

THE DIOCESE OF CHARLESTON
POLICY
CONCERNING ALLEGATIONS
OF SEXUAL MISCONDUCT OR ABUSE
OF A MINOR
BY CHURCH PERSONNEL (2012)

And

CODE OF CONDUCT FOR CHURCH PERSONNEL

ADOPTED: 12 DECEMBER 2011

**Καὶ ὃς ἂν σκανδαλίση ἓνα τῶν μικρῶν τούτων τῶν πιστευόντων εἰς ἐμέ,
καλὸν ἐστὶν αὐτῷ μᾶλλον εἰ περικεῖται μύλος ὄνικος περὶ τὸν τράχηλον αὐτοῦ
καὶ βέβληται εἰς τὴν θάλασσαν.**

**Et quisquis scandalizaverit unum ex his pusillis credentibus in me
bonum est ei magis si circumdaretur mola asinaria collo eius
et in mare mitteretur**

**And whosoever shall scandalize one of these little ones who believe in me,
it would be better for him rather if a millstone were put around his neck
and he were cast into the sea.**

Mark 9:42

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**POLICY CONCERNING ALLEGATIONS
OF SEXUAL MISCONDUCT OR ABUSE OF A MINOR
BY CHURCH PERSONNEL (2012)**

The *Policy Concerning Allegations of Sexual Misconduct or Abuse of a minor by Church Personnel (2012)* and the *Code of Conduct for Church Personnel* have been adopted, this twelfth day of December, 2011, by the Most Reverend Robert E Guglielmone, Bishop of Charleston, a Corporation Sole, at Charleston, South Carolina.

This Policy supersedes any and all prior policies governing the screening of church personnel, reporting of allegations of sexual misconduct, and investigation of such allegations.

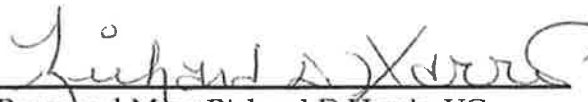
The *Code of Conduct for Church Personnel* supersedes any and all prior Codes of Conduct issued by the Diocese of Charleston.

This Policy and this Code shall take effect on fifteenth day of April, 2012.



Most Reverend Robert E Guglielmone
Bishop of Charleston

Approved this twelfth day of December, 2011



Reverend Msgr Richard D. Harris, VG

Official Witness



Chancellor

INTRODUCTION

As will be elaborated below, the mission and commitment of the Diocese of Charleston is to prevent even a single instance of sexual abuse or misconduct with a minor. To meet that objective, the following proactive measures are instituted. These include rules and procedures to minimize the opportunity for a predator to come into contact with a minor, and specifics related to the Internet and various electronic media prevalent in today's society. Also included are basic descriptions of the diocesan background screening and education programs to raise awareness and identify individuals unsuited for service with minors.

The Catholic Church affirms the inherent dignity of each human being as created in the image and likeness of God. Therefore, each person possesses inherent dignity. The sexual abuse of a minor is a violation of that person's dignity for which there is no justification. Minors especially deserve the protection of society, since they cannot adequately provide it for themselves. The Diocese of Charleston is adamant that the abuse of children, including physical injury, sexual molestation, sexual exploitation, or grave emotional damage, will not be tolerated by anyone, especially church personnel. This manual presents information to assist church personnel in avoiding situations that could compromise an individual or provide a context for sexual abuse to occur. It also details the commitment to transparency and the pro-active measures the Diocese of Charleston takes to prevent sexual abuse, and details the procedures undertaken when an allegation of sexual misconduct or abuse is made. Strict adherence to the principles, procedures and Policy outlined in this manual is mandatory for all church personnel.

In 2002, *Essential Norms for Diocesan/Eparchial Policies Dealing with Allegations of Sexual Abuse of Minors by Priests or Deacons*, issued by the United States Conference of Catholic Bishops included the following statements:

(a) The Bishops of the United States have promised to reach out to those who have been sexually abused as minors by anyone serving the Church in ministry employment or a Volunteer position whether the sexual abuse was recent or occurred many years ago. They stated that they would be as open as possible with the people in parishes and communities about instances of sexual abuse of minors, with respect always for the privacy and the reputation of the individuals involved. They have committed themselves to the pastoral and spiritual care and emotional well being of those who have been sexually abused and of their families. In addition, the Bishops will work with parents, civil authorities, educators and

various organizations in the community, to make and maintain the safest environment for minors.¹

In the *Charter for the Protection of Children and Young People* of 2002, the Bishops also stated the following:

With a firm determination to resolve this crisis, we Bishops commit ourselves to a pastoral outreach to repair the breach with those who have suffered sexual abuse and with all the people of the Church. We renew our determination to provide safety and protection for children and young people in our church ministries and institutions. We pledge ourselves to act in a way that manifests our accountability to God, to his people, and to one another in this grave matter. We commit ourselves to do all we can to heal the trauma that victim/survivors and their families are suffering and the wound that the whole Church is experiencing. We acknowledge our need to be in dialogue with all Catholics, especially victims and parents, around this issue. By these actions, we want to demonstrate to the wider community that we comprehend the gravity of the sexual abuse of minors. To fulfill these goals, our Diocese/Eparchies and our national conference, in a spirit of repentance and renewal, will adopt and implement policies based upon the following.²

The Charter directs action to fulfill the following goals:

- (a) Creating a safe environment for children and young people;*
- (b) Healing and reconciliation of victims and survivors;*
- (c) Making prompt and effective response to allegations;*
- (d) Cooperating with civil authorities;*
- (e) Disciplining offenders;*
- (f) Providing for means of accountability for the future to ensure the problem continues to be effectively dealt with...³*

In order to accomplish these goals, the Diocese of Charleston has adopted this Policy to deal with allegations of sexual misconduct or abuse of a minor by church personnel.

¹ Essential Norms for Diocesan/Eparchial Policies Dealing with Allegations of Sexual Abuse of minors by Priests or Deacons, United States Conference of Catholic Bishops, 2002

² Charter for the Protection of children and Young People, United States Conference of Catholic Bishops, 2002

³ United States Conference of Catholic Bishops Web Site, <http://www.usccb.org/ocyp/charter.shtml>

When an allegation is made of sexual misconduct or abuse of a minor involving church personnel, the Diocese of Charleston will do everything in its power to protect the minor, to stop the alleged abuse, and to promote the healing of all of the parties affected. The Bishop or his designee will contact the affected parties to offer the services requested, deemed necessary or useful in promoting the healing process. This assistance includes, but is not necessarily limited to, spiritual and psychological counseling.

The Diocese will respond promptly to all allegations, conduct a preliminary investigation and take whatever actions are appropriate, including temporarily relieving the accused of all ministerial, parish or school responsibilities pending the outcome of the case if deemed advisable. No one who has abused, abuses, or is named in a credible allegation of sexual abuse will be knowingly permitted to serve in parochial ministry or any other position which has access to children. The Diocese will comply with the obligations of civil law and cooperate transparently in any investigation conducted by civil law authorities. The Diocese will also pursue all inquiries and investigations mandated by competent church authority and the Code of Canon Law.

In order to assist its priests to identify and care for victims of sexual misconduct or abuse of a minor within the Church, the Diocese of Charleston provides regular opportunities for its priests to be advised of new developments in the fields of scientific knowledge, church policy, canon law, moral theology, professional ethics, the theology of sexuality, and the pastoral care of victims.⁴

⁴ *“The Bishop has the duty to treat all his priests as father and brother. With special attention, moreover, the Bishop should care for the continuing formation of the clergy, especially in the first years after Ordination, promoting the importance of prayer and the mutual support of priestly fraternity. Priests are to be well informed of the damage done to victims of clerical sexual abuse. They should also be aware of their own responsibilities in this regard in both canon and civil law. They should as well be helped to recognize the potential signs of abuse perpetrated by anyone in relation to minors”*, Circular letter to Assist Episcopal Conferences in Developing Guidelines for Dealing with Cases of Sexual Abuses of minors Perpetrated by Clerics, Congregation for the Doctrine of the Faith, 2011 http://www.vatican.va/roman_curia/congregations/cfaith/documents/rc_con_cfaith_doc_20110503_abuso-minori_en.html

I. DEFINITIONS

The following terms are defined for the purposes of this Policy. These descriptions are not intended to be interpreted as either a technical or a legal definition:

1.01 **Accused:** Church personnel against whom an accusation of sexual misconduct or abuse, or any other material breach of ethics has been made.

1.02 **Accuser:** A person who has made an accusation of sexual misconduct or abuse, or any other material breach of ethics in ministry against Church personnel.

1.03 **Bishop:** The Kenedy Directory defines the term 'Bishop, in part as follows: "...by Divine Institution, [the bishop] carries on the work of the Apostles. By reason of the Episcopal consecration, he shares in the triple apostolic function of a teacher of doctrine, priest of sacred worship, and minister of Church government."

The 1983 Code of Canon Law says of Bishops

§1. Bishops, who by divine institution succeed to the place of the Apostles through the Holy Spirit who has been given to them, are constituted pastors in the Church, so that they are teachers of doctrine, priests of sacred worship, and ministers of governance.

§2. Through episcopal consecration itself, bishops receive with the function of sanctifying also the functions of teaching and governing; by their nature, however, these can only be exercised in hierarchical communion with the head and members of the college.⁵

Canon 381 also says the following: A diocesan bishop in the diocese entrusted to him has all ordinary, proper, and immediate power which is required for the exercise of his pastoral function except for cases which the law or a decree of the Supreme Pontiff reserves to the supreme authority or to another ecclesiastical authority.⁶

- (a) The Bishop of Charleston is one who, through episcopal ordination and appointment by the Pope, serves as the Ordinary of the Diocese of Charleston.

⁵ Canon 375, Code of Canon Law, 1983

⁶ Canon 381§1, Code of Canon Law, 1983

- (b) The Bishop functions as a Corporation Sole, by Charter of the State of South Carolina. He is the legal entity in which all rights, title, and interest rest in trust by the Juridical Person to the Bishop.
- (c) The Bishop is a cleric who has the authority and discretion to implement and mandate this Policy in accordance with civil and Ecclesiastical authority.

1.04 **Brothers:** Members of a religious order or congregation who profess the vows of poverty, chastity and obedience, but are not considered clerics and who are under the supervision of the superior of their religious order or congregation.

