

**Diocese of San Bernardino**  
**Safe Environment Policy for the Protection of Children and Young People and**  
**Code of Pastoral Conduct**

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Code of Pastoral Conduct  
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For additional copies of this **Code of Pastoral Conduct – Publication # DSB 103** download the document from the Diocesan website at [www.sbdiocese.org](http://www.sbdiocese.org). Click the title: **Training** Located on the right side of the web page. Then click the link on the left side of the training page that says “**Code of Pastoral Conduct**”.

**Contact the Diocesan Office of Child and Youth Protection:**

Write to:  
Diocese of San Bernardino  
**Diocesan Office of Child and Youth Protection**  
1201 East Highland Avenue  
San Bernardino CA 92404

Call: (909) 475-5125

Fax: (909) 475-5126

e-mail: [ChildandYouthProtection@sbdiocese.org](mailto:ChildandYouthProtection@sbdiocese.org)

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**I. Preamble**

There is an ongoing, pressing need to both acknowledge and address openly the problem of sexual abuse in our society. Abuse damages the entire Body of Christ. There is a need for the entire Church to create a renewed atmosphere, an atmosphere of Christian love, and mutual respect. This renewed atmosphere will help everyone to overcome silence, ignorance, and the minimization of sexual abuse.

Bishops, priests, deacons, pastoral ministers, seminarians, teachers, employees, independent contractors, volunteers in our parishes and schools, men and women who are members of religious communities/institutes, and organizations must uphold Christian values and conduct. The Diocese of San Bernardino Code of Pastoral Conduct provides a set of standards for conduct in pastoral situations.

**II. Definitions**

**Appendix 1**

**III. Responsibility**

The public and private conduct of clergy, staff, pastoral ministers, independent contractors and volunteers can inspire and motivate people, but it can also scandalize and undermine people's faith. Clergy, staff, and volunteers must, at all times, be aware of the responsibilities that accompany their work. They must also know that God's goodness and grace supports them in their ministry.

Responsibility for adherence to the Code of Pastoral Conduct rests with each individual. Clergy, staff, and volunteers should and will be held accountable for their behavior. Those who disregard this Code of Pastoral Conduct will be subject to remediation per Diocesan and Human Resources Policy. Corrective action may take various forms depending on the specific nature and circumstances of the offense, the extent of the harm caused by the breach and the applicable Diocesan policies.

Clergy, employees, independent contractors and volunteers are also responsible to follow their professional Code of Ethics as expressed by professional organizations in the secular and ecclesial world.

**IV. Code of Conduct Policy**

It is the policy of the Diocese of San Bernardino that sexual misconduct by clergy, employees or volunteers of the Diocese while performing the work of the Diocese is contrary to Christian principles and is outside the scope of the duties of all personnel of the Diocese. Personnel of the Diocese shall not commit acts of sexual misconduct, shall comply with state and local laws pertaining to the reporting of known or suspected instances of sexual misconduct, and shall follow all requirements set forth in this Code of Pastoral Conduct. The Policy is intended to establish requirements and procedures in an effort to prevent sexual misconduct in the Diocese and the resulting harm to others while the work of the Diocese is being performed. It is intended to provide guidance to the personnel of the Diocese on how to respond to allegations of sexual misconduct, if any do occur. It is expressly understood that this policy is designed for application to each and every prospective clergyman, prospective employee and prospective volunteer of the Diocese.

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**V. Code of Conduct Response**

**1. Alleged Victim**

When accusations of sexual misconduct are made involving Diocesan personnel, civil and canonical legal advice must be obtained prior to any contact with or giving of assistance to the alleged victim and family. Contact with the alleged victim and family should be promptly initiated by the appropriate Diocesan responder. Contact should also be made by the Victim's Assistance Coordinator for the purpose of offering whatever concern or solace may be needed, with no comment as to the truth of the allegation. Medical, psychological, spiritual, and in appropriate instances, economic assistance may be offered in the spirit of Christian Justice and Charity.

**2. Community**

The Diocese of San Bernardino always follows the California State laws, especially with regards to reporting child abuse. A summary of the California Child Abuse and Neglect Reporting Law may be found **at the end of this document in the Appendix 2**. All clergy, employees, catechists, and any volunteers working with minors must complete training for this law. Materials to report suspected child abuse are available in all parishes and schools. The law requires an oral report to the County Child Protective Service Agency or local law enforcement, as soon as possible. This is followed by a written report within 36 hours of the phoned report. If a report of suspected child abuse is made, we ask the person who submitted the report to retain a copy of the report in a secure place at the parish or school. The Pastor or Principal is the person responsible to maintain documentation of reports.

All **clergy and employees** must complete a background check. The method used is the California Department of Justice Live Scan *fingerprinting*. Each person must meet all criteria for the State of California (DOJ) and Federal Government (FBI) before beginning service in the Diocese.

The background check requirement applies to all **volunteers** who have regular contact with children. The *screening* method is used for volunteers.

