are invited to the diocese to offer any planned public ministry (e.g. parish mission, retreat, workshop), even if only once, must provide to the sponsor a copy of his *celebret* (certification of good standing), which has been issued within the last twelve months, prior to final arrangements for the event. An extern cleric who simply visits the diocese and wishes to offer any public ministry, even if only once, must also present, at the time of his request, a *celebret* which has been issued within the past twelve months.

Lay Employees and Volunteers:

All applicants for employment must complete the diocesan *Application for Employment* form, as well as the *Applicant/Volunteer Background Questionnaire*, which inquires whether the applicant has ever been accused of child sexual abuse and whether any judicial proceeding arose from such an allegation. The questionnaire also authorizes criminal and sex offender background checks, and, if deemed necessary, credit and driving records checks. Applicants who refuse to grant permission for the background checks will not be considered for any position in the diocese. For all final applicants for employment, a personal interview is conducted, and criminal convictions records are checked, as well as other records deemed necessary. Also, the applicant's previous employers and personal references are contacted, and the information obtained is documented and retained with the application form.

All volunteers who will have access to children and minors must complete the *Applicant/Volunteer Background Questionnaire* mentioned above. A volunteer who refuses to grant permission for the background checks will not be considered for any service in the diocese. Any volunteer who will regularly coordinate/teach programs with children and minors or have regular and concentrated access to or supervision of children and minors shall have criminal convictions and sex offender records checks.

REPORT OF ALLEGED MISCONDUCT / ABUSE

Name of alleged victim/survivor: _____ Age: _____

Address, phone #: _____

If a child, names of parents: _____

Name of person being accused: _____

Parish/school/ministry where accused works: _____

Type of misconduct/abuse alleged:

___ Ethical/moral conduct violation

___ Sexual exploitation

___ Abuse of alcohol/drugs

___ Other grave sexual misconduct

___ Sexual harassment

___ Child (minor) sexual abuse *

* If child abuse, has TDPRS been notified at 1-800-252-5400? _____ When? _____

Describe alleged misconduct/abuse: (What happened, when, where, who was involved, who was present, circumstances, frequency, etc.): _____

Explain any previous efforts to resolve privately? _____

Names, phone #'s of corroborating witnesses with direct knowledge about the allegation: _____

Other relevant information: _____

Complainant's Name: _____ Phone #: _____

Address: _____

Complainant's Signature: _____ Date: _____

Fax completed form immediately to the Bishop or Vicar General at 409/838-4511.

Submitted by: _____ Phone: _____

Location: _____

Employee: _____

Parish, School, Dioc. Dept./Entity: _____

1. Statement of the problem: _____

2. Prior discussions/cautions about the problem: _____

3. Statement of policy, procedure, or standard that is not observed: _____

4. Specific corrective action(s) to be taken: _____

5. Consequences of non-compliance: _____

6. Time frame for resolution: _____

7. Date/time for follow-up assessment: _____

Supervisor's Signature

Employee's Signature

Witness: _____

Date: _____

Original: personnel file of employee

Copy: employee

(Over) →

Follow-up meeting:

The employee has remedied the deficiency/problem satisfactorily, and his/her employment will continue as long as he/she fulfills job performance requirements and standards of conduct.

Supervisor: _____ Date: _____

I acknowledge that I remain on “permanent probation” for the deficiency/problem(s) that necessitated the formal warning and that my employment may be terminated should the problem(s) re-occur.

Employee: _____ Date: _____

Original: personnel file of employee
Copy: employee

(4/2003)