1.05 **Child:** A person who is or was under the age of eighteen (18) years when an alleged incident of sexual misconduct or abuse occurred. (cf minor)

1.06 **Church Personnel:** (also referred to as *diocesan personnel*)

- (a) Catholic clergy, including diocesan priests, priests of other dioceses serving as externs, or clergy of religious orders, congregations or communities assigned to the Diocese of Charleston who have been extended faculties, diocesan deacons, or deacons from other dioceses who have been extended faculties
- (b) Religious sisters or brothers
- (c) Seminarians
- (d) Lay employees, all persons who have a personal contract with the Diocese or any of its entities
- (e) Volunteers and independent contractors who have regular access with minors
- (f) All volunteers and employees (regardless of Religious affiliation) who have regular access to minors while serving in organizations and/or programs sponsored by or endorsed by local parishes and schools.

1.07 **Credible Allegation:** An accusation which at least seems to be true (Canon 1717, Section 1), and/or offers reasonable grounds for being believed. A credible allegation is not manifestly false.

1.08 **Diocese:** Refers only to those parishes, schools, missions, and diocesan offices in the State of South Carolina that are owned and under the legal care and control of the Bishop of Charleston.

1.09 **Director of Child Protection Services:** The person appointed by and directly accountable to the Bishop of Charleston and/or his Vicar General, who supervises the Office of Child Protection Services, serves as Internal Coordinator to the Internal Coordinating Committee and, at the Bishop's discretion, acts as the Bishop's designee in matters related to clergy misconduct and/or sexual abuse of a minor.

1.10 **General Counsel:** The attorney appointed by the Bishop to serve as legal counsel for the Diocese in all legal matters, which include, but are not limited to, allegations and incidents of sexual misconduct or abuse of a minor by church personnel.

1.11 **Internal Coordinating Committee:** A committee appointed by the Bishop whose duties and responsibilities are specifically defined in Section XI of this Policy.

1.12 **Internal Coordinator:** The person appointed by the Bishop as Director of Child Protection Services whose duties and responsibilities include the coordinating of the diocesan response as defined in this Policy. The Internal Coordinator reports directly to the Bishop of Charleston. See Director of Child Protection Services.

1.13 **Investigator:** A person appointed by the Bishop of Charleston to conduct inquiries as directed by the Bishop specifically in matters including, but not limited to, allegations and incidents of sexual misconduct or abuse of a minor by church personnel and/or any other material breach of ethics or integrity in ministry. Such inquiries shall include collecting information and interviewing witnesses, the victim, the victim's family, the accused, and other individuals who may possess information pertinent to the allegation or complaint. The Investigator is to serve under the direction of the General Counsel and Internal Coordinator, and will report his findings and receive guidance from the General Counsel. The duties and responsibilities of the Investigator are specifically defined in Section XIV et seq. of this Policy.

1.14 **Media Relations Officer:** The person appointed by the Bishop to serve as the spokesperson for the Diocese. The duties and responsibilities of the Media Relations Officer are more specifically defined in Section XVIII of this Policy.

1.15 **Minor:** A person who is or was under the age of eighteen (18) years when an alleged incident of sexual misconduct or abuse occurred.

1.16 **Office of Child Protection Services:** The office established by the Bishop of Charleston, independent of other agencies of the Diocese and reporting directly to him and/or his Vicar General, which oversees the establishment, maintenance and enforcement of the provisions and procedures of this Policy. The Office includes the Director of Child Protection Services, the Safe Environment Manager and such staff as necessary to accomplish the goals of this Policy.

1.17 **Pastoral Team:** A team appointed by the Bishop, that shall include; the Internal Coordinator, Victim Assistance Coordinator, Diocesan Counsel, Communications Officer, and other members as designated by the Bishop or Vicar General. The duties of this team are specifically defined in Section IX of this Policy.

1.18 **Policy:** Policy Concerning Allegations of Sexual Misconduct or Abuse of a minor by church personnel (2012).

1.19 **Prayer and Penance:** The state of a cleric ordered by the Bishop as a consequence of a credible breach of ethics in ministry which can last perpetually, for a prescribed time, or for an indeterminate time (canon 1336). The focus of this state will be the pursuit of holiness including, but not limited to, reading of the sacred scriptures, carrying out the liturgy of the hours daily, engaging in mental prayers regularly, approaching the sacrament of penance frequently, honoring the Virgin Mother of God with particular veneration (canon 276), and performing acts of penance which may include but not be limited to, some form of work of religion, piety, or charity (canon 1340). A cleric in this state will reside in a designated domicile, at the Bishop's direction.

1.20 **Promoter of Justice:** An individual appointed by the Bishop to serve as the official guardian of the public good, the good of the Church, its rights and laws, and the general good of the community. The Promoter of Justice may be a layperson; however, the Promoter of Justice must be a priest when the canonical process of the Church is convened. The Promoter of Justice cannot hold any incompatible office, Vicar for Clergy, or Judge.

1.21 **Religious:** Members of a religious order or congregation of lay men or women who profess the vows, and who are under the supervision of the superior of their religious order or congregation. The term Religious may also refer to members of a male Religious Order who are also priests.

1.22 Semblance of Truth: The criterion that distinguishes an allegation as not manifestly false or frivolous. If an allegation has a semblance of truth, it triggers the preliminary investigation.

1.23 Sexual Abuse Advisory Board: A board established by the Bishop to assess allegations of sexual misconduct or abuse of minors by Church personnel. The composition and function of the Sexual Abuse Advisory Board is specifically outlined in Section IX of this Policy.

1.24 Sexual Misconduct or Abuse: Sexual misconduct or 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. Consequently, any act or attempt to commit any act of incest, rape, or a sexual offense in any degree, sodomy, or any unnatural or perverted sexual practice, lewd or indecent acts or proposals, including indecent touching or fondling, exploitation, or permitting, encouraging, assisting, or aiding a minor to participate in such acts, constitutes sexual misconduct or abuse of a minor. Sexual misconduct or abuse of a minor includes conduct or interaction with a minor that is external and an objectively grave violation of the Sixth Commandment. Such conduct does not need to be an act of intercourse involving force, physical contact or a discernable, harmful outcome.⁷

⁷ The 2011 revisions to the United States Conference of Catholic Bishop's *Charter for the Protection of children and Young People* further expands and clarifies the definition of sexual abuse as follows:

For purposes of this *Charter*, the offense of sexual abuse of a minor will be understood in accord with the provisions of *Sacramentorum sanctitatis tutela* (SST), article 6, which reads:

§1. The more grave delicts against morals which are reserved to the Congregation for the Doctrine of the Faith are:

1o the delict against the sixth commandment of the Decalogue committed by a cleric with a minor below the age of eighteen years; in this case, a person who habitually lacks the use of reason is to be considered equivalent to a minor.

2o the acquisition, possession, or distribution by a cleric of pornographic images of minors under the age of fourteen, for purposes of sexual gratification, by whatever means or using whatever technology;

§2. A cleric who commits the delicts mentioned above in §1 is to be punished according to the gravity of his crime, not excluding dismissal or deposition.

In view of the Circular Letter from the Congregation for the Doctrine of the Faith, dated May 3, 2011, which calls for "mak[ing] allowance for the legislation of the country where the Conference is located," Section III(g), we will apply the federal legal age for defining child pornography, which includes pornographic images of minors under the age of eighteen, for assessing a cleric's suitability for ministry and for complying with civil reporting statutes.

1.25 **Vicar General:** A priest appointed by the Bishop, who “*by virtue of office, the vicar general has the executive power over the whole diocese which belongs to the diocesan bishop by law, namely, the power to place all administrative acts except those, however, which the bishop has reserved to himself or which require a special mandate of the bishop by law.*”⁸

1.26 **Victim:** A person who has been subjected to sexual misconduct or abuse by church personnel while that person was a minor.

1.27 **Victim Assistance Coordinator:** A licensed mental health professional appointed by the Bishop to coordinate professional support services to the victims, their families, and the accused in matters related to sexual misconduct or abuse of a minor by church personnel. The duties and responsibilities of the Victim Assistance Coordinator are specifically defined in Section VII of this Policy.

1.28 **Volunteer:** Church personnel who provide such services without any express or implied promise of remuneration.

If there is any doubt whether a specific act qualifies as an external, objectively grave violation, the writings of recognized moral theologians should be consulted, and the opinions of recognized experts should be appropriately obtained (*Canonical Delicts Involving Sexual Misconduct and Dismissal from the Clerical State*, 1995, p. 6). Ultimately, it is the responsibility of the diocesan bishop/eparch, with the advice of a qualified review board, to determine the gravity of the alleged act.

⁸ Canon 381§1, Code of Canon Law, 1983

PART ONE - ESTABLISHING AND MAINTAINING A SAFE ENVIRONMENT

II. GENERAL RULE OF VISIBILITY AND ACCOUNTABILITY

2.01 A basic principle in protecting minors from sexual abuse is eliminating opportunities for such abuse to occur. This requires a commitment to the twin goals of visibility and accountability in all interactions with minors, and the establishment of appropriate boundaries, both physical and situational.

2.02 It is inappropriate for church personnel to be alone with a minor and/or in a location not visible to others. Similarly, healthy boundaries limit the times, topics, frequency and content of all communications between church personnel and minors.

2.03 These boundaries extend to the use of technology and media. The Diocese is committed to ensure parents are aware of the media used by the Diocese to communicate with minors. The next section covers this topic at length.

III. COMMUNICATIONS BY CHURCH PERSONNEL WITH MINORS

The ethical behavior that we expect of church leaders and personnel in their interactions with minors must extend to all forms of communication, including the virtual/technological world. Those who minister and work in pastoral settings should be especially vigilant regarding healthy boundaries with everyone, and especially with minors. The following principles contribute to the establishment and maintenance of healthy boundaries.

3.01 Parents are the primary educators in faith and morals, and they are the first heralds of the Faith in regards to their children. Church personnel, including catechists, youth ministers and others serve as partners to assist the parents, and avoid even the perception of competition over the parents' authority.

3.02 All communications between church personnel and minors must be open and transparent. Care must be taken to avoid falling into the role of "surrogate parent" in all circumstances. A parent should never have cause to be concerned about church personnel interfering with the primacy of the parent. Therefore, the content of any pastoral consultations with

minors must willingly and openly be available for sharing with the parent(s).

3.03 To protect both the adult and the minor, communications with young people must never be excessive and/or occur with improper frequency, at inappropriate hours or in private, no matter the medium used.

3.04 Those who minister and work in pastoral settings with young people must take great care to consistently represent the teachings of the Catholic Church when using electronic media. The purpose of all communications with minors must be as a tool of evangelization.