**3. Investigation of an allegation of abuse by an employee, clergy or volunteer**

- A. Each incident reported to the Diocese of San Bernardino will be immediately investigated with a high level of Christian care, concern and confidentiality for the alleged victim, the family of the alleged victim, the person reporting the incident, and the alleged perpetrator. Great care will be taken not to interfere with any civil criminal investigation. The Diocesan investigation shall be conducted under the supervision of a Diocesan Designee of the Bishop.
- B. Both the alleged victim and alleged perpetrator will be informed that Civil and Canonical legal advice is available. References will be supplied.
- C. Investigation of a priest shall be made in accordance with Civil and Canon Law. In the event a member of the clergy or religious personnel is accused of an act of sexual misconduct, that person shall be dealt with in accordance with the applicable provisions of Canon Law. Any cleric accused of sexual misconduct will be placed on administrative leave and may be suspended from the exercise of his ministerial duties according to the provisions of Canon Law.

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**4. Alleged Perpetrator**

- A. The alleged perpetrator may be immediately placed on administrative leave pending the outcome of any internal or any outside investigation. Such leave may be with or without pay.
- If an alleged perpetrator is found guilty, that person will be immediately terminated from employment. If the person is a member of the clergy, he will be removed from active ministry.
  - If an alleged perpetrator is found innocent, he/she may be reinstated.
- B. Appropriate records will be kept of each incident reported and of the resulting investigation. As part of Personnel Records, such records shall be marked confidential and be securely kept at the Diocesan Pastoral Center, in a secured area, with access thereto limited to only the following: The Bishop, the Vicar General, the Chancellor, Director of Human Resources, Diocesan legal counsel or Bishop's designee.
- C. An internal investigation of all allegations will be made by the Diocesan Review Board
- D. Any media contact or inquiries regarding an incident of sexual misconduct by Diocesan personnel must be directed to the Director of Communications for the Diocese.

*The Diocese reserves the right to limit the activities of any personnel regardless of any determination of guilt or innocence.*

**VI. Pastoral Standards for Conduct**

**1. Pastoral Conduct**

*Everyone who works and performs services or ministers in any capacity in our parishes, schools or other Catholic institutions must respect the rights and advance the welfare of each person and shall not step beyond their areas of competence.*

- 1.1 All who minister in our churches, schools or other Catholic institutions should avoid any conflict of interest. [See Section 6 for additional information].
- 1.2 Classes or activities will not be photographed, audio or videotaped without prior written permission from the participant or **in the case of a minor, from the parent/legal guardian.**
- 1.3 All who minister in our churches, schools or other Catholic institutions, assume the full burden of responsibility for establishing and maintaining clear, appropriate boundaries in all relationships
- 1.4 Physical contact (i.e., touching, hugging, holding) between **all** who minister in our churches, schools or other Catholic institutions and the persons with whom they minister can be misconstrued as inappropriate. Great care should be given and physical contact should be avoided if there is any question in the minister's mind that this behavior may be misunderstood.
- 1.5 Classes and activities should be conducted in appropriate settings at appropriate times and classes or events must be age appropriate. E.g. youth ministry activities for High School Youth Groups must meet and have activities separate from Middle School Youth Groups or young adult groups.
- 1.5.1 No class or activity should be conducted in private living quarters.
- 1.5.2 Classes and activities should not be held at places or times that would tend to cause confusion about the nature of the relationship.
- 1.5.3 Classes and activities will be held in appropriate locations as defined in the Diocesan Safe Environment Policy
- 1.5.4 Classes and activities are to be age appropriate.

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## **2. Confidentiality**

Information gained by clergy, employees or volunteers during the course of classes or other sponsored activities will be held in the strictest confidence possible. Any information gained concerning a child may only be shared with the child's parent or guardian. Confidentiality also applies to any documents of a parish, religious community/institute or organizational records created, stored, accessed, transferred or disposed of by personnel.

2.1 Information obtained in the course of sessions, classes or other sponsored activities shall be confidential, except for compelling professional reasons or as required by law. Exclusions include:

2.1.1 If there is clear and imminent danger to the activity participant, student or adult, information may be disclosed only as is necessary to protect the parties affected and to prevent harm **and/or as required by law. The procedures listed below should be followed:**

- Attempt to secure written consent, especially if the participant is a minor, for the specific disclosure or except as required by California Law.
- If consent is not given, especially for a minor, disclose only the information necessary to protect the health and well-being of the minor.
- *Communication with the appropriate Church supervisory personnel is required by Diocesan policy.*

**Personnel from:**

- ❖ **Catholic Schools:**
- ❖ **Parish Catechetical Ministry program:**
- ❖ **Parish Youth Ministry program:**

**Contact:**

- Diocesan Office of Catholic Schools**
- Diocesan Office of Catechetical Ministry**
- Diocesan Ministry with Youth Office**

2.1.2 Before a disclosure is made, *if feasible*, the activity participant, student or adult, should be informed of the potential consequences.

2.2 Confidentiality and its limitations should be discussed with students and/or participants at the first class or at the beginning of activities.

2.3 Necessary records are always confidential.

2.3.1 Sacramental records shall be regarded as confidential. When Parish, School, Religious Community/Institute, or Organization statistical information is compiled from these records, great care must be taken to preserve the anonymity of individuals.

2.3.2 Any court related documentation regarding the wellbeing and/or custody of the minor must be part of the minor's record and available to appropriate personnel only.

Only staff members who are authorized to access any records and supervise their use shall handle requests for more recent records.

