



DIOCESE OF SAN BERNARDINO

SAFE ENVIRONMENT POLICY FOR THE PROTECTION
OF CHILDREN

CODE OF PASTORAL CONDUCT



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

DIocese OF SAN BERNARDINO



OFFICE OF THE BISHOP

August 16, 2021

Brothers and Sisters in Christ,

Our local Church continues to confront the issue of clergy sexual abuse of minors. We have done much over the past two decades to address this terrible sin, putting strong structures and policies in place to prevent it. We continue to acknowledge our past failures to protect children and we work toward healing and reconciliation of victims of abuse in our Diocese.

Yet, we also must deal with the pain of new revelations in the news detailing allegations of abuse and misconduct by trusted leaders in the Church. This is a reminder that we are still facing this evil and, thus, the need for us to be vigilant in our efforts to protect children and to continue to educate all ministers of our Church about this issue. The work of protecting our children belongs to the entire Body of Christ!

This year I have begun my Episcopacy as the Third Bishop of San Bernardino. Let me be very clear with you that I condemn, in the strongest possible terms, the sexual abuse and/or harassment of a man, woman or child in every case. It goes against everything that God intended when he created every human person with an inherent dignity. As children of God, we are called to treat all our brothers and sisters with the same love and respect with which we would be treated. (CCC, no 1964). To sexually assault or harass another person is to diminish their human dignity and worth.

When I arrived in the Diocese of San Bernardino, I was so heartened to see all that is being done in this local Church to address the issue of clergy sexual abuse of minors. We have established an entire ministry, the Office of Child and Youth Protection, to oversee education and enforcement of our Safe Environment policies; and we have a Victims' Assistance Coordinator who provides pastoral and emotional support to victims of abuse in the name of the Church. Because of these things, and the ongoing commitment of our clergy and lay ministers, our parishes and Catholic schools are some of the safest places for children and youth that you will find.

We've also taken some very important steps in recent years to acknowledge publicly past incidents of abuse in our Diocese and work toward reconciliation with victims of abuse. In 2018, the Diocese published a list of all priests credibly accused of sexual abuse of a minor over our 40-year history. We continue to update that list on the diocesan website when we become aware of any new credible allegations. In 2019, we were one of six dioceses in California to participate in the Independent Compensation Program (ICP for Victim-Survivors of Sexual Abuse of Minors by Priests, an independent, voluntary program that has allowed victims to receive financial compensation as a reparation for the abuse they experienced.

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I extend my blessings and my deep appreciation to all who have shared in the work of our commitment to protect children. We are becoming light in a place that once covered us in darkness.

Part of our responsibility in this ministry is to create an atmosphere of encouragement for those who have been abused to come forward and report it. As the leader of this local Church, I want to strongly encourage anyone who has experienced the trauma of sexual abuse or harassment to please report it to the proper authorities. Child abuse or harassment must be immediately reported. Child abuse must be reported to police or county child protective services. Harassment must be reported to your employer or pastor – depending on the nature and setting. You may visit the Office of Child and Youth Protection website at www.docyp.org to get more detailed information on how to report abuse.

I know that this remains a painful issue for many, bringing feelings of shame, anger, and denial. Please know that as your Bishop, I continue to hold you in prayer and our Church walks with you in your pain and doubt. We have been humbled by this experience and we will use this humility to guide us on the path of reconciliation that God lays before us. We are imperfect but we carry forth in hope. We allow God to renew in us the holiness that we seek but cannot find on our own.

Let us all continue to pray for the healing of all victims of abuse and let us support each other in our steadfast commitment to protect our precious young ones from harm through the Ministry of Child and Youth Protection.

