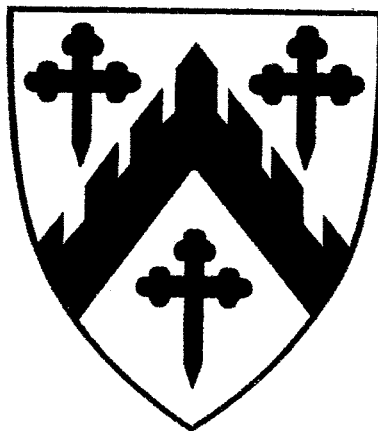
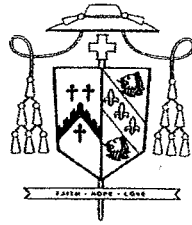


Diocese of Davenport



Policies Relating to Sexuality and Personal Behavior

Reviewed and Revised June 2003



DIocese of Davenport

Dear Brothers and Sisters in Christ:

The abuse of a child or young person contradicts everything our Savior teaches us and everything His Church is called to be. The sexual abuse of children and young people by some priests and bishops and the ways in which this may have been handled in the past has caused pain, anger and confusion among many in our faith community. From the depths of my heart, I again wish to express my great sorrow and profound regret for the suffering of the victims of this abuse, their families and our Catholic community across the United States and within our global Church. I hope that our efforts in the Diocese of Davenport may ease some of that anger and confusion and help begin to heal the pain.

The *Charter for the Protection of Children and Young People* and the *Essential Norms for Diocesan/Eparchial Policies Dealing with Allegations of Sexual Abuse of Minors by Priests or Deacons* were approved and became effective a few months ago. The goals of these documents are to:

- Protect our Children;
- Promote Healing and Reconciliation with Victims;
- Guarantee an Effective Response to Allegations;
- Restore Trust in the Priesthood; and
- Ensure Our Own Accountability.

In light of those documents and in a spirit of cooperation with my brother bishops, I promulgated the following *Policies Relating to Sexuality and Personal Behavior* to become effective June 1, 2003.

Along with the promulgation of these policies, I announce a revised and enhanced Safe Environment Program. The four dioceses of Iowa have joined together and will be implementing the Protecting God's Children™ programs and other elements of the VIRTUS© programs. The Diocese of Davenport will train local program facilitators, clergy, staff, and volunteers who regularly work with children and then will broaden the program to include others throughout the faith community. Many dioceses are using this same program. Michael Bemis is president and CEO of National Catholic Risk Retention Group, Inc., the developer of the VIRTUS© program. He states, "our awareness and training programs are based on an approach that calls on every adult in our communities to become a protector of children." Ongoing training, mainly web-based, is also a component of this program.

Behind the scenes and for many months, diocesan staff and members of the Review Board have attended diocesan, regional and national meetings and workshops and consulted with colleagues in order to effectively implement these documents. The following policies and the upcoming training program are some of the fruits of their labor. Their efforts have not been publicly acknowledged but I thank them and all of you in the Church of Davenport as we walk together in faith and implement these policies. It will take all of us to help prevent abuse and make our Church a safe environment, fostering the love and peace of Christ. Parish communities will be integral in training and facilitating background checks and other protocols for staff and those volunteers who will be in regular contact with children. We all must take reasonable steps together to protect all of God's children.

I ask your cooperation in helping me implement these policies. I am convinced that through our work together the Church we love will ultimately be strengthened.

Sincerely in the Peace and Joy of Christ,
(Most Rev.) Wm E. Franklin,
Bishop of Davenport

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Please do not remove separate sheets from a booklet form of this policy. If you are required to complete a form, please submit separate sheets. You may make copies from this publication or visit www.davenportdiocese.org

Diocese of Davenport

Preamble

The teachings of the Catholic Church are the foundation for all who minister in her name. They provide basic teachings of responsibility and accountability for one's behavior as well as requirements of chastity for all the baptized and adherence to public vows and commitments. These commitments include those taken by priests and unmarried deacons to lead celibate lives. It is important that those in ministry understand appropriate conduct relating to sexuality and personal behavior.