2.3.3 Parish, School, Religious Community/Institute, or Organization financial records are confidential unless review, disclosure, or annual public reporting is required by the Diocese of San Bernardino or appropriate governmental authority.

- o Contact the Chief Financial Officer for the Diocese of San Bernardino upon receipt of any request for release of financial records.

2.3.4 Individual contribution records of the Parish, School, Religious Community/Institute, or Organization shall be regarded as private and shall be maintained in strictest confidence, except as required by law.

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- 2.3.5 Dissemination of all private information will be in accordance with State and Federal regulations.
- 2.3.6 The storage of records and private information will follow Diocesan policy.
- 2.4 Knowledge that is gained during the course of classes or other activities may be used in teaching, writings, homilies, or other public presentations ***only*** when effective measures are taken to absolutely safeguard both the individual's identity and the confidentiality of the disclosures and permission is granted.
- 2.5 When anyone who is working in the name of the Diocese of San Bernardino discovers that there is a serious threat to the welfare of a minor and that communication of confidential information to a parent or legal guardian is essential to the child's health and well-being, they should contact those agencies listed in 2.1.1
- 2.6 In cases of suspected child abuse of a minor, California Law always prevails and a report made. According to the Law, matters disclosed in the confessional are protected from disclosure, even in cases of suspected child abuse.

### **3. Conduct with Youth**

*Clergy, staff, ministers, licensed independent contractors, and volunteers working with youth shall maintain open and trustworthy relationships between themselves and the youth whom they serve.*

- 3.1 Clergy, employees, volunteers and independent contractors must be aware of their own and others' vulnerability when working with youth; always use a team approach to managing youth activities.
- 3.2 Physical contact with youth can be misconstrued and should occur:  
(a) Only when completely nonsexual and otherwise appropriate, and  
(b) Never in private.
- 3.3 Clergy, employees, volunteers, and independent contractors **must refrain from:**
- The illegal possession and/or illegal use of drugs at all times.
  - Using alcohol or tobacco in the presence of minors at Parish/School or other Diocesan sponsored events.  
(unless carefully considered by utilizing utmost discretion, control, and caution)
  - Using minors to serve alcohol/tobacco or be involved in the handling or consuming of alcohol/tobacco or the cleanup of any alcohol/tobacco related residual materials.
  - Offering alcohol or tobacco to youth or minors, or helping them in any way to purchase or use alcohol or tobacco.
  - The possession of pornographic/offensive materials in all forms.
- 3.4 Priests will not allow individual young people or minors to stay overnight in the priest's private accommodations or residence according to Diocesan Policy  
POLICY 700.1.26  
"No lay person, relative, friend or acquaintance of a priest is to live in the rectory with him. Relatives of a parish priest should not be employed in the rectory."  
Implementation: 700.1.26 #5  
"Under no circumstances are priests to have unchaperoned young people under 21 years of age of either sex frequenting their personal living quarters. Under no circumstances may young people under 21 years of age of either sex remain overnight in any rectory or priests' residence, even if accompanied by an adult.

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- 3.5 Clergy, employees and volunteers should not provide shared, private, overnight accommodation for individual young people or minors 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.
- 3.5.1 In rare, emergency situations, when accommodation is necessary for the health and well-being of the young person or minor, the clergy, employee, or volunteer should take extraordinary care to protect all parties from the appearance of impropriety and from all risk of harm. Always try to use the TEAM approach.

#### **4. Sexual Conduct**

*Clergy, employees, and volunteers must not, for sexual gain or intimacy, exploit the trust placed in them by the faith community.*

- 4.1 Clergy and religious, who are committed by vows to a celibate lifestyle, are called to be examples of celibate chastity in all relationships at all times; employees and volunteers are called to live lives of Christian chastity in all relationships at all times.
- 4.2 Clergy, employees and volunteers must avoid developing inappropriately intimate relationships with minors, other employees, or parishioners. Clergy, employees and volunteers must behave in a professional manner at all times.
- 4.3 No clergy, employee, or volunteer may exploit another person for sexual purposes.
- 4.4 Allegations of sexual misconduct should be taken seriously and reported as described in Roman numeral III of this document and to civil authorities if the situation involves a minor according to California Law. Diocesan procedures will be followed to protect the rights of all involved.
- 4.5 Clergy, religious, ministers, staff, and volunteers should review and know the contents of the child abuse regulations and reporting requirements for the State of California and should follow those mandates.

#### **5. Harassment**

**HR Policy: The following is an excerpt from the Office of Human Resources Diocesan Harassment Policy. The complete document may be found in Appendix 5**

Clergy, Religious, employees, and all volunteers must not engage in physical, psychological, written, or verbal harassment of anyone. **Note:** Effective January 1, 2006 the State of California requires that all supervisory personnel complete Sexual Harassment Avoidance Training every 2 years. Harassment occurs when a person is subjected to treatment or a work environment which is hostile or intimidating because of the person's gender, race, color, national origin, physical disability or life style choice. Harassment of any person by any lay employee, contractor, priest, religious or volunteer is strictly prohibited.