In Christ's Love,



Most Reverend Alberto Rojas
Diocese of San Bernardino

Safe Environment Policy for the Protection of Children

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A. This document may be downloaded from the diocesan website at www.docyp.org

B. To contact the Diocesan Office of Child and Youth Protection:

Write to:	Call: (909) 475-5125
Diocese of San Bernardino	
Diocesan Office of Child and Youth Protection	Fax: (909) 475-5126
1201 East Highland Avenue	
San Bernardino CA 92404	E-mail: ChildandYouthProtection@sbdiocese.org

*“Tend the flock that God has entrusted to you; watch over it....
Be examples that the whole flock can follow....”*

1 Peter 5:2-3

I. Introduction

Our belief in the dignity of all human beings demands that we, the Church, must commit to provide a safe environment for all who enter and use our diocesan, parish and school premises. As Catholics, we do not condone or accept abuse, bullying or harassment of any kind, whether it is manifested in a physical, sexual, verbal, or psychological form.

When fundamental human dignities are ignored, abuse may occur. Every person who works and ministers in the name of the Diocese of San Bernardino must abide by all established safe environment safeguards. This policy intends to provide protection for all.

II. Training

A. **Groups requiring Safe Environment training:**

1. Clergy, candidates for ordination, men and women religious, employees, and volunteers who minister in programs and events relating to minors (under 18 years of age) are required to complete diocesan approved safe environment training.
2. All clergy, employees, and volunteers with minors must complete the required safe environment training prior to beginning their service in the Diocese of San Bernardino.
3. Training is highly recommended for lay ministry leaders, volunteers working with vulnerable adults, those tending the homebound, parents/guardians, and care givers.

B. **Curriculum:**

1. **Training for Adults**

The program "Protecting God's Children - for Adults" training and reading monthly bulletins from Virtus, Inc. Those who are required to train must read the monthly bulletin.

- ✓ Diocese of San Bernardino Safe Environment Policy for the Protection of Children and Young People
- ✓ Diocese of San Bernardino Code of Pastoral Conduct
- ✓ State of California Child Abuse and Neglect Reporting Law -
- ✓ Adult training concerning vulnerable adults (USCCB Charter recommended)

Everyone must renew their training by June 30th of their 5th year of training.

*For example – a person completes safe environment training in 2018,
must renew their training by June 30th 2023.*

The State of California highly recommends training on how to report suspected child abuse and neglect, as well as suspected abuse and neglect of vulnerable adults.

2. **Training for minors**

The program, "Touching Safety - Virtus", is required annually of all enrolled in diocesan schools, catechetical and youth ministry programs and any other programs designed for minors and sponsored by entities of the diocese.

(e.g. altar servers, teens volunteering with minors, catechist aide, etc.)

- ✓ Age-appropriate materials for personal safety
- ✓ Age-appropriate materials pertaining to personal boundaries, proper touch, proper relationships, bullying and harassment

C. **Delivery methods available for instruction to the target groups approved by the Diocese**

Adults – Materials Available from Diocesan Office of Child and Youth Protection

- Live training sessions/workshops conducted in the Parish, School or Diocesan Pastoral Center
- Online training from the Diocesan web site www.virtus.org

Minors Materials are available through the Office of Catechetical Ministry, Office of Ministry with Young Catholics and Office of Catholic Schools or directly from Virtus – www.virtus.org

- training materials K through 12 used for minors and approved by the Diocese, and age appropriate materials for pre-school and transitional kindergarten children

Teens Volunteering with Minors in a supervisory role (14 to 17)

- Teen volunteer training materials are available at the Office of Child and Youth Protection

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D. Documentation: Evidence of Compliance

1. Each Diocesan Parish, School, and Organization is responsible for documenting the initial, renewal and ongoing Safe Environment training for all target groups.

Copies of documentation materials must be kept by each entity

- In the Parish, each Pastor, Pastoral Coordinator or Priest Administrator is responsible for assuring that training and documentation occur.
- In Catholic Schools, each Principal is responsible for training and documentation at the School site.