There is a sacred relationship that exists between the Church and her members, whether they are adults or children. This relationship involves respect and trust. In particular, inappropriate use of the Internet, sexual abuse, sexual misconduct, sexual assault and/or sexual exploitation when occurring within the context of the Church, create a tragic reality which misrepresents the Good News to those who have been victimized and indeed to all people. Every instance of sexual misconduct toward those who are the most vulnerable amongst us is a matter of the gravest concern. Knowledge of these instances calls for an organized diocesan response so that healing may occur and the safety of the community is assured.

The Diocese of Davenport upholds the highest ethical standards for its members and personnel and strives to maintain safe environments for its people. Therefore, the Diocese has adopted the following policies regarding conduct relating to sexuality and personal behavior. Acceptance, understanding and acknowledgement of receipt of these policies are required of all persons involved in ministry in the Diocese prior to ordination, assignment, employment or acceptance of regular voluntary services involving interaction with children or vulnerable adults.

Sexual misconduct violates human dignity as well as the moral teaching and mission of the Church. These policies establish appropriate behavior and address in particular, issues of sexual misconduct, including review of the fitness for ministry of any individual within the Diocese. These policies seek to be as fair and responsive as possible to the pastoral needs of those to whom we minister. In particular, they address instances of alleged misconduct and the pastoral needs of the victim, the victim's family, the parish or institution involved, the community and the alleged perpetrator. These policies shall facilitate cooperation and avoid interference with civil authorities responsible for investigating allegations. The primary purposes of these policies and their procedures are the safety of children, protection of the vulnerable, the well being of the community and the integrity of the Church.

1. Personnel

The following policies will apply to all personnel of the Diocese of Davenport to include:

- (a) All incardinated clerics (including all incardinated priests and deacons of the Diocese);

- (b) All religious priests and deacons who have received faculties in the Diocese of Davenport and are working in a Diocesan assignment;
- (c) All those non-ordained persons to whom a participation in the exercise of the pastoral care of a parish is entrusted according to Canon 517, Section 2, of the *Code of Canon Law*;
- (d) All clerics of other dioceses or religious communities who are working for the Diocese;
- (e) All male and female religious working in the Diocese;
- (f) All personnel of Faith Formation programs of the Diocese (schools, religious education, youth ministry and campus ministry);
- (g) All paid personnel in the offices and parishes of the Diocese;
- (h) All volunteers in the offices and institutions mentioned in f and g above who work on a significant scale with vulnerable persons; and
- (i) Such other personnel as designated by the Bishop of Davenport;
- (j) Unless specifically included above, Catholic corporate entities within the Diocese of Davenport that are listed in the *Official Catholic Directory* or the Diocesan Directory that do **NOT** have the Bishop of Davenport as their President are **NOT** covered by these policies. (St. Ambrose University, while following the general outline of these policies, has its own regarding these issues that are particularly appropriate to these concerns in higher education.)

2. **Distribution of Policies**

These policies are to be distributed to all personnel listed above and to the following:

- 1) All those who seek ordination in the Diocese at the time they are admitted into an ordination formation program and
- 2) All clerics of other jurisdictions who seek assignment or appointment for work in the Diocese.

3. Acknowledgement by Personnel

All personnel are asked to complete a brief questionnaire and sign an annual acknowledgment of receipt that signifies the understanding and acceptances of these policies. To protect members of the Church, waivers allowing background checks are also included for screening of those who would work regularly with certain vulnerable populations.

- Personnel listed in 1a - d and those additional persons noted in 2 above are to forward these to the Vicar General of the Diocese or his designee.
- All Catholic school employees other than principals should return these to their principal; principals should return their forms to the Diocesan schools office; all non-ordained parish personnel not associated with a parish school should return them to the pastor or his designee; all diocesan employees and volunteers should return them to the Director of Human Resources; and any others not referred to in this statement should return them to the Vicar General.