- 5.1 Harassment encompasses but is not limited to the following:
- Verbal Harassment:
    - Inappropriate comments, jokes, and threatening words spoken to another person that are offensive to the recipient, racial insults, derogatory ethnic slurs, forwarding or sending of inappropriate or unwelcome e-mails.
  - Visual Harassment
    - Derogatory demeaning or inflammatory posters, cartoons, written word, drawings on tee shirts or gestures, inappropriate use of the internet, cell phones and/or any other technological instruments.
  - Physical Harassment
    - Unwelcome sexual advances or touching, contact, assault, deliberate impeding or blocking movement, or any intimidating interference with normal physical movement.
    - Retaliation.

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- Sexual Harassment
  - Requests for sexual favors used as, but not limited to, a condition of employment, or to affect other personnel decisions, such as promotion or compensation
- 5.2 The following behaviors may be subject to individual interpretation; therefore, it is important to avoid any of these behaviors, regardless of intent or presence of malice, which may be perceived or interpreted as being sexually or professionally inappropriate.
  - Inappropriate or unnecessary touching of individuals.
  - Use of suggestive language and/or stories or jokes.
  - Offensive comments regarding clothing worn by another person.
  - Making inappropriate inquiries into personal affairs of employees or others when such inquiries are not required to address a performance issue.
  - Behaving or dressing in a manner that would cause inappropriate attention to your person.
- 5.3 Harassment can be a single severe incident or a persistent pattern of misbehavior where the purpose or the effect is to create a hostile, offensive, or intimidating environment.
- 5.4 Allegations of harassment should be taken seriously and reported immediately to the Director of Human Resources for complaints against the laity and religious; and to the Vicar General for complaints against the clergy. The Diocesan Policy Manual, “Human Resources Section 500.1, Para 1000-1006 Harassment” will be followed to protect the rights of all involved.

**Electronic Communication Policy-April 2011: The following is an excerpt from the Office of Communications, Diocesan Electronic Communication Policy. The complete document may be obtained from the Office of Communications, 1201 East Highland Avenue, San Bernardino, CA 92404**

**Introduction:** *(page 3 of the document)*

Information and technology are increasingly becoming an integral part of the day-to-day operations of the Diocese of San Bernardino. It is the responsibility of Diocesan (parish, pastoral center, schools, Diocesan entities etc.) personnel to protect these resources. The Diocese of San Bernardino must take appropriate steps to ensure that information and technology are properly protected and utilized.

The Diocese of San Bernardino furnishes its employees, volunteers, and other authorized users, hereafter jointly known as “users”, with access to information technology. This includes computer systems (workstations, laptops, tablets, etc.), local area networks, remote access capabilities, computer applications, etc., for the purpose of enabling them to fulfill their job ministry responsibilities. This information technology, data, and records are the property of the Diocese of San Bernardino and are to be used for the Diocese of San Bernardino business purposes only.

The Diocese of San Bernardino reserves the right to inspect and examine any Diocesan owned or operated communications system, computing resource and/or files or information, including computers systems, local and WAN area networks, applications, and e-mail, contained therein at any time. Therefore, users shall have no expectation of privacy with regards to any data, information or documents received or disseminated on the network or through e-mail. By utilizing these Diocesan systems, users consent to the Diocese’s right to inspect and examine all data, information, documents, and e-mail.



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**Examples of prohibited communications include, but are not limited to: (The complete list may be found on pgs. 4 & 5 of the complete Diocesan Electronic Communication Policy)**

1. Communications, material, information, data or images prohibited by legal authority as obscene, pornographic, sexually explicit or offensive, threatening, abusive, harassing, discriminatory, or in violation of any Diocesan policy or contrary to the mission or values of the Diocese, including disparagement of others based on race, national origin, marital status, sex, age, disability, pregnancy, religious or political beliefs or any other condition or status protected by federal, state or local laws.
2. Communications, materials, information, data or images that may constitute verbal abuse, libel or slander, defamation, fraud or misrepresentation or trade disparagement of users, customers, clients, competitors, vendors or any other person or entity.
3. Accessing, creating, distributing or soliciting sexually oriented messages or images, unwelcome sexual advances, requests for sexual favors or other unwelcome conduct of sexual nature, including jokes.
4. Any attempts to access, monitor, or disrupt information that is restricted, confidential or privileged and to which the individual has not expressly been authorized access.
5. Granting access to unauthorized persons, either by intentional action such as disclosure of account information or unintentional action such as failure to log off computer system or lock computer system.
6. Unauthorized removal, deletion or duplication of data, software or hardware upon a user's termination or departure from the Diocese.
7. Violations of software license agreements.
8. Development or use of unapproved mailing lists.
9. Use of technology systems for private business purposes unrelated to the business of the Diocese of San Bernardino.
10. Academic dishonesty.
11. Disclosure of personal or private information about an employee or minister of the church without their prior written consent

## **6. Conflicts of Interest**

*Clergy, religious, employees, and volunteers 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.*

- 6.1 Clergy, religious, employees, and volunteers should disclose all relevant factors that potentially could create a conflict of interest. If a potential conflict of interest arises all parties involved should be informed. Resolution of the issue must protect both parties.
  - 6.1.1 No clergy, religious, employee, or volunteer should take advantage of anyone to whom they are providing services in order to further their personal, religious, political, or business interests.
- 6.2 Conflicts of interest may also arise when a person's independent judgment is impaired by:
  - prior dealings,
  - becoming personally involved, or
  - becoming an advocate for one (person) against another.