3.05 It is advisable for church personnel to avoid the use of personal communications devices (cellular phones, etc.) and instead use diocesan or parochially issued devices when interacting with a minor. If a personal device must be used, all communications should be fully documented and the documentation forwarded to one's supervisor.

3.06 Church personnel must never distribute or intentionally access abusive, harassing, libelous, obscene, offensive, profane, pornographic, threatening, sexually explicit, or illegal material.

3.07 Church personnel, especially those who work with young people should be diligent in avoiding all situations that could be a source of scandal for themselves or others.

3.08 Church personnel must always distinguish between "being friendly" and "being friends" with minors. Minors are not the peers of adults and should never be allowed to become overly friendly or familiar with church personnel. It is always inappropriate for adults to include minors within an adult social circle.

3.09 Church personnel should not be accessible to minors on a constant "on-call" basis. This includes contact using any of the various communications media. Established times permitting such contact must also be limited to appropriate hours of the day or evening. Contact must clearly relate to one's specific role as church personnel and/or church matters.

3.10 It is uncomfortable and inappropriate when there seems to be a special relationship between an adult and a young person who seems to be a favorite. Even the appearance of a special relationship between church personnel and a minor is to be avoided.

IV. THE INTERNET AND OTHER ELECTRONIC MEDIA

4.01 In all interactions with minors via the Internet, church personnel should model and inform healthy relationships between adults and young people. Establishing and adhering to healthy boundaries provides a model that helps young people more quickly recognize when an adult on the internet engages in behavior that is divergent and report it to their parent and/or other trusted adults. Therefore, all communications with minors must reflect appropriate content and be church-related.

4.02 It is not the role of church personnel to patrol the Internet for the young people to whom they minister. While a young person should have no expectation that statements made on-line are private, it is the parent's role to monitor their minor's behavior, not church personnel. Those who work with minors on behalf of the church should never usurp the role of the parent. Adults seeking out a minor's personal sites for details of his/her life is as much a violation of privacy as reading a retreat journal left out during a confirmation retreat. Intentionally monitoring and probing where minors have shared their intimate thoughts not only violates their privacy but also may call into question the boundaries of the minister who is investigating.

4.03 Church personnel are expected to follow this Policy, including all provisions regarding reporting and specified procedures at all times, regardless of the medium by which information is obtained. Questions regarding this should be directed to the Diocesan Office of Child Protection Services.

4.04 Church personnel will also be mindful of their duty as mandated reporters (see Section VIII below) and appropriately involve legal authorities in situations where there is a serious pastoral care concern.

4.05 At least two adults must regularly monitor church sponsored internet content and interactions.

4.06 The supervisor must be in possession of all passwords used to access church related electronic communications. This information should also be available to those charged with monitoring these interactions.

4.07 Church personnel who establish an electronic communications account for church business purposes will cooperate with supervisors in providing all necessary information for access to the account.

4.08 Appropriate content for Church-related electronic communications media includes (but is not limited to)

- (a) Information on upcoming activities; permission forms; calendar of events; descriptions of projects, including procedures; expectations; biblical studies and other spiritual links and prayer resources.

4.09 Web Pages

- (a) Web Pages should reflect clear goals consistent with church teaching and the ministry for which they are designed.
- (b) Privacy and the protection of minors must be an essential goal in the establishment of a Web Page. Telephone numbers, personal e-mail addresses and/or other identifying information of minors must not be published on the Web. Care should be taken to protect personal contact information of church personnel, avoiding the Web publication of home addresses, telephone number, cell numbers, and home e-mail addresses.
- (c) Parental permission must be obtained before posting photos of minors. Posting pictures must not be captioned to include a minor's name unless it has been specifically authorized by the parent/guardian.

4.10 E-mail and Other Text-Based Communication

- (a) E-mail, texting and instant messaging (IM) are examples of the blessing and curse technology brings. The boundary issues that relate to verbal communication between church personnel and minors also apply to the use of e-mail, texting and instant messaging. All such communication must reflect appropriate content and be church-related.
- (b) The use of a personal e-mail account for church-related communications with minors is prohibited. It is preferable to set up a separate e-mail account (e.g., Gmail, hotmail, yahoo mail, etc, are free services), or use an account provided by the appropriate diocesan agency, for this purpose. It is advisable to save copies (either

hardcopies or electronic copies in a “saved” folder) of all communications with minors.

- (c) It is advisable to post “group” e-mail messages using the “blind carbon copy” option; this prevents the possibility that personal information can be forwarded to non-intended recipients.
- (d) If possible, adult volunteers, teachers, catechists, and/or parents should be copied on all electronic communications with minors. It is prudent to make ‘hard copies’ of all communications with minors if at all possible.
- (e) Electronic communication can be misinterpreted; therefore, it is preferable to communicate in person whenever possible. Communications that might be construed as having sexual overtones are to be scrupulously avoided. It is never appropriate to reply to any such e-mail from a minor. Hardcopies should be made and one’s supervisor notified immediately.

4.11 Social Networking

- (a) A social network service utilizes software to build online social networks for communities of people who share interests and activities. These are primarily web-based and provide various ways for users to interact, such as chat, messaging, e-mail, video, voice chat, file sharing, blogging, discussion groups, and so on. The Diocese affirms the usefulness of this medium under the following parameters:
- (b) Church personnel having personal social networking pages must not advertise that site to minors, nor “friend” minors to their personal pages.
- (c) Should the creation of a professional networking page be approved for clarification and dispersal of information regarding a particular church-related ministry or regular activity, it must be registered in the name of the appropriate diocesan entity – not that of an individual.
- (d) All church-related sites are to be monitored consistently by appropriate church personnel (supervisors).

4.12 Blogging

- (a) Blogging (an abbreviation of the term “web log”) targeting minors by church personnel should be limited to the following purposes:
 - (i) Promoting a youth ministry program, school, the parish and/or the Diocese, as well as serving as an evangelization tool.
 - (ii) Establishing productive communication between the youth ministry program and home by providing ongoing information about programs, opportunities, expectations, policies and requests for support.
 - (iii) Providing young people with information that will help them become disciples of Jesus Christ.
- (b) Appropriate content for Church-related blogs includes (but is not limited to)
 - (i) Information on upcoming activities; permission forms; calendar of events; descriptions of projects, including procedures; expectations; biblical studies other spiritual links and prayer resources
- (c) One who ministers and works in pastoral settings with young people must not use their blogs to
 - (i) Conduct or promote outside business activities.
 - (ii) Defame or cause defamation of the character of any individual, organization or institution.
 - (iii) Divulge any personal information about young people, or jeopardize their safety in any other way.

4.13 On-Line Games

- (a) Church personnel should take care in their involvement with on-line games, to protect their on-line game identities, and not to participate in on-line games with minors late at night. It is preferable to avoid playing on-line games with minors entirely if possible.

V. THE OFFICE OF CHILD PROTECTION SERVICES

The Office of Child Protection Services is instituted as an independent office directly under the authority and supervision of the Bishop of Charleston.

5.01 The Office of Child Protection Services has exclusive jurisdiction over the implementation of the norms and procedures of this Policy. It provides a pastoral response to, and competent processing of, allegations of abuse of minors. With the approval and consent of the Bishop, it establishes, implements, supervises, and maintains safe environment programs in all parishes, missions and schools within the Diocese.

5.02 The Director of Child Protection Services is appointed by the Bishop of Charleston and reports directly to him and/or his Vicar General. The Director serves as Assistant to the Bishop for Special Administrative Affairs, with duties that include serving as the internal coordinator for investigations of allegations of sexual abuse and misconduct by Church personnel. In addition, the Director oversees the scheduling of periodic meetings between the bishop and delegates of the clerical institutes represented in the Diocese. The Director supervises all personnel in the Office of Child Protection Services and approves all procedural decisions and communications issued by the Office of Child Protection Services.

5.03 The Safe Environment Manager reports to the Director of Child Protection Services and administers the processing of background screenings, and the implementation and maintenance of the safe environment program.

5.04 The Office of Child Protection Services is charged with the implementation of a safe environment program. (cf Section VI below)

5.05 The Safe Environment Program consists in

- (a) The promotion of acquaintance and compliance with the *Policy Concerning Allegations of Sexual Misconduct or Abuse of a Minor by Church Personnel (2012)*
- (b) The dissemination and distribution of appropriate displays, postings, brochures and other materials (in English and Spanish)

- (c) The implementation and maintenance of safe environment training for all church personnel
- (d) The promotion of acquaintance and compliance with the diocesan *Code of Conduct for Church Personnel*
- (e) Ensuring and enforcing compliance with the USCCB *Charter for the Protection of Children and Young People* and this Policy
 - (i) This includes the maintenance at the local level of necessary documentation verifying that all church personnel serving in a parish, school or other diocesan agency have participated in safe environment training and have been background screened for suitability to have regular access to children.
- (f) Background Screening (cf Section VII below)

VI. SAFE ENVIRONMENT TRAINING (EDUCATION)

6.01 Through the Office of Child Protection Services, the Diocese of Charleston will provide educational programming (“Safe Environment Training”) and resources to create and maintain safe environments, along with training on methods of preventing, recognizing, responding to and the reporting of sexual misconduct or abuse of a minor. This programming will be provided in the most extensively used languages of the diocese.

6.02 All substantive decisions regarding the establishment and maintenance of a safe environment for minors in the Diocese of Charleston are made by or subject to the approval of the Bishop of Charleston.

6.03 Satisfactory completion of diocesan approved safe environment training cannot be substituted by any other safe environment training required by another organization, even one affiliated with the church.

6.04 The safe environment program includes but is not limited to the following components:

6.05 Prevention education for adults

- (a) Such educational programming will include a review of this Policy.
- (b) Prevention education for minors
- (c) Increasing awareness of and ensuring and enforcing compliance with the *Charter for the Protection of Children and Young People* and this Policy by
- (d) Employees of any diocesan office, parish or school, or any related ministry within the diocese
- (e) Volunteers whose duties allow regular access to minors
- (f) Creating awareness of and compliance with the Code of Conduct at all levels of the diocese.
- (g) This includes the maintenance at the local level of necessary documentation verifying that all church personnel serving in a parish, school or other diocesan agency have participated in safe environment training and have been background screened for suitability to have regular access to children.
- (h) Education on how to report allegations
- (i) The laws and policies regarding the reporting of the abuse of minors

6.06 All church personnel must attend an educational session on the prevention of sexual abuse of minors within thirty days of their association with the diocese. The diocese will endeavor to provide their education in the language they are best able to comprehend the material.