Acknowledgements should be forwarded as follows

Personnel	Recipient
a) Incardinated clerics	Vicar General
b) Religious priests/deacons receiving faculties and working in the diocese	Vicar General
c) Parish life coordinator per Canon 517	Vicar General
d) Clerics of other dioceses or religious orders working for the Diocese	Vicar General
e) All male and female religious working in the Diocese	Vicar General
f) All school employees and volunteers	Principal
g) Principals	Superintendent
h) Non-ordained parish personnel not associated with a parish school	Pastor or parish designee
i) Diocesan employees and volunteers	Director of human resources
j) Anyone not listed above	Vicar General

I. CODE OF CONDUCT RELATING TO SEXUALITY AND PERSONAL BEHAVIOR

The private and public conduct of those priests, deacons, administrators, staff and volunteers in the Catholic Church (i.e. personnel listed earlier) must uphold Christian values and conduct. This Code of Conduct sets standards for such. Those disregarding the Code will be subject to remedial action, which may take various forms - from verbal reproach to removal from ministry- depending on the specific nature and circumstances of the offense and extent of the harm.

A. Conduct for Pastoral Counseling and Spiritual Direction

Anyone involved in any way in pastoral counseling or spiritual direction must respect the rights and advance the welfare of each person.

Those (including all paid staff who work with children) who in any way are engaged in pastoral counseling or spiritual direction (to be broadly interpreted):

- A.1 Shall not step beyond their competence in counseling situations and shall refer clients to other professionals when appropriate.
- A.2 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, or other pre-existing relationship). [See Section G.2.2]
- A.3 Should not audiotape or videotape sessions without the written consent of the client.
- A.4 Must never engage in sexual intimacies with the persons they counsel. This includes consensual and nonconsensual physical contact as well as forced physical contact, and inappropriate sexual comments.
- A.5 Shall not engage in sexual intimacies with individuals who are close to the client – such as relatives or friends of the client – when there is a risk of exploitation or potential harm to the client. They should presume that the potential for exploitation or harm exists in such intimate relationships.
- A.6 Assume the full burden of responsibility for establishing and maintaining clear, appropriate boundaries in all counseling and counseling-related relationships.
- A.7 Should avoid physical contact of any kind (i.e., touching, hugging, holding) between them and the persons they counsel because it can be misconstrued.
- A.8 Should conduct sessions in appropriate settings at appropriate times.
 - A.8.1 Where possible, avoid conducting sessions in private living quarters.

A.8.2 Sessions should not be held at places or times that would tend to cause confusion about the nature of the relationship for the person being counseled.

A.9 Shall maintain reasonable records as appropriate respecting privacy and confidentiality.

B. Confidentiality

*Information disclosed to a person providing pastoral counseling or spiritual direction during the course of counseling, advising, or spiritual direction shall be held in the strictest confidence possible. **These obligations are independent of the confidentiality of the confessional. Under no circumstances whatsoever can there be any disclosure – even indirect disclosure – of information received through the confessional.***

B.1 Information obtained in the course of sessions shall be confidential, except for compelling professional reasons or as required by law.

B.1.1 If there is clear and imminent danger to the client or to others, they may disclose only the information necessary to protect the parties affected and to prevent harm.

B.1.2 Before disclosure is made, if feasible, they should inform the person being counseled about the disclosure and the potential consequences.

B.2 They should discuss the nature of confidentiality and its limitations with each person in counseling.

B.3 They should keep minimal records of the content of sessions.

B.4 Knowledge that arises from professional contact or communication should not normally be used in teaching, writing, homilies, or other public presentations unless effective measures are taken to absolutely safeguard both the individual's identity and the confidentiality of the disclosures.

B.5 While counseling a minor, if it is discovered that there is a serious threat to the welfare of the minor, communication of any confidential information to a parent or legal guardian should disclose only the information necessary to protect the health and well-being of the minor.

C. Conduct and Behavior for Ministry to Minors

Because of its extensive ministries to children, the Church perhaps has more involvement with minors than many other organizations. Children have no choice but to be dependent upon adults, particularly those adults in positions of trust and leadership. It is vitally important, therefore, that prudence be exercised by all adults in both ministerial and

social relationships with children. In the case of at-risk children who are extremely vulnerable, adults should be particularly cautious and sensitive. It is expected that those who deal with at-risk youth consult regularly with appropriate supervisors, including the adults' supervisor or any supervisor of the child.

