



DIOCESE OF SAN BERNARDINO

CODE OF PASTORAL CONDUCT



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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.

Diocese of San Bernardino
Code of Pastoral Conduct

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

Code of Pastoral Conduct

Table of Contents		Page
I.	Preamble	6
II.	Responsibility	6
III.	Code of Conduct Policy	6
IV.	Code of Conduct Response to an Allegation	7
	1. Response to Victims	7
	2. Response to the Community	7
	3. The Investigation of an Allegation of Abuse by a Clergy, Employee, or Volunteer	7
	4. The Alleged Perpetrator	7
V.	Pastoral Standards for Conduct	8
	1. Pastoral Conduct	8
	2. Confidentiality	8
	3. Conduct with Youth	9
	4. Sexual Misconduct	10
	5. Conflicts of Interest	10
	6. Reporting Ethical or Professional Misconduct	10
	7. Ethical Responsibilities of Supervisors	11
	8. The Well-being of all who Minister	11
VII.	Distribution	11
	Prayer for Abuse Victims	12

I. Preamble

There is an ongoing and 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, always, 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. This Policy is intended to establish requirements and procedures 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 prospective clergyman, prospective employee, and prospective volunteer of the Diocese.

IV. Code of Conduct Response to an Allegation

1. Response to Victims

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. The appropriate Diocesan responder should promptly initiate contact. 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. Response to the Community

The Diocese of San Bernardino always follows California State laws, especially with regards to reporting child abuse. The law requires a phone 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.

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 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.

4. The 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. The Diocesan Review Board will make an internal investigation of all allegations.
- 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.
- E. The Diocese 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.
- 1.2 Classes or activities will not be photographed, audio or videotaped and made public 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. Physical contact should be avoided if there is any question in the minister's mind that this behavior may be misunderstood.
- 1.5 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.
 - 1.5.3 Classes and activities will be held in appropriate locations as defined in the Diocesan Safe Environment Policy.

2. Confidentiality

Information gained by clergy, employees, or volunteers during 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, during 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.
- 2.2 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 dependent 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.

- 2.3 In cases of suspected child abuse of a minor or abuse of a vulnerable adult, California Law always prevails and a report is made.
- 2.4 According to the Canon and State Law, matters disclosed in the confessional are protected from disclosure, even in cases of suspected child abuse.

3. Conduct with Youth

Clergy, employees, 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 and non-physical contact with youth can be misconstrued and should occur only when public, appropriate, and completely nonsexual.
- 3.3 Clergy, employees, volunteers, and independent contractors **must refrain from:**
- The illegal possession and/or use of drugs
 - 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 always examples of celibate chastity in all relationships; employees and volunteers are called to always live lives of Christian chastity in all relationships.
- 4.2 Clergy, religious, employees, volunteers, and all who minister in the Diocese of San Bernardino must avoid developing inappropriately intimate relationships with minors, dependent adults, employees, volunteers, or parishioners.
- 4.3 No clergy, religious, employee, or volunteer may exploit another person for sexual purposes.
- 4.4 The 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.

5. 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.

- 5.1 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.
 - 5.1.1 No clergy, religious, employee, or volunteer should take advantage of anyone to whom they are providing services to further their personal, religious, political, or business interests.
- 5.2 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.

6. 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.

- 6.1 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.
- 6.2 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.

7. Ethical Responsibilities of Supervisors

Diocese of San Bernardino
Code of Pastoral Conduct

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

- 7.1 Personnel and other administrative decisions made by clergy, employees and volunteers shall meet Civil and Canon Law obligations and reflect Catholic social teachings and this Code of Pastoral Conduct.
- 7.2 No clergy, religious, employee, or volunteer shall use his or her position to exercise unreasonable or inappropriate power and authority.

8. 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.

- 8.1 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.
- 8.2 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.
- 8.3 Clergy, religious, employees, and volunteers must address their own spiritual needs. Support from a Spiritual Director is highly recommended.
- 8.4 Inappropriate or illegal use of alcohol, drugs, and 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 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

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.