In these circumstances, the person shall advise the parties that he or she can no longer provide services and refer them to other professionals.

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## **7. Reporting Ethical or Professional Misconduct**

*Clergy, religious, employees, and volunteers have a duty to report their own ethical or professional misconduct and the misconduct of others.*

- 7.1 Clergy, religious, employees, and volunteers must hold each other accountable for maintaining the highest ethical and professional standards. When there is an indication of illegal actions by clergy, religious, employees, or volunteers, you should notify the proper civil authorities immediately.

***Also notify the appropriate supervisor or the  
Office of the Bishop for the Diocese of San Bernardino.***

- 7.2 When an uncertainty exists about whether a situation or course of conduct violates this Code of Pastoral Conduct or other religious, moral, or ethical principles, consult with:
- Immediate supervisor, and/or
  - Human Resources, and/or
  - The Office of the Bishop for the Diocese of San Bernardino.

## **8. Administration**

*Employers and supervisors shall treat clergy, religious, employees, and volunteers justly in the day-to-day administrative operations of their ministries.*

- 8.1 Personnel and other administrative decisions made by clergy, employees and volunteers shall meet civil and Canon Law obligations and also reflect Catholic social teachings and this Code of Pastoral Conduct.
- 8.2 No clergy, religious, employee, or volunteer shall use his or her Diocesan position to exercise unreasonable or inappropriate power and authority.
- a. Anyone providing services to minors, which includes all children and youth, must read and sign the Safe Environment Policy AND Code of Pastoral Conduct before providing services.

## **9. Staff and Volunteer Well-being**

*Clergy, religious, employees, and volunteers have the duty to be responsible for their own spiritual, physical, mental, and emotional health.*

- 9.1 Clergy, religious, employees, and volunteers should be aware of warning signs that indicate potential problems with their own spiritual, physical, mental, and/or emotional health.
- 9.2 Clergy, religious, employees, and volunteers should seek help immediately whenever they notice behavioral or emotional warning signs in their own professional and/or personal lives.
- 9.3 Clergy, religious, employees, and volunteers must address their own spiritual needs. Support from a Spiritual Director is highly recommended.
- 9.4 Inappropriate or illegal use of alcohol, drugs, and the electronic media is prohibited.

**VII. Distribution:** The Code of Pastoral Conduct will be disseminated to the Diocesan Offices, Parishes, Schools and other Diocesan Organizations by: Newsletters and/or Bulletin articles, Diocesan website: [www.sbdioocese.org](http://www.sbdioocese.org) Direct mail to parishes and schools, Live Training Opportunities in each Vicariate and the Diocesan Pastoral Center (DPC).

**References:** San Bernardino Diocesan Policy Manual Human Resources Section 500.1, Para 1000-1006 Harassment;  
San Bernardino Diocesan Policy Manual Office of Priest Personnel Section 700.1, Para .26 Residence – Lay Persons Residing in Rectories; San Bernardino Diocesan Policy in Cases of Misconduct; Sexual Abuse by Clergy

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## **Definitions**

Clergy:	Includes all ordained Bishops, Priests and Deacons as defined below.
Bishops:	The Bishop of San Bernardino and all Auxiliary Bishops who may be appointed to serve in the Diocese of San Bernardino.
Priests:	All ordained priests, religious or secular, who serve in any ministerial capacity, whether or not they are incardinated within the Diocese of San Bernardino.
Deacons:	All ordained as deacons who serve in any ministerial capacity, whether or not they are incardinated within the Diocese of San Bernardino.
Pastoral Coordinators:	Persons other than ordained priests who have completed appropriate training and are assigned to administer parishes which have no resident Pastor.
Pastoral Ministers:	All individuals, including seminarians during their pastoral year, participating in any parochial or diocesan pastoral ministry (for example: Choir, Eucharistic Ministers, Stephen Ministry, Marriage Encounter, Catechetical Ministry, etc.).
Religious:	All women and men of Institutes of Consecrated Life and Societies of Apostolic Life serving in pastoral ministry in the Diocese of San Bernardino.
Staff:	Employees of the Diocese of San Bernardino and/or its aggregates.
Independent Contractors:	Person(s) contracted orally or in writing to provide a service to the Diocese, Parish or Church organization, for example: a musician, a gardener, etc..
Volunteer:	Anyone who offers their services free of remuneration of any kind to the Diocese, Parish, or Church organization. (may begin at age 14)
Minors:	Any person less than 18 years of age.
Youth or young people:	Generally refers to minors between the ages of 12 and 17 years of age.

## Required Statement of Mandated Reporter –State of California Summary

### Child Abuse and Neglect Reporting Law (P.C. 11166.5)

**Definitions:** The following situations are reportable conditions:

1) Physical abuse, 2) Sexual abuse, 3) Child exploitation, child pornography and child prostitution, 4) Severe or general neglect, 5) Extreme corporal punishment resulting in injury, 6) Willful cruelty or unjustifiable punishment, 7) Abuse or neglect in out-of-home care.