Following is a set of guidelines for all clergy, religious, lay employees and volunteers of the Diocese of Davenport in dealing with minors, defined as anyone under age eighteen.

These guidelines are not meant to be exhaustive but rather to serve as some general principles. At the same time, they are not intended to prevent the performance of ministry but rather to assist in employing good sense in dealing with minors. If it is necessary to depart from these guidelines, adults should be aware of any departure and be able to justify their actions. There are times when one-on-one involvement with minors is unavoidable. In these cases, extreme discretion should be used in relationships with children. Proceed as a reasonable prudent person would in similar circumstances.

1. Avoid physical contact when alone with a minor. In other situations where physical contact is necessary and proper, such as in certain moments in the celebration of the sacraments, use sound discretion and moderation. If a minor initiates physical contact out of affection, an appropriate response is proper if not prolonged.
2. Do not be alone with a minor in a residence, sleeping facilities, a locker room, restroom, a dressing facility or other closed rooms that are less desirable to a ministry relationship.
3. Seek responsible adults to be present at events involving minors, such as games and athletic activities.
4. Groups of minors should rarely be left alone. Youth group trips must have enough adult chaperones to provide adequate supervision based upon the type of activity.
5. Do not take an overnight trip alone with a minor or minors.
6. Inappropriate language (including profanity) or inappropriate conversation topics should not be used. When minors initiate such conversations or use such language in order to seek help or because they lack appropriate vocabulary, you should remain prudent and sensitive.
7. Do not provide alcohol to anyone under the age of 21. (Wine appropriately used in the celebration of the Eucharist is an exception to this directive.)
8. Avoid inviting a child by himself or herself into your house or automobile.
9. Always maintain a professional posture in dealing with minors, avoiding emotional attachment and being aware of the powerful attraction of adults in positions of authority and trust. If one recognizes personal or physical attraction developing,

consult a supervisor or refer the minor to another qualified adult, particularly in counseling situations.

10. If one-on-one pastoral care of a youth should require frequent or regular appointments, parents should be notified that these appointments are occurring. If the subject matter precludes such notification, the minister should consult his or her supervisor.
11. When practical, two adult supervisors should be present for any church activity outside of the classroom situation. Whenever two adults are not present, the adult should refrain from being alone with a minor unless necessary for the nature of the ministry. In those instances a window should be in any closed area/door or the door should be left ajar.
12. Volunteers should be invited to work with minors only after they are known to some degree within the parish or Diocese. For those volunteers new to the area, a six-month time period to get to know that person would be helpful.
13. An adult should never strike or humiliate, ridicule, threaten or degrade children.
14. Drivers on trips must be licensed drivers, 21 years of age or older with insurance. They should complete Driver Information Sheet. (See attached.)

All have an obligation to protect children, particularly when they are in the care of the Church.

- If there is reason to believe another adult is violating these directives, challenge that adult in a forthright manner or report this to a supervisor or the Victim Assistance Coordinator. (See specific policies later.)
- If there is reason to suspect that child abuse has occurred in a diocesan related entity, this matter must be reported to the supervisor or to the Victim Assistance Coordinator of the Diocese and the Diocesan Policy to Prevent and Address Sexual Abuse of Minors be followed, including making reports to the proper authorities as mandatory or permissive reporters. Supervisors receiving such reports must report the matter to the Victim Assistance Coordinator.

D. Sexual Conduct

Personnel must not, for any reason, but especially for sexual gain or intimacy, exploit the trust placed in them by the faith community.

- D.1 All Christ's faithful are called to lead a chaste life in keeping with their particular states of life. For some, this is celibacy.

- D.2 Personnel who provide pastoral counseling or spiritual direction services must avoid developing inappropriately intimate relationships with minors, other staff, or parishioners. Personnel must behave in a professional manner at all times.
- D.3 No personnel may exploit another person for sexual purposes.
- D.4 Allegations of sexual misconduct should be taken seriously and reported in accordance with the appropriate policy that follows which may include reporting to civil authorities if the situation involves a minor or dependent adult.

Diocesan procedures will be followed to protect the rights of all involved.