6.07 Church personnel are to present a signed Certificate of Completion provided to them by an accepted diocesan facilitator to their place of work or volunteering within thirty days of their initial association with the diocese.

6.08 The Diocese of Charleston will not employ or accept as church personnel anyone who refuses or fails to attend an educational session on the prevention of the sexual abuse of minors and the creation of safe environments.

6.09 On an annual basis, the Diocese of Charleston will offer age appropriate prevention education to increase awareness of sexual abuse of minors and tools to prevent and report it to

- (a) All minors enrolled in a religious education class at a diocesan parish
- (b) All youths enrolled in a youth ministry program at a diocesan parish.
- (c) All students of catholic schools within the Diocese of Charleston

6.10 A curriculum of age appropriate education will be offered for preview by the parents of all minors, with the option for them to “opt out”.

6.11 Church personnel are subject to re-certification of the safe environment education requirements at the discretion of the Office of Child Protection Services.

VII. BACKGROUND SCREENING

7.01 In an effort to ensure the safety of minors in the care of the Diocese, background screening will be conducted for church personnel.

- (a) The Diocese of Charleston requires background screening for certain Church personnel in matters unrelated to Child Protection Services. The content of this Policy is not to be construed as to indicate that if one’s service does not entail contact with minors one will not necessarily be required to be screened. The Diocese of Charleston reserves the right to require of any current or potential church personnel screening as part of the qualifications it deems necessary for service.

7.02 The Diocese of Charleston reserves the right to determine at its exclusive discretion the suitability of an individual for service within the Diocese. Employment or the opportunity to volunteer is contingent upon satisfactory completion of the screening process.

7.03 Safe environment training required by any other organization, even one affiliated with the church, cannot serve as a substitute for the requirements of this Policy.

7.04 Refusal to comply and/or cooperate fully in the background screening process will result in the immediate termination, rejection or withdrawal of an offer of employment and/or permission to serve as a volunteer in specified areas. Church personnel are not qualified to serve until successful completion of this Policy's background screening.

7.05 The Office of Child Protection Services oversees the implementation, management and processing of all forms necessary to conduct the appropriate background screening investigations.

7.06 In addition to any application form that may be required by a specific diocesan entity, department or program, all applicants are required to complete a background screening packet designed by the Office of Child Protection Services.

7.07 Applicants are required to provide their full name, date of birth, a valid social security number and other relevant information to satisfy the screening process. Any form returned without a valid social security number will be returned to the site of origin as incomplete.

7.08 Church personnel are subject to background screening upon initial application for employment/volunteer service and at other times as may be deemed appropriate by the Diocese of Charleston.

7.09 Background screening will consist in

- (a) A criminal history check from each state of residence
- (b) A check of the South Carolina Department of Social Services Child Abuse and Neglect Central Registry, or a check of the National Registry of Abusers
- (c) Social Security number verification as deemed necessary
- (d) A ten-year driver's history check if driving minors as a volunteer or part of job responsibility
- (e) A credit check if the job or volunteer responsibilities involve handling of money or making financial decisions

7.10 The Background Screening Review Committee exists to review any questionable reports and determine the suitability of a candidate for a position (employed or volunteer) in the Diocese.

- (a) The Screening Review Committee consists of the Vicar General, Director of Child Protection Services, Safe Environment Manager, Chief Financial Officer, and the Director of Human Resources. The Diocesan Counsel also serves to provide legal advice to the committee.
- (b) The members of the Committee serve under the authority and direction of the Bishop, who may appoint additional members as he deems appropriate.
- (c) The function of the Background Screening Review Committee is to review questionable screenings and to make determinations as to the suitability of the candidate for a position in the Diocese.

7.11 The proper supervisory personnel to whom the person will report will be notified that the applicant is/is not suitable for employment or assignment.

7.12 If the background screening indicates a concern as to suitability for assignment or employability, the individual will be notified and be provided with a copy of the report(s), and a copy of a summary of the individual's rights under the Fair Credit Reporting Act.

7.13 In addition to the written adverse action notice, the following information will be provided to the individual:

- (a) The name, address, and telephone number of the consumer reporting agency that supplied the report;
- (b) A statement that the consumer reporting agency which supplied the report did not make the decision to take the adverse action and cannot give specific reasons for it; and
- (c) Notice of the individual's right to dispute the accuracy or completeness of any information the agency furnished and his or her right to an additional, free consumer report from such agency within sixty (60) days
- (d) SLED report.

7.14 The applicant will be afforded an opportunity to affirm, refute and/or explain the data in the report. This must be in writing and postmarked within five (5) working days of receipt of the letter.

7.15 If the Background Screening Review Committee determines that an adverse action is to be taken, the individual's supervisor will be notified in writing.

7.16 The directive of the Background Screening Review Committee must be followed by the supervisor of the individual, as stated in this Policy. If the individual is an employee, the supervisor will consult with the Diocesan Department of Human Resources regarding accomplishing the required action indicated by the decision of the Committee.

7.17 All information obtained from the background screening will remain confidential and will be retained in a secured location by the Department of Child Protection Services. Reports will not be distributed to parishes, schools, diocesan offices, or other institutions except as agreed in the screening information submitted by the individual.

7.18 A written form indicating the existence of a full background screening located in the Office of Child Protection Services for all diocesan employees will be forward to the Department of Human Resources for inclusion in the individual's permanent personnel file.

7.19 Neither the Diocese of Charleston nor its screening agency or agencies may use the results of the background screening or abuse registry information obtained through this process for any purpose other than determining whether an that individual is suitable for the desired position.

7.20 If an individual for whom no adverse action is taken desires to have a copy of the investigative report, he or she must submit the request in writing to the Safe Environment Manager and complete the form provided by the appropriate screening agency. A minimum charge may be required for a copy of this report.

PART TWO - INTERVENTION/ENFORCEMENT

It is the goal of the Diocese of Charleston to prevent even a single occurrence of sexual abuse against a minor. In the event that an allegation of abuse or misconduct is brought forward, the Diocese is committed to taking immediate transparent action to protect the alleged victim and to provide any needed pastoral and/or therapeutic assistance, prevent the continuation or recurrence of the alleged abuse, and cooperate fully with the appropriate civil law enforcement agencies, and also pursue all relevant canonical remedies.

VIII. MANDATORY REPORTERS

8.01 The Diocese will comply with all applicable civil laws with respect to the reporting of allegations of sexual misconduct or abuse of minors to civil authorities and will cooperate with their investigation. In every instance, the Diocese shall inform the victim of his/her right to make a report to civil authorities and of the requirement of church personnel to report as contained in subsection (b) below, and will support the victim's decision. According to South Carolina law, certain church personnel are mandatory reporters and must report allegations of sexual abuse and/or neglect as defined below.

South Carolina law states

SECTION 63-7-310 Persons required to report.

(a) A physician, nurse, dentist, optometrist, medical examiner, or coroner, or an employee of a county medical examiner's or coroner's office, or any other medical, emergency medical services, mental health, or allied health professional, member of the clergy including a Christian Science Practitioner or Religious healer, school teacher, counselor, principal, assistant principal, social or public assistance worker, substance abuse treatment staff, or childcare worker in a childcare center or foster care facility, police or law enforcement officer, undertaker, funeral home director or employee of a funeral home, persons responsible for processing films, computer technician, or a judge must report in accordance with this section when in the person's professional capacity the person has received information which gives the person reason to believe that a child has been or may be abused or neglected as defined in Section 63-7-20.

(b) If a person required to report pursuant to subsection (A) has received information in the person's professional capacity which gives the person reason to believe that a child's physical or mental health or welfare has been or may be adversely affected by acts or omissions that would be child abuse or neglect if

committed by a parent, guardian, or other person responsible for the child's welfare, but the reporter believes that the act or omission was committed by a person other than the parent, guardian, or other person responsible for the child's welfare, the reporter must make a report to the appropriate law enforcement agency.

(c) Except as provided in subsection (A), any person who has reason to believe that a child's physical or mental health or welfare has been or may be adversely affected by abuse and neglect may report in accordance with this section.

(d) Reports of child abuse or neglect may be made orally by telephone or otherwise to the county department of social services or to a law enforcement agency in the county where the child resides or is found.⁹

8.02 The Bishop of Charleston has directed that all church personnel consider themselves mandatory reporters.

8.03 Whenever church personnel receive an allegation that a minor has been the victim of sexual misconduct or abuse, the following steps will be taken:

- (a) If the allegation of sexual misconduct or abuse involves a person who is currently under the age of eighteen (18), church personnel shall provide such information directly to the immediate supervisor of the person who uncovers the allegation. Any allegation of sexual misconduct or abuse shall be investigated as stipulated in this Policy.
- (b) If Church personnel receive allegations of sexual misconduct or abuse regarding a victim who is no longer under the age of eighteen (18), the person receiving such information shall report it to his or her immediate supervisor. Any such allegation shall be investigated as stipulated in this Policy.
- (c) It is the responsibility of a supervisor to forward any information concerning an allegation of sexual misconduct or abuse of a minor to the Director of Child Protection Services or the Victim Assistance Coordinator immediately, but no later than within twenty-four (24) hours of receipt of such information.

⁹ SC Code ann, Title 63, 2009 (emphasis added)

- (d) Nothing in this Policy shall be deemed to require the violation of the privileged communication covered by the clergy/penitent privilege, the seal of confession, or the attorney/client privilege, or any other privilege recognized by civil law.
- (e) If a person reveals an act of sexual misconduct or abuse of a minor outside of the priest/penitent privilege, then the information must be reported in accordance with this Policy.
- (f) Nothing herein is to be interpreted or construed as to delay or impede a mandatory reporter's responsibility to fulfill the obligation to report allegations to civil authorities.

8.04 Nothing contained herein shall be construed in violation of canon law, i.e., canons 983 and 984, or in violation of Sections 19-11-90 or 63-7-420 of the South Carolina Code of Laws, 1976, as amended. The only exception to the mandatory reporting requirement is any information received during the priest-penitent privilege (seal of confession) or attorney-client privilege. If there is a conflict in the rights and remedies between canon law and civil law within the Policy, the Policy will follow that jurisprudence which reconciles the inconsistency.

8.05 Church personnel who fail to comply with the provisions of this Section may be subject to immediate discharge.

IX. PASTORAL RESPONSE

9.01 When an allegation involving the sexual misconduct or abuse of a minor by church personnel is received by the Coordinator, the Coordinator will notify the Bishop who will instruct the Pastoral Team to reach out with Christian care, concern, support and healing to the people involved, including the victim, the victim's family, schoolmates, parish members, and the accused. Care will always be taken to protect the rights of all parties involved, especially those of the victim and the accused.