**Who Must Report:** The following individuals are legally mandated reporters:

(Refer to “Reporting Law” Section for a comprehensive listing. ). This document can be found on the Diocesan Web Site

- Health practitioners (nurses, physicians, etc.)
- Commercial or photographic print processors in specified instances
- Specified public positions (child visitation monitors, teachers, social workers, probation officers, etc.)
- Public protection positions (police, sheriff, CPS, etc.)
- Firefighters (except volunteer firefighters), Animal Control officers, Humane Society officers
- *Clergy members, which includes all bishops, deacons and priests.*
- *Educators (eg. school principals, teachers)*

**When to Report:** A telephone report must be made immediately when the reporter observes a child in his/her professional capacity or within the scope of his/her employment and has knowledge of, or has reasonable suspicion that the child has been abused. A written report, on a standard form, must be sent within 36 hours after the telephone report has been made.

**To Whom Do You Report:** You have a choice of reporting to the Police or Sheriff’s Department or the Probation Department or Child Welfare Agency. Each County has preferred reporting procedures.

Commercial film or photographic processors are to report only to law enforcement.

Child Welfare in Riverside County **1-800-442-4918**

Child Welfare in San Bernardino County **1-800-827-8724**

**Individual Responsibility:** Any individual whose occupation is named in the reporting law must report abuse. If the individual confers with a superior and a decision is made that the superior file the report, one report is sufficient. However if the superior disagrees, the individual with the original suspicion must report.

**Anonymous Reporting:** Mandated reporters are required to give their names. Non-mandated reporters may report anonymously. Child protective agencies are required by law to keep the mandated reporter’s name confidential, unless a court orders the information disclosed.

**Immunity:** Any legally-mandated reporter has immunity when making a report. In the event a civil suit is filed against the reporter, reimbursement for fees incurred in the suit will occur up to \$50,000 (P.C. Section 11172). No individual can be dismissed, disciplined or harassed for making a report of suspected child abuse.

**Liability:** Legally mandated reporters can be criminally liable for failing to report suspected abuse. The penalty for this misdemeanor is up to six months in county jail, a fine of not more than \$1,000 or both. Mandated reporters can also be civilly liable for failure to report.

**Notification Regarding Abuse:** You are not legally required to notify the parents that you are making a report; however, it is often beneficial to let the parents know you are reporting for benefit of a future relationship.

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Safe Environment Policy for the Protection of Children and Young People and  
Code of Pastoral Conduct**

Entity # \_\_\_\_\_

**AFFIDAVIT OF COMPLIANCE**

*Please keep a copy in the employee's  
or volunteer's file*

**1. Training for:**

- **the Diocese of San Bernardino Safe Environment Policy for the Protection of Children & Young People**
- **the Code of Pastoral Conduct AND the**
- **the California Child Abuse and Neglect Reporting Law**

As an employee or volunteer, I have successfully completed the required safe environment training. This includes the main concepts for the *Diocese of San Bernardino Safe Environment Policy for the Protection of Children and Young People / Code of Pastoral Conduct and the California Child Abuse and Neglect Reporting Law*. A copy of the certificate for this required training can be found on the Virtus website. I understand and will comply with these policies.

**2. California Child Abuse and Neglect Reporting Law (Safe Environment Policy #VII)**

As an employee or volunteer who is required to complete required training that includes the main concepts for the *California Child Abuse and Neglect Reporting Law* I understand that:

According to the California law, I am a mandated reporter. Yes \_\_\_ No \_\_\_.

1. If yes, I understand and will comply with Section 11166 of the Penal Code of the State of California. I know and understand that the law requires of mandated reporters:

- ❖ if there is knowledge or suspected knowledge of child abuse of a minor, a report to the appropriate State Agency must be made immediately or as soon as practically possible by telephone;
- ❖ after the report by phone, prepare and send a written report to the appropriate State Agency within 36 hours of receiving the information concerning the incident.

2. If no, I understand by law I am not a mandated reporter but if I become aware of child abuse or neglect I know the procedures to follow and will follow them. I also understand that the CA law provides that a discretionary report can be made. I also understand the Safe Environment Policy of the Diocese of San Bernardino regards me as a discretionary reporter and the Diocesan policy calls this a Policy Reporter.

**3. Confidentiality (Code of Pastoral Conduct #2)**

As an employee or volunteer I am aware that the persons, conversations, materials and data with which I come in contact and to which I have access are to be treated in a confidential and in a professional manner.

Any knowledge of confidential information is to be used only in the conduct of official business of the Catholic Diocese of San Bernardino.

Violations of this Confidentiality/Child Abuse Reporting Agreement can result in disciplinary action and/or dismissal.

\_\_\_\_\_  
Employee's or Volunteer's Signature

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

\_\_\_\_\_  
Date

\_\_\_\_\_  
Pastor, Pastoral Coordinator, Priest  
Administrator, DPC Director or  
Principal for the Diocese of San Bernardino

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

\_\_\_\_\_  
Date

\_\_\_\_\_  
(Add Supervisor where applicable)

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

\_\_\_\_\_  
Date



**Diocese of San Bernardino**  
**Safe Environment Policy for the Protection of Children and Young People and**  
**Code of Pastoral Conduct**

**Human Resources HARASSMENT POLICY**

The Diocese of San Bernardino strives to provide a work environment where all persons treat each other with dignity and mutual respect in accord with Christian principles and the social teachings of the Church. Therefore, the Diocese of San Bernardino is committed to providing a work environment that is free from harassment in any form.

