

**Policy of the
Diocese of Charlotte
Concerning Ministry-Related
Sexual Misconduct by
Church Personnel**

Revised July 1, 2003

The Diocese of Charlotte
1123 South Church Street
Charlotte, NC 28203
(704) 370-6299

July 1, 2003

To All Diocesan Personnel:

I am pleased to forward to you a revised "Policy of the Diocese of Charlotte Concerning Ministry Related Sexual Misconduct by Church Personnel." This policy is an updated version of the June 1, 1999 revision and includes mandates contained in the "Charter for the Protection of Children and Young People" adopted June 14, 2002 by the U.S. Bishops during their national meeting in Dallas, Texas and their subsequent November 13, 2002 meeting in Washington, D.C. With the issuance of this revision, the June 1, 1999 revised policy is no longer in effect.

This policy applies to priests, deacons, religious, seminarians, lay employees and volunteers, and covers not only the sexual abuse of minors, but also other forms of sexual misconduct. It is required that pastors and school, agency or departmental managers ensure that all of their associates, employees and volunteers receive a copy of this policy, and that all to whom it is given read and become acquainted with it.

Sincerely,

*Reverend Monsignor Mauricio W. West
Diocesan Administrator*

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PURPOSE OF THE POLICY

The purpose of this policy is to provide the Diocese of Charlotte with an official procedure for dealing with an allegation of sexual misconduct by church personnel.

Nothing in this policy is intended to prevent or relieve any person or group of persons, whether they be clergy, religious, seminarian, employee or volunteer, from reporting any allegation of the sexual abuse of a minor to the proper civil authorities as mandated by law, unless to do so would violate the priest/penitent relationship.

The Diocese of Charlotte will cooperate fully with any investigation by civil authorities and will also thoroughly investigate all allegations to ascertain the truth.

INTRODUCTION

A common mission of all of us is to be holy. A holy people will not allow one of its members to be a victim of ministry related sexual misconduct. It is with this in mind that the Diocese of Charlotte issues this policy, which affirms that, all human suffering as well as the weaknesses and imperfections of human beings deserve a response that is rooted in love, concern and compassion.

The term ministry related sexual misconduct as used throughout this policy refers to three related forms of misconduct. The first, which is sexual contact between church personnel and a child, is more commonly called sexual abuse. The second, which is sexual contact between church personnel and another adult, is more commonly called sexual misconduct. The third, which is unwanted sexual conduct or language, is more commonly called sexual harassment. All three of these are addressed herein together as ministry related sexual misconduct because they each involve an abuse of power or authority by those in ministry/service to the diocese. It is understood that any action of a sexual nature that is directed toward a child will be considered sexual abuse.

The Diocese of Charlotte is committed to dealing expeditiously, openly, fairly and compassionately with allegations of ministry related sexual misconduct by church personnel. In order to achieve this commitment, the following policy and procedures have been adopted and are to be implemented with dispatch, justice and equity. The Diocese of Charlotte will willingly cooperate with civil authorities as to the extent possible in all circumstances. In addition, there may be cases where the tenets of the Catholic religion, the prescriptions of Canon Law, or the greater good of all concerned require that action at variance with the provisions of this policy be taken; therefore, the Chancery reserves the right to interpret, revise or replace this policy as it deems necessary. The necessary observance of the canonical norms internal to the Church is not intended in any way to hinder the course of any civil action that may be operative. At the same time, the Church reaffirms her right to enact legislation that is binding on all her members concerning the ecclesiastical dimensions of the delict of sexual abuse of minors.

The Diocese of Charlotte presents these guidelines not because of past failures, not to cause alarm or fear, but rather to set forth a clear policy for the protection of our priests, deacons, seminarians, religious, laity and victims. The policies and procedures that the diocese has adopted reflect our experience and the studies of many others and must always be construed in the light of the gospel and the principle, salus animarum suprema lex, that is, the well being of the people is our primary obligation.