9.02 The Pastoral Team shall include the Director of Child Protection Services, the Victim Assistance Coordinator, the Diocesan Legal Counsel, and other members of the Bishop's staff as designated by the Bishop or the Vicar General.

9.03 The Pastoral Team will not concern itself with the validity of the allegation(s) nor will it conduct a factual investigation. The Pastoral Team's function is strictly pastoral in nature without judgment as to the validity of any allegation or to the circumstances surrounding the reported incident.

9.04 The Bishop in conjunction with the Pastoral Team will reach out to victims and faith communities to foster healing and reconciliation. Such outreach will include counseling, spiritual assistance, support groups and listening sessions as appropriate.

9.05 The Coordinator will provide on an as needed basis reports to the Bishop and/or the Bishop's designee of the Pastoral Team's response to the affected individuals as outlined above.

X. VICTIM ASSISTANCE COORDINATOR

10.01 The Victim Assistance Coordinator is a licensed mental health professional appointed by the Bishop to serve in matters related to sexual misconduct or abuse of a minor by church personnel.

10.02 After receiving an allegation of sexual misconduct or abuse of a minor, the Victim Assistance Coordinator will immediately contact the victim or the family of the victim if the victim is still a minor at the time of the allegation, to offer pastoral counseling and spiritual help or medical assistance. This offer is to be made without admission of civil liability.

10.03 The Victim Assistance Coordinator will make contact with the accused to offer pastoral care and to refer the accused to a mental health provider for the purposes of mental health assessment and treatment.

10.04 A separate telephone line will be maintained in the office of the Victim Assistance Coordinator.

10.05 The Victim Assistance Coordinator will notify the Internal Coordinator of all calls received on the Victim Assistance Line within 24 hours of receipt.

10.06 The Victim Assistance Coordinator will provide to the Internal Coordinator the name of the caller, the nature of the allegation, and the assistance the caller is seeking.

10.07 The Victim Assistance Coordinator will maintain a network of resources and providers who may be of assistance to victims, families, congregations and the accused.

XI. INTERNAL COORDINATING COMMITTEE

11.01 The Internal Coordinating Committee is appointed by the Bishop to oversee the investigation, review, and response to allegations and incidents of sexual misconduct or abuse of a minor by church personnel.

11.02 The Internal Coordinating Committee will consist of the Bishop, the Vicar General, the Vicar for Clergy (if the allegation concerns a member of the clergy), Director of Child Protection Services who serves as the Internal Coordinator, Victim Assistance Coordinator, Communications Officer, Chief Financial Officer and the General Counsel.

11.03 The Bishop may appoint, from time to time, other members to the Internal Coordinating Committee, depending upon the nature of the accusation or the person accused; e.g., he may appoint the Judicial Vicar, the Director of Human Resources, and/or the Secretary of Religious Education, and/or the Superintendent of Education, etc.

11.04 The Internal Coordinating Committee will be responsible for ensuring that the policies and procedures of the Diocese of Charleston are followed and implemented, including the investigation of all allegations of sexual abuse.

11.05 The Internal Coordinating Committee shall ensure that all Diocesan policies, including spiritual and pastoral support, are provided to the victim, the victim's family, the accused, and others deemed appropriate.

XII. SEXUAL ABUSE ADVISORY BOARD

12.01 Article two of the *Charter for the Protection of Children and Young People* states

Dioceses/Eparchies are also to have a review board that functions as a confidential consultative body to the Bishop/Eparch. The majority of its members are to be laypersons not in the employ of the Diocese/Eparchy (see Norm 5 in Essential Norms for Diocesan/Eparchial Policies Dealing with Allegations of Sexual Abuse)

of minors by Priests or Deacons, 2006¹⁰). This board is to advise the Diocesan/Eparchial Bishop in his assessment of allegations of sexual abuse of minors and in his determination of a cleric's suitability for ministry. It is regularly to review Diocesan/Eparchial policies and procedures for dealing with sexual abuse of minors. In addition, the board can review these matters both retrospectively and prospectively and give advice on all aspects of responses in connection with these cases.¹¹

12.02 The Diocese of Charleston fulfills this mandate with the establishment of the Sexual Abuse Advisory Board.

12.03 Composition and Terms of Office

- (a) The Sexual Abuse Advisory Board is composed of at least five (5) persons of outstanding integrity and good judgment who are in full communion with the Church. These constitute the voting members. Additional non-voting *ex officio* members are appointed as outlined below.
- (b) The voting members are appointed by the Bishop of Charleston.
- (c) The majority of voting members are laypersons not in the employ of the Diocese.
- (d) The voting members of Sexual Abuse Advisory Board shall include as its members
- (e) One (1) priest;
- (f) One (1) licensed or certified psychiatrist, psychologist, or social worker with experience in the area of child abuse
- (g) Each member serves a term of five (5) years unless otherwise removed for cause by the Bishop or he/she

10 Norm Five states: *The review board, established by the diocesan/Eparchial Bishop, will be composed of at least five persons of outstanding integrity and good judgment in full communion with the Church. The majority of the review board members will be lay persons who are not in the employ of the Diocese/Eparchy; but at least one member should be a priest who is an experienced and respected pastor of the Diocese/Eparchy in question, and at least one member should have particular expertise in the treatment of the sexual abuse of minors. The members will be appointed for a term of five years, which can be renewed. It is desirable that the Promoter of Justice participate in the meetings of the review board.* Essential Norms for Diocesan/Eparchial Policies Dealing with Allegations of Sexual Abuse of minors by Priests or Deacons, 2011

¹¹ Charter for the Protection of children and Young People, United States Conference of Catholic Bishops, 2005, 2011

resigns. Members may be re-appointed for additional five-year terms of service at the discretion of the Bishop.

- (h) A voting member of the Board may be removed only by the Bishop for justifiable cause.
- (i) In the event of a vacancy, the Bishop will appoint a member to serve the unexpired term within thirty (30) days of the vacancy.

12.04 The Bishop may appoint as *ex-officio* non-voting members of the Board the following individuals:

- (a) The Vicar(s) General
- (b) The Vicar for Clergy (when the allegation involves a member of the clergy)
- (c) The Canonical Consultants (as needed)
- (d) Victim Assistance Coordinator

12.05 *Ex-officio* members will not be present nor participate in any meeting of the Sexual Abuse Advisory Board during the assessment of an allegation of sexual misconduct or abuse of a minor.

12.06 The Promoter of Justice, the Internal Coordinator and the General Counsel serve as advisors to the Sexual Abuse Advisory Board and with the exception noted in 12.05 above are present at all stages of the proceedings.

- (a) The Sexual Abuse Advisory Board members and those in attendance at Sexual Abuse Advisory Board meetings who receive information agree to maintain the confidentiality of the proceedings. Membership in the Sexual Abuse Advisory Board is contingent upon each appointee executing the necessary documents to conform to this paragraph.

12.07 Officers

- (a) At one of the biannual meetings of the Board, the voting Board members will elect among themselves a chairman and vice-chairman. The chairman and vice-chairman will serve for a term of two (2) years and may be re-elected.

- (b) The chairman will serve as the presiding officer of the Board. As the presiding officer, the chairman will be responsible for setting an agenda for all Board meetings, communicating with the Internal Coordinator and the General Counsel, and will conduct the order of all business before the Board and determine the manner and method of all allegations presented to the Board for assessment.
- (c) The vice-chairman will serve as presiding officer in the absence of the chairman.
- (d) The Internal Coordinator will serve as the non-voting secretary of the Board and will schedule all board meetings in consultation with the Chairman.
- (e) The Internal Coordinator will record the attendance of board members and others who appear before the Board; and will record in writing the Board's assessment of the credibility of any allegation to forward to the Bishop.

12.08 Responsibilities and Functions

- (a) The primary responsibility of the Sexual Abuse Advisory Board is to provide to the Bishop its assessment of an allegation of sexual misconduct or abuse of a minor and to assist him in determining the suitability of Church personnel for ministry, employment, assignment, or appointment in particular cases.
- (b) The Board is to advise the Bishop on any other counsel he desires or that it determines important to provide him.
- (c) The Sexual Abuse Advisory Board communicates its assessment to the Bishop in writing.
- (d) Review of this Policy (cf Section XIX)

12.09 Meetings

- (a) A quorum of the Board will be obtained in the attendance of at least 3/5 (three-fifths) of the voting members.
- (b) The Sexual Abuse Advisory Board will meet no fewer than two (2) times per calendar year. The date of these meetings will be determined by the voting members to allow ease of advanced scheduling.
- (c) The Board may meet on other dates as necessary to carry out its functions.
- (d) The Internal Coordinator is responsible for scheduling this meeting.

12.10 Process to Assess the Credibility of an Allegation

- (a) Upon completion of the preliminary investigation, and if the allegation is determined to have a semblance of truth and in the event the accused denies the allegation, the Bishop will direct the Coordinator to schedule a meeting of the Sexual Abuse Advisory Board.
- (b) The victim and the accused will be notified of the date, time, and place of the meeting of the Sexual Abuse Advisory Board.
- (c) If the victim so chooses, he/she may appear in person to present relevant information to the allegation. In the absence of the victim, the prepared report and any other documents, photographs, or the like, will be sufficient to establish credibility.
- (d) The General Counsel will advise the Sexual Abuse Advisory Board of the nature of the allegations, providing the name of the victim, the accused, dates, and places of the events alleged.
- (e) The accused will be entitled, if so desired, to present any information relevant to refute the allegation.
- (f) The chairman of the Board serves as presiding officer during the process of the Board's assessment of the

credibility of an allegation. The voting Board members may examine those individuals in attendance in providing information regarding the credibility of the allegation. The chairman will determine the method and extent of any examination.

- (g) Only the Sexual Abuse Advisory Board Members will examine those individuals presenting information either to substantiate or to refute the allegation.
- (h) The civil counsel of the accused, the canonical representative of the accused, the accused, the civil legal representative of the accused, the civil legal representative of the victim and the victim, and other pertinent relevant witnesses may be heard by the Board.
- (i) Neither the victim, nor the accused, nor his/her civil or Canonical counsel/representative may be present during the deliberation of the Sexual Abuse Advisory Board.
- (j) A quorum of the voting members must be present to determine any assessment by the Sexual Abuse Advisory Board to the Bishop.