Documentation includes:

- A sign-in sheet with the name of each individual who attends a live training session; signature of the attendee; record of the location with date, the entity number of the parish or school and the facilitator conducting the session. A copy of the sign in sheet must be sent to the Office of Child and Youth Protection as soon as possible after the training session for approval of the attendee's training.
 - Each site must keep the walk-in attendee's participant information form and make sure the walk-in attendee is registered for a Virtus account
 - After the training has been approved, a Certificate of Completion for each individual can be printed by the individual from their account on the **Virtus** database at www.virtusonline.org. Each individual is encouraged to print a copy of this Certificate and keep it with their documents. This form indicates that the person received the training and will be accountable for using the information gained. (Parish Safe Environment Administrators have access via the **Virtus** website for certificates for their parish volunteers.)
 - Parishes and schools must retain copies of any additional resources utilized for update purposes. These resources are to be attached to a form that indicates who received the materials, the method of distribution and date of distribution
2. The **Director of Human Resources**, in collaboration with the Director of the Diocesan Office of Child and Youth Protection, verifies the training and documentation of all Diocesan employees and volunteers. The Human Resources Office documents and verifies all background check information.
 - Verification of completed and compliant background check information will be sent annually to all Diocesan parishes and schools by the Human Resources office .
 3. The **Director of the Department of Ministry of Educational Services** facilitates the training and documentation of children and youth in Catholic Schools, Parish Catechetical Ministry programs and Youth Ministry programs.
 - Verification of all training for minors is sent to the Office of Child and Youth Protection for inclusion in the annual Diocesan Audit sent to the USCCB..
 4. The **Office of Child and Youth Protection** will verify the Safe Environment training for adult volunteers who minister with catechetical and youth ministry programs. This verification will be sent annually to parishes and schools.
 5. The **Office of Priests Personnel** will verify and document the training and on-going education for all bishops and priests. The Office of Permanent Deacons will verify and document the training and on-going education for all permanent deacons.

These requirements are in compliance with the requirements of the Charter for the Protection of Children and Young people issued by the USCCB in 2018, Article 12.

III. **Background checks are required for:**

A. **Clergy, employees, candidates for ordination, and religious men and woman.**

- Method used - is Live Scan fingerprinting done by the California Department of Justice.
- A satisfactory background check must be on file with the Diocese of San Bernardino for all clergy, candidates for ordination, religious men and woman, and employees.

B. **Adult volunteers ministering with minors (under the age of 18):**

- Method used - background screening by a private provider.
- A parish or school may require that additional volunteers be background checked to meet the specific and/or unique needs.
- A satisfactory background check must be on file with the Diocese of San Bernardino for all adult volunteers ministering in programs and events related to minors.

This requirement is in compliance with the requirements of the Charter for the Protection of Children and Young people issued by the USCCB in 2011, Article 13.

IV. **Supervision of Minors**

A. **Two Adult Rule**

Activities or events with minors require supervision by at least two adults, 18 years of age or older:

- Satisfactory background check report on file with the Diocese.
- Completion of the required safe environment training, with a Certificate of Completion.

B. **Windows and Open Doors**

Activities must be visible through a window or an open door. This ensures a safe environment on our premises for both minors and adults. The Diocese of San Bernardino also requires all classrooms, meeting rooms, offices, or counseling areas are to have:

- A door with a window that allows anyone outside the room to observe inside the room without having to open the door.
- The door will remain open to any room where there isn't a window that will allow observation.
 - These rooms will be posted with a sign that mandates the doors are to be left open.
- When the door cannot be left open, then the only option is to have two background cleared and trained adults present in the room.

C. **Planned Supervision**

All elements of any program or outing offered through the Diocese of San Bernardino must be carefully reviewed to ensure children are supervised **before, during, and after the event**, until all children are returned to their parents/guardians or have left the parish or school premises. Participants who are below the age of 18 must have written permission from a parent or legal guardian to leave the premises before they return to their parent's or guardian's supervision.

- **A written supervision plan must be kept on file and updated annually.** This supervision must follow the two-adult rule as stated above. This supervision plan is a required part of the Parish Plan described in Part VI of this document.
- Activities organized for participants who are minors (under 18) must be limited to minors only and not mixed with young adult participants. Caution needs to be taken when events include varying ages, i.e. activities for middle-school-age children should be kept separate from high school teens, high school teens separate from young adults, etc.
- All parents or guardians must sign their children into and out of any parish-sponsored activities or areas of supervision, including Catholic School parents and parents whose children participate in before or after school care programs.