COMMENTARY

In June 2002, the American bishops approved the first draft of the *Essential Norms for Diocesan/Eparchial Policies Dealing with Allegations of Sexual Abuse of Minors by Priests or Deacons (Essential Norms)*, and a *Charter for the Protection of Children and Young People. (Charter)*. The *Charter* addressed the Church's commitment to respond effectively, appropriately and compassionately to cases of the sexual abuse of minors by priests, deacons or other Church personnel. The bishops promised to reach out to the victims of sexual abuse of minors by anyone serving the Church in ministry, employment or as a volunteer. The *Essential Norms* and the *Charter* served as the basis for this revision of the sexual misconduct policy of the Diocese of Charlotte.

In order to be considered law binding on all bishops in the United States, the draft *Essential Norms* was forwarded to the Vatican for approval (*recognition*). The Vatican acknowledged the grave dimensions of the crisis in the Church in the United States, but was concerned that the *Essential Norms* as submitted in June lacked a balance between the rights of the alleged victims and the accused, and denied the accused the right to due process. To some degree, the proposed *Essential Norms* contradicted established church law. A joint commission comprised of four representatives from the Vatican and four American bishops was appointed to revise the *Essential Norms* to "give effective protection to minors and establish a rigorous and precise procedure to punish, in a just way, those who are guilty of such abominable offenses."

On November 13, 2002, the United States bishops meeting in Washington approved the revised *Essential Norms* as submitted by the joint commission, with some minor changes. In addition, the bishops approved the *Charter*, revising it to bring it into conformity with the *Essential Norms*. Respecting always the reputation and privacy of the individuals involved, the bishops said that they would act as openly with the public as possible. They are committed to respond to the pastoral, spiritual and emotional well-being of victims and their families and to work with priests, civil authorities, educators, churches, and community organizations to provide safe environments for children and youth.

As a result of the bishop's actions, the *Policy of the Diocese of Charlotte Concerning Ministry-Related Sexual Misconduct by Church Personnel* has been revised. This policy is believed to be in full compliance with the *Essential Norms* as approved by the Vatican on December 8, 2002, the revised *Charter*, and canon and civil law.

I. DEFINITIONS

1. **Sexual Abuse:** The exploitation of a child for the sexual gratification of an adult. Sexual abuse includes acts of incest, rape or sexual offenses in any degree, sodomy and unnatural or perverted sexual practices, lewd or indecent acts or proposals, including exhibitionism, touching or fondling, permitting or encouraging a child to participate in acts of pornography or prostitution.
2. **Child:** Any person under the age of eighteen (18).
3. **Sexual Misconduct:** (a) The touching of a private part of another person. Private parts can include the genital or anal areas, the groin, the inner thigh, the buttocks, or the bosom of a female. Touching means either a single incident in which church personnel intentionally brings a part of his/her body or another object into physical contact with a private part of another person, or repeated incidents of the same type, whether intentional or unintentional; (b) Any conduct and/or relationship of a sexual nature that can bring scandal.
4. **Sexual Harassment:** Unwanted attention, ogling, words, pictures, jokes or comments of a sexual nature that are directed towards an individual or in the general environment.
5. **Church Personnel:** Includes bishops, priests, deacons, religious, lay employees and lay volunteers involved in ministry or work for the Diocese of Charlotte.
6. **Bishop:** The canonically appointed Bishop of Charlotte, or, in the case of a vacancy, the Diocesan Administrator. For purposes of this policy, the Bishop or Diocesan Administrator may act personally or through a designated representative.
7. **Administrative Leave:** For purposes of this policy, is defined as the temporary relieving the accused of assigned duties. The application varies depending on the employment, volunteer, or canonical status of the accused. Administrative leave does not infer guilt or innocence.
8. **Chancery:** The administrative branch of the Diocese of Charlotte under the authority of the Bishop or Diocesan Administrator.