12.11 The Sexual Abuse Advisory Board's recommendation will consist of a short and concise statement conveying the consensus of the Board and its assessment of the credibility of the allegation, presented to the Bishop in writing.

12.12 The Sexual Abuse Advisory Board's recommendation will be the only official documentation of the presentation, deliberation, and result of the Sexual Abuse Advisory Board's meeting.

XIII. PROCEDURE FOR REPORTING AN ALLEGATION

13.01 An individual who wishes to make a report of an allegation to the Diocese is encouraged to make contact with the Director of Child Protection Services located at telephone number 843-853-2130, extension 209 or to the Victim Assistance Coordinator at the toll free number 1-800-921-8122.

13.02 Nothing herein shall be construed to prevent an individual from reporting an allegation to the proper civil authorities.

13.03 The Director of Child Protection Services will be responsible for ensuring that the public is informed of their options in reporting an allegation as stated above. The Director will publish this procedure in multiple forms and intervals.

XIV. INVESTIGATION OF ALLEGATIONS

14.01 When the Diocese receives information in which church personnel has been accused of sexual misconduct or abuse of a minor, an internal investigation will be conducted in accordance with the procedures outlined herein. Specific procedures for allegations against clergy, Religious, lay personnel and Volunteers are also delineated herein.

14.02 Church personnel and those individuals participating in the Diocesan inquiry will proceed with pastoral care for the victim, the family of the victim, the accuser, and the accused, and will not interfere with any civil criminal investigation.

14.03 All allegations of sexual misconduct or abuse will be directed to the Internal Coordinator who will notify the Bishop, the Vicar(s) General, and the General Counsel as soon as possible, but no later than twenty-four hours (24) after the receipt of an allegation. Depending upon the circumstances of the allegation, the Internal Coordinator will also notify other senior personnel as directed by the Bishop.

14.04 The Internal Coordinator will refer the victim to the Victim Assistance Coordinator as soon as reasonably possible in accordance with Sections IX and X of this Policy.

14.05 The Internal Coordinator and/or General Counsel will direct the Investigator to gather all specific data and information from the victim and/or accuser regarding the allegation of sexual misconduct or abuse.

- (a) The victim or the accuser will be told at the beginning of any interview related to the accusation that anonymity cannot be guaranteed and the allegation will be reported to the appropriate civil authorities as required by law.
- (b) The Investigator will be granted access to all Diocesan files to assist in his investigation, including the entire priest personnel files, employee personnel files, parish records.

14.06 The Internal Coordinator will notify the accused that an allegation of Sexual Abuse or Misconduct of a minor has been reported against him.

14.07 The Investigator will notify the accused of the nature of the allegation and attempt to interview the accused and provide an opportunity for the accused to respond to the allegation.

- (a) The Investigator will advise the accused of his right to a civil attorney during the interview and at any stage of the investigative process.
- (b) If the accused is a cleric or Religious, the Investigator will advise him of his right to a canon lawyer.

14.08 Upon the receipt of an allegation, the accused will be placed on Administrative leave.

- (a) If the accused is a cleric, and after the Investigator has gathered the initial information, the Bishop will authorize the canonical investigation.
- (b) The Bishop or his designee will also advise the accused in person of the opening of the canonical investigation and afford him the opportunity to undergo counseling and/or to take voluntary administrative leave.
 - 1) Such administrative leave will include a suspension of the faculties of the accused. The accused will be advised of his right to both civil and/or Canonical counsel during any and all stages of the proceedings.
 - 2) When necessary, the Bishop will supply canonical counsel to the cleric.
- (c) If the accused is a member of a religious order, or an extern priest, or a priest of another diocese with faculties to serve in the Diocese of Charleston, the Bishop or his designee will immediately notify the appropriate superior of the accused of the nature of the allegation.
- (d) If the accused is a volunteer, the accused will be relieved of any assignment, duty or responsibility associated with his position as a volunteer. The Bishop will directly, or through the Internal Coordinator, notify the accused he is

restrained from appearing or being present at such diocesan property specified by the Bishop.

14.09 The Investigator will report the results of his preliminary investigation to both the Internal Coordinator and the General Counsel. The Investigator will continue his investigation as deemed appropriate by either the Internal Coordinator or the General Counsel.

14.10 The Internal Coordinator and the General Counsel will notify the Bishop of the results of the preliminary investigation.

14.11 The Sexual Abuse Advisory Board will be convened to receive the results of the investigation and, if necessary assess the credibility of the allegation as specified in Section XII.

14.12 If the accused admits the allegation to be true, the Bishop will remove the accused from active ministry, office or function.

- (a) In the event the accused is a cleric or Religious, the Bishop will suspend the cleric's faculties, remove the cleric/religious from ministerial assignment, and impose any other appropriate restrictions or conditions.

14.13 If the Sexual Abuse Advisory Board assesses the allegation to be credible, or there is sufficient evidence that sexual misconduct or abuse of a minor has occurred, the Bishop will remove the accused from ministry and from any office or function.

14.14 The results of the Board's assessment will be provided in writing to the Bishop by the Internal Coordinator as specified in 12.11 and 12.12 above.

14.15 If the Sexual Abuse Advisory Board assesses an allegation against a member of the clergy to be credible or concludes that there is sufficient evidence that sexual misconduct or abuse of a minor has occurred and the Bishop accepts the Board's recommendation, the Bishop will

- (a) Petition the Congregation of the Doctrine of the Faith for a penal trial or for an administrative process
- (b) Pending the outcome of the civil and/or canonical process
 - (i) Issue a decree of administrative leave

- (ii) Remove the accused cleric from sacred ministry and/or office
- (iii) Suspend his faculties
- (iv) Prohibit his residence in any specific parish, rectory, diocesan entity/institution, deanery, or geographic area
- (v) Prohibit the public participation in the Holy Eucharist
- (vi) Prohibit the wearing of clerical garb by granting a dispensation to the accused cleric

14.16 Nothing in this Policy shall be construed as to require or limit the Bishop from exercising his rights and responsibilities as outlined in canon law and civil law from taking such prudent action as he deems appropriate regarding a member of the clergy under his charge.

14.17 If the Sexual Abuse Advisory Board does not assess the allegation to be credible, the Bishop, nevertheless, may impose appropriate restrictions if he believes the safety of minors requires such action.

- (a) The accused may be requested to seek and/or may be urged voluntarily to comply with an appropriate medical and psychological evaluation at a facility mutually acceptable to the Bishop and the accused. The accused may authorize the institution to share the results of any evaluation with the Bishop and his designees
- (b) When even a single act of sexual misconduct or abuse by a cleric is admitted or is established after an appropriate process in accord with canon law, the offending cleric will be removed from ecclesiastical ministry, not excluding dismissal from the clerical state, if the case so warrants.

14.18 In every case involving Canonical penalties, the process as provided by canon law must be observed. This process is guided by and follows the provisions of the *Code of Canon Law (Codex Iuris Canonici, 1983)*, the *Moto Proprio Sacramentorum Sanctitatis Tutela (2001)* and its revised norms found in *Normae de gravioribus delictis (2010)*, and *The Guide to Understanding Basic CDF Procedures concerning Sexual Abuse Allegations*

(2010), and such other directives, policies and procedures as may be promulgated by the Holy See and/or the USCCB.

14.19 The accused may, at any time, request a dispensation from the obligations of the clerical state. In exceptional cases, the Bishop may request from the Holy Father the dismissal of the accused from the clerical state *ex officio*, even without the consent of the accused.

14.20 If a penalty has been applied, but not the penalty of dismissal from the clerical state, the accused will not be permitted to celebrate Mass publicly, to administer sacraments (except *in extremis* as provided by canon law), to wear clerical garb, or to present himself publicly as a priest. The accused will be encouraged to live a life of prayer and penance.

14.21 In the event a cleric or religious member who has been accused of an act of sexual misconduct or abuse may not be transferred for ministerial assignment to another diocese or religious province.

- (a) Before the accused can transfer his residence to another diocese or religious province, the Bishop will forward, in a confidential manner to the local Bishop/Eparch or Religious Superior (if applicable) of the proposed place of residence, any and all information concerning any act of sexual misconduct or abuse of a minor and any other information indicating that the accused has been, or may be, a danger to children. This provision will apply even if the accused comes to reside in the local community of an institute of consecrated life or society of apostolic life.

14.22 Before receiving a cleric from outside the diocese, the Bishop will obtain the necessary information regarding any past act or allegation of sexual misconduct or abuse of a minor by the cleric. The cleric in question will submit to a background screening and safe environment training before beginning ministry for the diocese.

14.23 Care will always be taken to protect the good name and the rights of all parties involved especially the victim and the accused.

14.24 When an allegation has been proven not to be credible, every step possible will be taken to restore the good name of the accused.

XV. CONFIDENTIALITY AND DISCLOSURE OF INFORMATION

15.01 The Coordinator is to be the custodian of all information accumulated in accordance with this Policy. The Coordinator will develop an appropriate record keeping system to ensure accountability and the security and confidentiality of such information.

15.02 All written reports, documents, photographs, letters, and similar information are considered privileged and confidential. To protect the confidentiality of the named accused and the victim these documents, unless directed by civil order, will not be disseminated.

15.03 The following information may be disclosed:

- (a) The results of the preliminary investigation will be made known to the accused to enable him/her to respond to the allegation.
- (b) Timely information concerning the progress of the investigation will be made known to the victim and the accused of the Sexual Abuse Advisory Board's assessment and the Bishop's decision.
- (c) The results of the internal investigation and all other pertinent and factual information used to form an assessment by the Sexual Abuse Advisory Board will be made available to the Bishop.
- (d) Such information as may be required by canon law or civil law.

XVI. MEDIA, COMMUNICATION AND COLLABORATION

16.01 The Diocese of Charleston is committed to openness and transparency, especially in all matters related to the protection of children, and collaborates with other entities sharing the goal of preventing the sexual abuse of minors. To this end, the Bishop meets periodically with delegates of clerical institutes present in the Diocese of Charleston to ensure coordination of their roles concerning the issue of allegations made against a cleric member of a religious institute.

16.02 To avoid confusion, all media inquiries concerning any allegation of sexual misconduct or abuse will be referred to the designated

communications officer. This officer is the only person who will disseminate information to the press or answer any media inquiries concerning the subject of sexual misconduct or abuse of a minor by church personnel.

16.03 The designated communications officer oversees the recommendation and implementation of all authorized media communications when an allegation of sexual misconduct or abuse is made. This officer is solely responsible for responding to all media inquiries and for the disbursement of information concerning matters related to allegations and incidents of sexual misconduct or abuse of a minor by church personnel.