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- **An emergency card** completed by the child's parent or legal guardian must be on file for all. The emergency card must indicate any individual authorized to pick up each child. ***Children will be released only to those authorized on the emergency card.***
- For minors who are responsible for their own transportation (driving or walking), a signed letter of permission by the parent must be on file.

It is the diocesan policy that all minors (those under the age of 18) are supervised in a planned and organized manner, before during and after the class or event until parental supervision begins.

D. Overnight Rule

All adults who stay overnight with minors must have a completed satisfactory background check on file and have completed all required Safe Environment training. If the required number of adults with completed background checks and required training is not available, the event will be cancelled. In the presence of both male and female minors, there must be both genders represented as supervisors.

Each overnight participant must have an up-to-date emergency card on file

E. Child Care Policy for:

- Sunday Mass or other Masses held in a Parish
- Prayer Groups or other gatherings in a Parish or School
- Other parish/school activities intended for adults

For the above activities and any similar programs, parents or guardians must sign their children into and out of the child care area of supervision. **An emergency card** must be completed by the child's parent or legal guardian, and must be on file to indicate the individuals authorized to pick up each child.

Children will be released only to those authorized to pick them up, on the emergency card.

Child care during any activity must follow the two-adult rule. If five minutes before the activity begins the required two adults are not present for child care, an announcement must be made stating that another adult is needed immediately or the parents must pick up their children. The child care must be closed and it may cause the activity to be cancelled.

The Diocesan Safe Environment Policy requires that when any organization gathers and children are present, **these children MUST be supervised in an appropriate area and the Diocesan policy for child care be followed.** An example might be when a prayer group gathers, the children who come with their parent must be supervised in an appropriate area by adults who have:

- Have completed satisfactory background check report-on file with the Diocese.
- Successfully completed **all required Safe Environment** training.

F. Parental Permission

1. Volunteers and staff must have written parental permission to be alone with a minor such as:
 - To transport by car
 - To advise (if a minor does not want the parent to know about counseling, in accordance with California Law, another adult must be present or within sight).
2. Permission from a parent or guardian can be written (including a fax) or by phone in the event of an emergency. Phone permission requires that two people listen to the permission given over the phone. The phone conversation will be transcribed and the parent's or guardian's name placed on the phone permission. The two persons who listened to the phone permission will also sign the transcription. The parent or guardian is to be informed that the conversation will be put in writing. A copy of the written and signed conversation is to go with the chaperone of that child and a copy will remain at the site.

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3. So that proper supervision can be arranged, volunteers and staff must notify their supervisor in advance if they will be alone with an minor or take a minor off the premises of the parish or school grounds.

G. Minors Volunteering in the Parish

Minors who are engaged in a volunteer activity for the Parish or School, or who are fulfilling community service, must be visible when performing these tasks. Minors are to be under the visual supervision of an adult and work only when at least two adults are on the property. Minor volunteers will be told the location of their supervisors and how to contact them. Supervisors on the premises will be informed that minor volunteers are working and that they (the supervisors) should “check in” with the minors hourly. If the minor volunteer will be working with younger minor children, and there is the possibility that the minor volunteer may be alone with a younger child - for any reason– the minor volunteer must successfully complete the appropriate Safe Environment Policy training as other volunteers who work regularly with children do.

H. Safeguards if Advice is given

Private counseling and pastoral care of a minor can present a dilemma. Sometimes advice can be misconstrued. Special care must be taken to balance confidentiality and protection for both minors and adults. Those working with minors must never overstep their bounds or areas of competency. All people ministering in the Diocese are obliged to abide by the Diocese of San Bernardino policies for Safe Environment for the Protection of Children and Young People **AND** Code of Pastoral Conduct. The meeting site must be in a room allowing at least visual access to non-participants. The meeting must be scheduled at a time when it is likely that others will be on the premises. Private meetings at homes or other non approved locations are expressly forbidden when it is known that there are no other adults present.

I. Independent contractors

Independent contractors who will be on the property to perform services when children are present are required to be under the direct supervision of a Diocesan approved parish or school adult who meets Safe Environment requirements. If the independent contractor is on the premises on a regular basis, for example a gardener, musician, etc. that person must comply with the requirement to be background checked and complete the training for Safe Environment.