- D.5 Personnel should review and know the contents of the child abuse regulations and reporting requirements for the state of Iowa and should follow those mandates. (See www.davenportdiocese.org for links.)

E. Harassment

Personnel must not engage in or tolerate physical, psychological, written, or verbal harassment of anyone. Any personnel subject to the Handbook of Policies for Diocesan Faith Formation Programs must abide by that Handbook also.

- E.1 Personnel shall provide a professional work environment that is free from physical, psychological, written, or verbal intimidation or harassment.
- E.2 Harassment encompasses a broad range of physical, written, or verbal behavior, including but not limited to the following:
- Physical or mental abuse.
 - Racial insults.
 - Derogatory ethnic slurs.
 - Unwelcome sexual advances or touching.
 - Sexual comments or sexual jokes.
 - Requests for sexual favors used as:
 - a condition of employment, or
 - to affect other personnel (or educational) decisions, such as promotion or compensation, (or grades).
 - Display of offensive materials.
- E.3 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.
- E.4 Allegations of harassment should be taken seriously and reported immediately in accordance with the appropriate policy.

Diocesan procedures will be followed to protect the rights of all involved.

F. Parish, Religious Community/Institute, and Organizational Records and Information

Confidentiality will be maintained in creating, storing, accessing, transferring and disposing of parish, religious community/institute, or organizational records.

- F.1 Sacramental records shall be regarded as confidential. When compiling and publishing parish, religious community/institute, or organization statistical information from these records, great care must be taken to preserve the anonymity of individuals.
- F.2 Most sacramental records older than 70 years are open to the public.
 - F.2.1 Information regarding adoption and legitimacy remains confidential, regardless of age.
 - F.2.2 Only staff members who are authorized to access the records and supervise their use shall handle requests for more recent records.
- F.3 Parish, religious community/institute, or organization financial records are confidential unless review is required by the diocese or an appropriate government agency. Contact the Chief Financial Officer or Chancellor of the Diocese upon receipt of any request for release of financial records.
- F.4 Individual contribution records of the parish, religious community/institute, or organization shall be regarded as private and shall be maintained in strictest confidence.

G. Conflicts of Interest

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.

- G.1 Personnel should disclose all relevant factors that potentially could create a conflict of interest.
- G.2 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.
 - G.2.1 No personnel should take advantage of anyone to whom they are providing services in order to further their personal, religious, political, or business interests.
 - G.2.2 Generally counseling services should not be provided to anyone with whom one has a business, professional, or social relationship. When this is unavoidable, and it may well be in church-related situations, the client

must be protected. The counselor must establish and maintain clear, appropriate boundaries.

G.2.3 When pastoral counseling or spiritual direction services are provided to two or more people who have a relationship with each other, it would be advisable to :

- Clarify with all parties the nature of each relationship,
- Anticipate any conflict of interest,
- Take appropriate actions to eliminate the conflict, and
- Obtain from all parties consent to continue services, preferably in writing.

G.3 Conflicts of interest may also arise when independent judgment of a person providing pastoral counseling or spiritual direction is impaired by:

- Prior dealings,
- Becoming personally involved, or
- Becoming an advocate for one (person) against another.

In these circumstances, the person providing such services shall advise the parties that he or she can no longer provide services and refer them to another for pastoral counseling or spiritual direction.

H. Administration

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

H.1 Employment-related and other administrative decisions made by personnel shall meet civil and canon law obligations and also reflect Catholic social teachings and this *Code*.

H.2 No personnel shall use his or her position to exercise unreasonable or inappropriate power and authority.

H.3 Prudent fiscal management as well as diocesan policies regarding Internal Controls, Accounting Guidelines and civil and canon law should be observed.

I. Personnel Well-Being

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

I.1 Personnel should be aware of warning signs that indicate potential problems with their own spiritual, physical, mental and/or emotional health.

- 1.2 Personnel should seek help immediately whenever they notice behavioral or emotional warning signs in their own professional and/or personal lives.
- 1.3 Personnel must address their own spiritual needs. Support from a spiritual director is highly recommended.
- 1.4 Inappropriate or illegal use of alcohol and drugs is prohibited.