16.04 The designated communications officer is afforded access to all diocesan files and documents on a case-by-case basis as authorized by the Bishop in order to prepare for the dissemination of information and to recommend a response to media or public inquiries.

16.05 Church personnel, unless specifically directed by the communications officer, will not attempt to contact any member of the media nor comment regarding any matter related to diocesan Policy and/or allegations of sexual misconduct.

16.06 All media inquiries received by church personnel are referred to the designated communications officer.

16.07 Interacting with the media without designation may provide cause for disciplinary action, including potential termination.

16.08 The Diocese will not enter into confidentiality agreements with respect to alleged sexual abuse, except in cases where confidentiality is requested by a victim or a survivor of such abuse for grave and substantial reasons proffered by the victim or survivor, which reasons are noted in the text of the confidentiality agreement.

XVII. DISTRIBUTION OF POLICY AND PROCEDURES

17.01 A copy of this Policy will be distributed to and followed by all current church personnel, parishes, schools, and other church-sponsored ministries.

17.02 All diocesan clergy, school principals, and department heads are to have a studied understanding of this Policy and their respective responsibility for its implementation.

17.03 A copy of this Policy will be distributed to all potential church personnel prior to, or concurrent with their assuming their positions, assignments, or appointments

17.04 The church personnel *Code of Conduct and Policy Concerning Allegations of Sexual Misconduct or Abuse of a minor by Church Personnel (2012)* acknowledgment and agreement form attached to this Policy as Appendices will be signed by all church personnel and retained on site in a designated Safe Environment folder with other necessary safe environment documents (signed Code of Conduct, Certificate of Attendance to an educational session and proof of background screening).

17.05 The following will be responsible for the distribution and the collection of the properly executed Acknowledgment of Receipt:

- (a) Vicar for Clergy - priests
- (b) Vicar for Vocations - transitional deacons and seminarians
- (c) Director of the Deaconate - permanent deacons and deacon candidates
- (d) Liaison for Religious - religious sisters and brothers
- (e) Director of Catholic Schools Office - All Principals and School Employees/Volunteers
- (f) Pastors - all parish employees/volunteers
- (g) Director of Human Resources - All other church personnel not previously stated above.

XVIII. SANCTIONS

18.01 The Diocese of Charleston will not employ or retain as a volunteer with access to minors anyone who fails to comply fully with the provisions of this Policy.

18.02 An applicant for any diocesan position who fails to comply with the provisions of this Policy will be denied the position.

XIX. REVIEW OF THIS POLICY

19.01 The Diocese of Charleston *Policy Concerning Allegations of Sexual Misconduct or Abuse of a minor by Church personnel (2012)* will be reviewed periodically, at least every two years, by the Sexual Abuse Advisory Board.

19.02 If any term or provision of this Policy has been declared by a court of competent jurisdiction to be invalid or unenforceable, all other terms and provisions of this Policy shall remain in full force and effect.

19.03 The Sexual Abuse Advisory Board will make such recommendations to the Bishop to modify, amend, or make changes to the provisions and terms of this Policy periodically, as they deem appropriate, to be in conformity with existing civil and canonical authority and scientific developments.

APPENDICES

APPENDIX I
CODE OF CONDUCT FOR CHURCH PERSONNEL
OF THE DIOCESE OF CHARLESTON

CODE OF CONDUCT FOR CHURCH PERSONNEL
OF THE DIOCESE OF CHARLESTON

I. Preamble

The *Code of Conduct for Church Personnel* of the Diocese of Charleston contains various rules, policies, and procedures. Many of the provisions are summaries of civil and Canon law. Such laws change from time to time. The Diocese of Charleston may find it necessary or advisable to alter this Policy from time to time. Therefore, the provisions of this Policy are subject to change by the Diocese of Charleston at any time, with or without previous notice. If there is a conflict in the rights and remedies between canon law and civil law within the Policy, the Policy will follow that jurisprudence which reconciles the inconsistency.

1.01 Church personnel (priests, deacons, pastoral ministers, administrators, staff, and volunteers) in our parishes, religious communities/institutes, and organizations must uphold Christian values and conduct. The Code of Conduct provides a set of standards for conduct in certain pastoral situations, and can be used as a guideline for all interactions with minors.

II. Responsibility

2.01 The public and private conduct of church personnel can inspire and motivate people, but it can also scandalize and undermine the people's faith. Church personnel must, at all times, be aware of the responsibilities that accompany their work. They must also know that God's goodness and grace support them in their ministry.

2.02 Responsibility for adherence to the Code of Conduct rests with each individual. Church personnel who disregard this Code will be subject to remedial action by the parish, religious community/institute, the school, or the Bishop. Corrective action may take various forms - from verbal correction to removal from the ministry - depending upon the specific nature and circumstance of the offense and the extent of potential harm.

III. Pastoral Standards

3.01 Church personnel, and especially all who engage in any pastoral counseling or spiritual direction, shall not step beyond their competence

in counseling situations and shall refer clients to other professionals when appropriate.

3.02 Church personnel, and especially pastoral counselors and spiritual directors, should carefully consider the possible consequences before entering into a counseling relationship with someone with whom they have a pre-existing relationship (i.e., employee, professional colleague, friend).

3.03 Pastoral counselors and spiritual directors should not audiotape or videotape counseling sessions.

3.04 Church personnel must never engage in sexual intimacies with the persons they counsel. This includes consensual and nonconsensual contact, forced physical contact, and inappropriate sexual comments.

3.05 Church personnel must never engage in sexual intimacies with individuals who are close to the person receiving counseling or spiritual direction — such as relatives or friends — when there is a risk of exploitation or potential harm to the client.

3.06 It is the duty of all church personnel to assume full responsibility for establishing and maintaining clear, appropriate boundaries in all counseling and counseling-related relationships.

3.07 Physical contact of any kind (i.e., touching, hugging, holding, etc) can be misconstrued and therefore is to be avoided.

3.08 Meetings for spiritual direction or counseling should be conducted in appropriate settings at appropriate times that do not cause confusion about the purpose, structure and limits of the meeting. (Such meetings must never take place in private living quarters.)

3.09 In professionally qualified sessions of pastoral counseling or spiritual direction a log should be maintained of each session noting the individual, the times, and the places each noted.

IV. Confidentiality

4.01 Information disclosed to church personnel during the course of counseling, advising, or spiritual direction shall be held in the strictest confidence possible.

4.02 Information obtained in a session shall be confidential except for compelling professional reasons or as required by law.

4.03 Pastoral counselors and spiritual directors should discuss the nature of confidentiality and its limitations with the individual in counseling.

4.04 Records of the content of counseling or spiritual direction sessions are to maintain only minimal information.

4.05 Knowledge that arises from professional contact may be used in teaching, writing, homilies, or other presentations only when effective measures are taken to absolutely safeguard the identity of the individual.

4.06 While counseling a minor, if a serious threat to the welfare of the minor is discovered and communication of the threat entails relating confidential information to a parent or legal guardian is deemed essential to the minor's health and well-being, church personnel should

- (a) Attempt to secure written consent from the minor for disclosure
- (b) If consent is not given, disclose only the information necessary to protect the health and well-being of the minor.

4.07 Consultation with the appropriate church supervisory personnel is required prior to the disclosure unless there is clear and imminent danger to the physical welfare of the minor. In all circumstances, the appropriate church supervisor must be informed and consulted as soon as possible.

4.08 These obligations are independent of the confidentiality of the confessional. Under no circumstances whatsoever can there be any disclosure—even if indirect disclosure—of information received through the confessional.

V. Conduct with Youth

5.01 Church personnel working with youths shall maintain an open and trustworthy relationship between youth and adult supervisors.

5.02 Church personnel must be aware of their own and others' vulnerability when working alone with youth. A team approach to managing youth activities should be used.

5.03 Physical contact with youth can be misconstrued and should occur only

- (a) when completely nonsexual and otherwise appropriate, and
- (b) never in private.

5.04 Church personnel must refrain from (a) illegal possession and/or use of drugs and /or alcohol at all times, and (b) the use of alcohol when working with youth.

5.05 Clergy will not allow youth to stay overnight in cleric's private residence or accommodations.

5.06 Church personnel should not provide shared, private, overnight accommodation for individual young people including, but not limited to, accommodations in any church-owned facility, private residence, hotel room, or any other place where there is no other adult supervision present.

- (a) In rare, emergency situations, when accommodation is necessary for the health and well-being of the youth, the clergy and staff should take extraordinary care to protect all parties from the appearance of impropriety and from all risk of harm.
- (b) Use a team approach to manage emergency situations.

VI. Sexual Contact

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

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

6.03 Church personnel who provide pastoral counseling or spiritual direction services must avoid developing inappropriately intimate relationships with minors, other staff or parishioners. Church personnel must behave in a professional manner at all times.

6.04 No church personnel may exploit another person for sexual purposes.

6.05 Allegations of sexual misconduct should be taken seriously and reported to the appropriate person in the parish, diocese and to civil authorities if the situation involves a minor.

6.06 Diocese of Charleston procedures will be followed to protect the rights of all involved.

6.07 Church personnel should review and know the contents of the child abuse regulations and reporting requirements for the State of South Carolina and should follow those mandates.

VII. Harassment

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

7.02 Church personnel shall provide a professional work environment that is free from physical, psychological, written, or verbal intimidation or harassment.

7.03 Harassment encompasses a broad range of physical, written, or verbal behavior, including without limitation the following:

- (a) Physical or mental abuse
- (b) Racial insults
- (c) Derogatory ethnic slurs
- (d) Unwelcome sexual advances or touching
- (e) Sexual comments or sexual jokes
- (f) Requests for sexual favors used as
- (g) A condition of employment, or
- (h) To affect other personnel decisions, such as promotion or compensation
- (i) Display of offensive materials

7.04 Harassment can be a single severe incident or a persistent pattern of behavior where the purpose or the effect is to create a hostile, offensive or intimidating work environment.

7.05 Allegations of harassment should be taken seriously and all allegations are to be reported immediately.

7.06 Diocese of Charleston procedures are to be followed to protect the rights of all involved.

VIII. Records and Information

8.01 Confidentiality will be maintained in creating, storing, accessing, transferring, and disposing of organizational records.

8.02 All issues related to sacramental records shall follow the norms and procedures outlined in the Diocese of Charleston *Sacramental Handbook*, especially in matters related to confidentiality.