J. Buddy System

Minors are never to leave a supervised area and go to an area that is not properly supervised. All minors are encouraged to travel with fellow classmates or activity participants, even within parish/school activities and grounds.

V. Parish Plan

Each Parish is responsible to design a Safe Environment Plan for their parish. If a school is part of the parish, it must be included in the Parish Plan. **Diocesan and private schools not affiliated with a parish must create their own plan.** The Plan must incorporate all aspects of the Safe Environment Policy for the Protection of Children and Young People adopted by the Diocese of San Bernardino. The Plan must include:

- A description of the ongoing, annual safe environment training and education for both adults and children and a description of the documentation plan for the training. (Part III-
- A description of the supervision procedures for arrival, class/activity time and dismissal of minors – this must also include all youth ministry activities. Include emergency card procedures. (Part V of this document)
- A description of all documentation procedures. (Part III-D-1 of this document)
- Specification of the accountability process for reporting abuse. (Part VII of this document)
- Location where additional Safe Environment materials can be found; for example, in the vestibule, on the pamphlet rack, etc.? (Part III-D of this document)
- Specification of when bulletin announcements for safe environment appear in the parish bulletin (weekly, monthly, quarterly, etc.). For example: “Our parish will place an announcement in our parish bulletin every second Sunday of the month.”

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The plan is to be submitted to the Diocesan Office of Child and Youth Protection and kept on file at the Parish or Diocesan School. The plan is to be evaluated annually and revised as needed. The results of the evaluation are to be included in the annual report that is submitted each year, usually the last Thursday in the month of April. If the parish needs help designing their plan, they may contact the Diocesan Office of Child and Youth Protection (909) 475-5125 for assistance.

Part III Documentation, Part V–Supervision and Part VII–Accountability of this document are to be included as part of the individual Parish Plan for the ongoing Safe Environment training and individual background check

- The Parish Plan is to be made available to parish and school members.

VI. **Accountability**

Every person hired to work or accepted as a volunteer in the Diocese of San Bernardino is equally accountable for implementing Diocesan policies and procedures.

To maintain the integrity of this Safe Environment Policy for the Protection of Children and Young People, it is necessary to report violations of this policy, the Code of Pastoral Conduct, other Diocesan policies or any applicable laws of the State of California.

The California Child Abuse and Neglect Reporting Law requires various categories of employees and clergy to file a report for suspected child abuse to law enforcement or Child Protective Services. These categories may be found in CA publication 132 (English) and 129 (Spanish). A copy of this publication and the reporting form are available from the Diocesan Office of Child and Youth Protection or may also be found on the DOCYP web page www.docyp.org.

The Diocese of San Bernardino Safe Environment Policy for the Protection of Children and Young People requires all employees and volunteers to report suspected child abuse. The CA law calls this a discretionary reporter. Because the Diocesan Safe Environment mandates reporting, the Diocesan policy calls this a Policy report.

If there is suspected abuse of a minor:

- Immediately, report to local law enforcement authorities and/or to Riverside or San Bernardino County Child Protective Services office. Use the state approved form. This form is available on the Office of Child and Youth Protection website at www.docyp.org.

Riverside County: 1-800-442-4918

San Bernardino County: 800-827-8724

ALSO, REPORT TO:

- Your **immediate supervisor**.
- If your immediate supervisor was the person violating the policy, then report to the next person up in the line of authority.
- If a member of the clergy committed the abuse, call:
 - the Diocesan **Vicar General, 909-475-5120** or the **Diocesan Hotline at 1-888-206-9090**
- Any person can call the Diocesan **Victim's Abuse Coordinator 909-855-2296**
- If a Church employee or volunteer committed the abuse, call:
 - the **Director of Human Resources, 909-475-5172**
- If a Catholic School teacher, school employee or school volunteer committed the abuse, call the **Superintendent of Schools, 909-475-5437**
- **Abuse reporting information should be visibly available throughout diocesan entities.**

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References:

- Good Shepherd Catholic Church Safe Environment Policy, Archdiocese of St. Louis, Missouri 1995;
- Diocese of San Bernardino Policies; Code of Pastoral Conduct;
- 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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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.