Definition

Harassment occurs when an individual is subjected to treatment or a work environment which is hostile or intimidating because of the individual's gender, race, color, national origin, physical disability or life style choice. Harassment of any person working for the Diocese by any lay employee, contractor, priest, religious or volunteer is strictly prohibited

- A charge of harassment shall not, in and of itself, create the presumption of wrongdoing. However, substantiated acts of harassment will result in disciplinary action, up to and including termination.
- Persons found to have filed false or frivolous charges will also be subject to disciplinary action, up to and including termination.
- The policy applies to actions in the workplace and to off-site work-related activities.

Dissemination of Policy

- Every employee, volunteer and contractor with the Diocese, including all priests and religious, and deacons, shall be provided with a copy of this policy and shall be required to acknowledge receipt of same in writing.

Types of Prohibited Behavior

- Verbal harassment: Includes comments, jokes, threatening words spoken to another person that are offensive to the recipient.
- Visual harassment: Includes, but is not limited to, derogatory, demeaning or inflammatory posters, cartoons, written words, drawings or gestures.
- Physical harassment: Includes, but is not limited to, unwanted physical touching, contact, assault, deliberate impeding or blocking movement, or any intimidating interference with normal work or physical movement.
- Sexual harassment: Includes, but is not limited to, unwelcome sexual advances, implicit or explicit requests for sexual favors and other verbal or physical conduct of a sexual nature when any or all of the following occur:
  - When the submission to requests for sexual favors is implicitly or explicitly made a condition of employment, continued employment, promotion, pay, or conditions of employment. (quid pro quo)
  - Verbal, physical or visual conduct that creates an intimidating, offensive or hostile working environment or interferes with work performance.
  - The use of one's status within the Diocese to gain sexual favors or any attempt to offer to engage in such arrangements.
  - Making sexual gestures or sexually explicit comments that are demeaning and/or create a hostile work environment to a person of average sensibilities.
  - Displaying visual materials, or manner of communication that is commonly considered demeaning, hostile or intimidating.
  - Distributing sexually explicit/harassing documents such as memos, letters, pictures, books, notes, and e-mail to employees.

Guidelines

The following behaviors may be subject to individual interpretation; therefore, it is important to avoid any behavior, regardless of intent or presence of malice, which may be perceived or interpreted as being sexually or professionally inappropriate.

- Inappropriate or unnecessary touching of individuals.
- Use of suggestive language and/or stories or jokes.
- Offensive comments regarding clothing worn by employees.
- Making inappropriate inquiries into personal affairs of employees when such inquiries are not required to address a performance issue.
- Behaving or dressing in a manner that would cause inappropriate attention to your person.



**Diocese of San Bernardino**  
**Safe Environment Policy for the Protection of Children and Young People and**  
**Code of Pastoral Conduct**

<b>HARASSMENT POLICY      con't</b>
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Filing a Complaint

In order to maintain a positive work environment, all employees must work together to insure that harassment of any type is not ignored. Harassment is often interpreted as being personally directed. Therefore, the policy can only be effective if the offensive behavior is reported in a proper and timely manner. **All incidents of harassment must be reported to the Director of Human Resources by whomever receives the initial report.**

- √ Whenever reasonable to do so, the offended party should inform the harasser that their behavior is unwelcome and offensive.
- √ If the behavior does not stop or if the offended party cannot approach the harasser, then he/she must report the behavior to his/her immediate supervisor.
- √ If the offended party does not believe that making the report to his/ her immediate supervisor is a reasonable step then he/she should report the behavior to the next higher level within the department/office/parish.
- √ Absent the above, the offended party should report the offensive behavior to the Director of Human Resources.
- √ Initially an oral report of the incident (s) is acceptable; however, a written report will also be required.

Investigation Procedure

Upon receipt of a report an investigation will take place. Every effort will be made to maintain confidentiality, however, in the course of the investigation, some individuals may be involved on a need-to-know basis.

- 1) The investigation will include interviews with the offended party and any witnesses named by that party. Any documents supporting the report will be gathered as part of the case file.
- 2) A meeting with the alleged harasser will take place, whereupon all of the findings will be discussed. That person will be given an opportunity to reply to each allegation.
- 3) If it is found that the allegations are substantiated, immediate and appropriate disciplinary measures will be taken. The severity of such steps will depend on the degree of harassment, the harasser's level of responsibility within the Diocese and other circumstances surrounding the harassment. Such action could include a written warning, demotion, delay of promotion or pay increase, suspension without pay or termination of employment.
- 4) The results of the investigation shall be documented and a report given to the offended party.
- 5) In the event that the offended party is not satisfied with the results of the investigation, he/she can appeal the decision to the Director of Human Resources. This appeal must be made in writing. Subsequent to that the Director will meet with the individual to discuss the reasons for his/her dissatisfaction. If it is found that all required steps were taken to address the issue and the results were based on objective findings and no other course of action was warranted, then the decision of the Director, in consultation with Diocesan authorities, shall be final.
- 6) In the event that a review by the Director of Human Resources results in further investigation and a modification of the decision is made, then the revised decision of the Director, in consultation with Diocesan authorities, shall be final.

"I agree to comply with the policies and regulations set forth in this policy. I understand that agreement to do so is a condition of providing services to the Diocese of San Bernardino."