8.03 Information regarding adoption and legitimacy remain confidential, regardless of the age of the record.

8.04 Only staff members who have proper authorization are to have access to these records.

8.05 Financial records are confidential unless review is required by the Diocese of Charleston. Contact with the Diocese of Charleston is to be made regarding any request for release of financial information.

8.06 Individual contribution records of a parish or school shall be regarded as private and shall be maintained in strictest confidence.

IX. Conflict of Interest

9.01 Church personnel should avoid situations that might present a conflict of interest. Even the appearance of a conflict of interest can call integrity and professional conduct into question.

9.02 Church personnel should disclose all relevant factors that potentially could create a conflict of interest.

9.03 Church personnel should inform all parties when a real or potential conflict of interest arises. Resolution of the issues must protect the person receiving ministry services.

9.04 No church personnel should take advantage of anyone to whom they are providing services in order to further their personal, religious, political or business interests.

9.05 Pastoral counselors should not provide counseling services to anyone with whom they have a business, professional or social

relationship. When this is unavoidable, the client must be protected. The counselor must establish and maintain clear, appropriate boundaries.

9.06 When pastoral counseling or spiritual direction services are provided to two or more people who have a relationship with each other, the pastoral counselor or spiritual director must

- (a) Clarify the nature of the relationship with all parties
- (b) Anticipate any conflict of interest
- (c) Take appropriate actions to eliminate the conflict
- (d) Obtain from all parties written consent to continue services

9.07 Conflicts of interest may also arise when a pastoral counselor's or spiritual director's independent judgment is impaired by

- (a) Prior dealings
- (b) Becoming personally involved
- (c) Becoming an advocate for one (person) against another

9.08 In these circumstances, the pastoral counselor or spiritual director shall advise the parties that he or she can no longer provide services and refer them to another pastoral counselor or spiritual director.

X. Reporting Ethical or Professional Misconduct

10.01 Church personnel have a duty to report their own ethical or professional misconduct and the misconduct of others.

10.02 Church personnel must hold each other accountable for maintaining the highest ethical and professional standards. When there is an indication of illegal actions by church personnel, notification of the proper civil authorities should be made immediately and the appropriate Diocese of Charleston office should be contacted.

10.03 When an uncertainty exists about whether a situation or course of conduct violates this Code of Conduct, or other religious, moral or ethical principles, consult with

- (a) Peers

- (b) Others knowledgeable about ethical issues
- (c) The Chancery or appropriate diocesan office

10.04 When it appears that a member of church personnel has violated this Code of Conduct or other religious, moral, or ethical principles

- (a) Report the issue to a supervisor or next higher authority
- (b) Refer the matter directly to the Chancery or appropriate diocesan office

10.05 The obligation of pastoral counselors and spiritual directors to report client misconduct is subject to the duty of confidentiality. However, any agreement or duty to maintain confidentiality must yield to the need to report misconduct that threatens the safety, health, or well-being of any of the persons involved except as provided for in Section IV of this Code.

XI. Administration

11.01 Employers and supervisors shall treat Church personnel justly in the day-to-day administrative operations of their ministries.

11.02 Personnel and other administrative decisions made by Church personnel must meet civil and canon law obligations and also reflect Catholic social teachings and this Code of Conduct.

11.03 No church personnel shall use his or her position to exercise unreasonable or inappropriate power and authority.

11.04 Church personnel must read and sign the *Code of Conduct Agreement* before providing services.

XII. Well-Being of Church Personnel

12.01 Church personnel have the duty to be responsible for their own spiritual, physical, mental, and emotional health.

12.02 Church personnel should be aware of warning signs that indicate potential problems with their own spiritual, physical, mental and emotional health.

12.03 Church personnel should seek help immediately whenever they notice behavioral or emotional warning signs in their own professional and/or personal lives.

12.04 Church personnel must address their own spiritual needs. Support from a spiritual director is highly recommended.

12.05 Inappropriate or illegal use of alcohol and drugs is prohibited.

APPENDIX II
DIOCESE OF CHARLESTON
CODE OF CONDUCT AGREEMENT

**DIOCESE OF CHARLESTON
CODE OF CONDUCT AGREEMENT**

I, the undersigned, as a member of Church Personnel, as defined in the Policy Concerning Allegations of Sexual Misconduct or Abuse of a Minor, agree to follow this Code of Conduct. I acknowledge any action or inaction, inconsistent with the Code of Conduct, may result in my removal from any assignment, appointment, or position and/or the termination of my employment. Nothing in this Code shall be construed to interfere with a cleric's administration of the Sacraments or his Canonical obligations. Therefore, by virtue of my signature below, I WILL:

- Treat others with respect, loyalty, patience, integrity, courtesy, dignity and consideration.
- Avoid situations where I am alone with minors except in administration of the Sacrament of Reconciliation.
- Use positive reinforcement rather than criticism or comparison when working with minors.
- Not accept expensive gifts from minors or their parents, without prior written approval from the parents and the pastor/administrator.
- Not give expensive gifts to minors without prior written approval from the parents and the pastor/administrator.
- Report suspected abuse to the pastor, administrator, or appropriate supervisor and the local responsible agency (DSS or Police). I understand that if I am a mandated reporter as defined by SC law, failure to report suspected abuse to civil authorities can result in prosecution and fines.
- Cooperate fully in any investigation of abuse of minors.
- Not smoke or use tobacco products in the presence of minors in the performance of my duties.
- Not abuse alcohol in the presence of minors in the performance of my duties.
- Not use, possess or be under the influence of any illegal drugs at any time.
- Not pose any health risk to minors.
- Not strike, spank, shake or slap any minor.
- Not humiliate, ridicule, threaten, or degrade any minor.
- Not touch a minor in a sexual or other inappropriate manner.
- Not use any discipline that frightens or humiliates minors.
- Not use profanity in the presence of minors.

Printed Name

_____/_____/_____
Date of Birth

Signature

Date

Revised: 2 April 2012

APPENDIX III
ACKNOWLEDGEMENT OF RECEIPT OF
THE *POLICY CONCERNING ALLEGATIONS*
OF SEXUAL ABUSE OR MISCONDUCT OF A MINOR
BY CHURCH PERSONNEL (2012)
AND OF
THE *CODE OF CONDUCT FOR CHURCH PERSONNEL*

DIOCESE OF CHARLESTON

**ACKNOWLEDGEMENT OF RECEIPT OF
THE *POLICY CONCERNING ALLEGATIONS
OF SEXUAL ABUSE OR MISCONDUCT OF A MINOR
BY CHURCH PERSONNEL (2012)*
AND OF
THE *CODE OF CONDUCT FOR CHURCH PERSONNEL***

I, the undersigned, have fully read, understand and agree to abide by the *Policy Concerning Allegations of Sexual Abuse or Misconduct of a minor by Church personnel (2012)*¹ of the Diocese of Charleston.

I, the undersigned, have fully read, understand and agree to abide by the *Code of Conduct for Church personnel* of the Diocese of Charleston.

I understand that nothing in this Policy shall be deemed to constitute a contract of employment.

Printed Name

_____/_____/_____
Date of Birth

Signature

Date

Witness

Date

¹ The *Policy of the Diocese of Charleston Concerning Allegations of Sexual Misconduct or Abuse of a minor by Church personnel (2012)* contains various rules, policies, and procedures. Many of the provisions are summaries of civil and Canon law. Such laws change from time to time. If there is a conflict in the rights and remedies between Canon law and civil law within this Policy, the Diocese of Charleston will apply that jurisprudence which reconciles the conflict. The Diocese of Charleston may find it necessary or advisable to alter this Policy from time to time. Therefore, the provisions of this Policy are subject to change by the Diocese of Charleston at any time, with or without previous notice.

APPENDIX IV
AGREEMENT FORM FOR REGISTERED SEX OFFENDERS
AND PARISH/SCHOOL
CLARIFYING LIMITS OF REGISTRANT'S ALLOWED INVOLVEMENT
IN PARISH/SCHOOL ACTIVITIES

On occasion, a person identified as a registered sex offender may seek legitimate involvement in the life of a parish, or have a child enrolled in a Catholic school. In these circumstances, an agreement must be enacted to clarify the limits of allowed involvement. The registrant must understand that violation of the agreement will result in being immediately and permanently banned from any and all involvement with the parish/school. Therefore, the Diocese has prepared a standard agreement to be used for this purpose.

The following document should be copied onto parish/school letterhead. (You may re-type the document; however, **do not change anything in the wording or phraseology of the document itself**. It must be signed exactly as worded.

Three copies are required:

1. One copy for the registrant
2. One copy for the parish/school files
3. One copy to be posted to the Director, Child Protection Services, Diocese of Charleston, P O Box 818, Charleston, SC 29402 – the envelope to be marked *Personal and Confidential*.

If there are any questions regarding this document, the agreement it enacts, etc., please contact the Office of Child Protection Services, Diocese of Charleston, 843-853-2130 ext 206 or 216.

RE: AGREEMENT OF REGISTERED SEX OFFENDER

WHEREAS, the below named individual is listed as a registered sex offender, hereinafter referred to a "Registrant"; and

WHEREAS, the Registrant may have contact in some capacity with the below named Diocese of Charleston parish and/school or other below named office; NOW THEREFORE

For valuable consideration, and the mutual promises made herein, This Agreement is entered into this _____ day of _____, _____ between the undersigned Registrant and the undersigned Principal/Pastor. The terms of the Agreement are:

1. The Registrant may not hold any position, title, or office related to the below named parish or school which places the Registrant in contact with children other than the Registrant's own child/children. This restriction includes participation in any ministry, activity or groups involving youth.

2. The Registrant will inform other parents with whom any of Registrant's children have regular contact of the Registrant's status.

3. In the event the parish/school requires service hours of the Registrant as a result of the Registrant's association with the parish/school, the Registrant will complete those obligations in compliance with any applicable federal, state or local laws, and under proper supervision.

4. The Registrant will not appear on the school campus or parish grounds unless accompanied by another adult who is aware of the Registrant's status, and who has been previously approved by the school principal or parish pastor to serve as a supervisor. While present on a school campus or parish grounds, the Registrant will use only restrooms designated by the school principal or parish principal, in the accompaniment of the supervisor.

I understand and accept the terms of this Agreement, as evident by my signature below.

Authorized Signature (Pastor/Principal)

Registrant (Signature)

Printed Name of Principal/Pastor

Printed Name of Registrant

Name and Address of School/Parish

Address of Registrant

Witness

Witness