We all 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. 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.

III. 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.

IV. 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 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 California State laws, especially with regards to reporting child abuse. All clergy, employees, 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.

3. The investigation of an allegation of abuse by a clergy, employee, 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 and or 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 will be kept in a secured area at the Diocesan Pastoral Center, 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 of San Bernardino reserves the right to limit the activities of any personnel, regardless of any determination of guilt or innocence.

V. 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.
- 1.5.3 Classes, activities and communications should be conducted in appropriate settings at appropriate times. 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, activities and communications should not be held at places or times that would tend to cause confusion about the nature of the relationship.
- 1.5.4 Classes and activities will be held in appropriate locations as defined in the Diocesan Safe Environment Policy. (See Safe Environment Policy, Section V. A-J)

2. Confidentiality

Information gained by clergy, employees or volunteers during the course of classes or other sponsored activities with minors and/or vulnerable adults 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 unless stated otherwise by CA law. 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 about any person, 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, 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 person.
- *Communication with the appropriate Church supervisory personnel is required by Diocesan policy.*

Personnel from:

- ❖ Catholic Schools:
- ❖ Parish Catechetical Ministry program:
- ❖ Parish Youth Ministry program:
- ❖ Programs for vulnerable adults:

Contact:

Diocesan Office of Catholic Schools
Diocesan Office of Catechetical Ministry
Diocesan Ministry with Young Catholics Office
Diocesan Office of Child & Youth Protection

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 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.

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

2.3.4 Dissemination of all private information will be in accordance with State and Federal regulations.

2.3.5 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.

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- 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 or vulnerable adult and, in the case of a minor, that communication of confidential information to a parent or legal guardian is essential to the individual'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 or abuse of a vulnerable adult, 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, employees, religious, 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 and non-physical contact with youth can be misconstrued and should occur:
(a) Only when public, appropriate, and completely nonsexual- P.A.N.
(b) Never in private.
- 3.3 Clergy, employees, volunteers, and independent contractors **must refrain from:**
- The illegal possession and/or 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; e.g parish dinners).
 - 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. This is against CA law and is never permitted.
- 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.
- 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 an 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 Misconduct

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, religious, employees, volunteers, and all who minister in the Diocese of San Bernardino must avoid developing inappropriately intimate relationships with minors, vulnerable adults, employees, volunteers, or parishioners.
- 4.3 No clergy, religious, employee, or volunteer may exploit another person for sexual purposes.
- 4.4 The acquisition, possession, and distribution of child pornography is unquestionably illegal and prohibited, and will be immediately reported to civil authorities.
- 4.5 All allegations of sexual misconduct should be taken seriously and reported.
- 4.6 Clergy, religious, ministers, employees, and volunteers should review and know the contents of the child abuse regulations, vulnerable adult abuse regulations, and reporting requirements for the State of California.

6. Harassment

The following is an excerpt from the Office of Human Resources Diocesan Harassment Policy.

Clergy, Religious, employees, and all volunteers must not engage in physical, psychological, written, or verbal harassment of anyone. Harassment of any person by any lay employee, contractor, priest, religious or volunteer is strictly prohibited.

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, ethnicity, color, national origin, physical disability or life style choice.

- 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.
 - 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

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- 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/inappropriate language and/or stories or jokes, or using inappropriate personal examples to explain various sensitive situations.
 - 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: 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

Or online at www.sbdioocese.wixsite.com/communications/resources

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.

Examples of prohibited communications include, but are not limited to:

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.

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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.

Note: The complete list may be found on pgs. 4 & 5 of the complete Diocesan Electronic Communication Policy.

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.

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.**
- 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.

9. The Well-Being of All who Minister

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.

VI. Distribution

The Code of Pastoral Conduct will be disseminated by using the Office of Child and Youth Protection website www.docyp.org, live training opportunities in parishes, throughout the vicariates 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.

Prayer for Abuse Victims

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

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.