Print Name \_\_\_\_\_

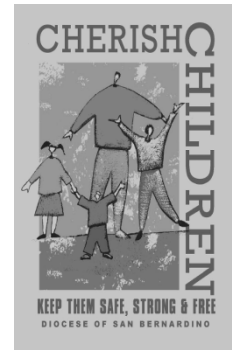
Signature/Date: \_\_\_\_\_

**Copies are available from the Office of Human Resources**

Diocese of San Bernardino  
 Safe Environment Policy for the Protection of Children and Young People and  
 Code of Pastoral Conduct

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*How can I help  
 prevent child abuse  
 in my community?*



PREVENTION . . .

There are several things you can do to prevent child abuse.

- Learn more about child abuse and how it is treated.
- Become active in your community's efforts to reduce child abuse.
- Be supportive and helpful to families having problems.

**Don't ignore child abuse.**

**Report it to the proper authorities.**

- If you or any member of your family needs help coping with children, don't let your pride keep you from asking for it.

TO REPORT to the COUNTY:

CALL

**San Bernardino County:**

**1-800 827-8724**

**Riverside County:**

**1-800-442-4918**

**To report any clergy abuse call:**

Hotline 1-888-206-9090

or

Victims Assistance Coordinator 909-855-2296

Diocese of San Bernardino  
 Safe Environment Policy for the Protection of Children and Young People and  
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## Prayer

Leader: Creator God please hear your people as together we pray:

All: God of endless love, ever caring, ever strong,  
 always present, always just,  
 You gave your only Son  
 to save us by the blood of his cross.

Gentle Jesus, shepherd of peace,  
 join to your own suffering  
 the pain of all who have been hurt in body, mind, and spirit  
 by those who betrayed the trust placed in them.

Hear our cries as we agonize over the harm done  
 to our brothers and sisters.

Breathe wisdom into our prayers, soothe restless hearts with hope  
 & steady shaken spirits with faith.

Show us the way to justice and wholeness,  
 enlightened by truth and enfolded in your mercy.

Holy Spirit, comforter of hearts,  
 heal your people's wounds and transform our brokenness.

Grant us courage and wisdom, humility and grace,  
 so that we may act with justice and find peace in you.

We ask this through Christ, our Lord. Amen.



**Diocese of San Bernardino**  
**Safe Environment Policy for the Protection of Children and Young People and**  
**Code of Pastoral Conduct**

**VIRTUS<sup>®</sup> Programs and Protecting God's Children<sup>®</sup> Program Registration Information Form**

*This form should be used for those without computer with an Internet connection, OR access to a computer with an Internet connection. This form may also be used for those that were unable to register prior to the session.*

**Your Organization** (Archdiocese/Diocese): \_\_\_\_\_ **Congregation Initials:** \_\_\_\_\_

**Salutation** (i.e. Mr., Ms., Mrs., Br., Sr., etc.): \_\_\_\_\_ **Email:** \_\_\_\_\_

**First Name:** \_\_\_\_\_ **Last Name:** \_\_\_\_\_

**Home Address:** \_\_\_\_\_

**City:** \_\_\_\_\_ **State:** \_\_\_\_\_ **Zip** \_\_\_\_\_

**Home Phone:** \_\_\_\_\_ **Work Phone:** \_\_\_\_\_ **Ext:** \_\_\_\_\_

**Your Primary Location** (Where you work, volunteer, or worship – i.e. Parish Name and City):  
 \_\_\_\_\_

**Secondary Location(s)** (Other locations where you work, volunteer, or worship – i.e. Parish Name and City):  
 \_\_\_\_\_

**Please select the roles that you play within your Diocese** (please check all that apply):

<input type="checkbox"/> Catechist	<input type="checkbox"/> Deacon Candidate	<input type="checkbox"/> Employee (School)	<input type="checkbox"/> Seminarian
<input type="checkbox"/> Clergy (Permanent Deacon)	<input type="checkbox"/> Employee (Diocesan)	<input type="checkbox"/> Employee (Teacher)	<input type="checkbox"/> Volunteer
<input type="checkbox"/> Clergy-Priest	<input type="checkbox"/> Employee (Parish)	<input type="checkbox"/> Parent	<input type="checkbox"/> Volunteer with Youth Ministry

**Your Title(s) within the Diocese** (i.e. Lector, Eucharistic Minister, Coach, Room Mom, Scout Leader, Spanish Teacher, etc.):  
 \_\_\_\_\_

Are you a parent or guardian of a child under 18? Yes \_\_\_\_ No \_\_\_\_ Decline to answer \_\_\_\_

Do you interact with, work with or come into contact with minors  
 (anyone under the age of 18 years) during your activities at this archdiocese/  
 diocese/religious organization? Yes \_\_\_\_ No \_\_\_\_

Do you manage, supervise or oversee employees or volunteers on behalf of  
 this archdiocese/diocese/religious organization in any capacity? Yes \_\_\_\_ No \_\_\_\_

**Training Course:** Protecting God's Children<sup>®</sup> Awareness Session for Adults **Date:** \_\_\_\_\_

**Training Location:** \_\_\_\_\_ **Time:** \_\_\_\_\_

**City and State:** \_\_\_\_\_

**FOR OFFICE USE ONLY:**

**Username:** \_\_\_\_\_ **Password:** \_\_\_\_\_