II. GENERAL PROVISIONS

1. Compassion requires that primary attention be given to the alleged victim of ministry related sexual misconduct. In that regard, the Diocese of Charlotte will appoint an Assistance Coordinator who will, on notification of an allegation, contact the alleged victim of ministry related sexual abuse of minors for the purpose of offering immediate pastoral care. In addition, the Assistance Coordinator will contact the alleged victim's family with an offer of spiritual help and pastoral counseling. If the need for counseling or medical help for the alleged victim or his/her family is indicated, this too shall be offered, but without admission of guilt or of any liability on the part of the Diocese of Charlotte. The Assistance Coordinator will also ensure that proper assistance and support is offered to faith communities directly affected by ministry related sexual misconduct. When an intervention causes the removal of a priest, deacon, seminarian, religious, employee or volunteer from a parish, mission, agency, school, institution or organization of the Diocese of Charlotte, the Assistance Coordinator will provide necessary concern and direction to the parishioners and/or remaining staff.
2. The Canonically appointed Bishop of Charlotte, or, in the case of a vacancy, the Diocesan Administrator, will appoint a Promoter of Justice. This must be a person of undamaged reputation. He/She will intervene in contentious cases to seek justice and vindicate the public good in penal cases. Functioning as the prosecutor, the Promoter of Justice brings the action, brings forth the evidence, argues the case, and appeals, if necessary.
3. The Canonically appointed Bishop of Charlotte, or, in the case of a vacancy, the Diocesan Administrator, will appoint or retain an investigator who is competent in sexual misconduct investigative procedures and techniques. More than one investigator may be appointed or retained. An investigative file will be established by the investigator for each reported allegation of sexual misconduct referred to him/her and shall contain all material gathered during the investigation. When the investigation has been completed, the investigator will prepare a complete written account of the allegations and findings and give it to the Chancery where it will be filed in a secure and confidential manner.
4. Any accused person who admits to, or on whom an appropriate investigation substantiates an allegation of sexual abuse of a minor will be permanently removed from ministry, employment and/or volunteer status. If the accused is a priest or a deacon, this may include the loss of the clerical state.
5. In instances where the accused is not convicted, not found liable by a court of competent jurisdiction, not found guilty by a civil or diocesan investigation, or does not admit to sexual abuse or misconduct, the Chancery will make a determination as to whether or not the accused will be returned to ministry, employment or volunteer status.

6. The Diocese of Charlotte will not require an attempt at reconciliation between an alleged abuser and victim. The involvement of any diocesan personnel in non-authorized reconciliation efforts will be treated as a violation of this policy.
7. The Diocese of Charlotte will not enter into any confidentiality agreement with any sexual abuse victim/survivor except for grave and substantial reasons brought forward by the victim/survivor. If done, these reasons will be noted in the text of the agreement.
8. No pastor, associate pastor or director of any diocesan rectory, institution or facility is permitted to grant full or part-time residence, or regular weekend ministry to an extern priest, a transitional or permanent deacon, or a religious without prior approval from the Chancery. Short-term hospitality in conformity with these norms is at the discretion of the pastor or director. For other individuals, no one may be extended hospitality as a resident, full or part-time, without approval from the Chancery.
9. An individual Review Board composed of at least five (5) persons of outstanding integrity and good judgment will be appointed by the Chancery. The majority of the review board members will be laypersons who are not employees of the Diocese of Charlotte. Membership will include at least one priest, one civil lawyer (not the diocesan attorney), and an individual having particular expertise in the detection and treatment of the sexual abuse of minors. The Assistance Coordinator and the Promoter of Justice will attend and participate in discussions in board meetings, but without vote. The members will be appointed for a term of five years, which can be renewed. Terms will be staggered. The functions performed by the Review Board are to be confidential, consultative and advisory, not adversarial and adjudicative, and are to be directed toward the protection of minor children, and the integrity of the priesthood and the Church. The responsibilities of the board will include the review of allegations of ministry related sexual abuse of minors, all actions taken in response to those allegations, ensurance of the integrity of the process, advice as to the need for pastoral care for affected individuals, and advice and recommendations to the bishop regarding the implementation of any aspect of this policy. Other cases of ministry related sexual misconduct may be referred to the Board for review and counsel. The board may advise the bishop in his determination of the suitability of an individual for ministry; however, the bishop's ultimate authority to determine an individual's fitness for ministry, or to remove an unfit person from assignment, temporarily or permanently, is not circumscribed by the advice of the Review Board, the findings of the investigation, inquiries or consultations with experts, or the procedures and definitions contained in this policy. The board will also periodically evaluate the effectiveness of this policy and propose revisions, if a need is indicated.
10. After having an outside agency conduct a background investigation, the Diocese of Charlotte will evaluate the background check report received on all church

personnel who have regular contact with children. Additionally, the diocese will have investigated, screen and evaluate the background of candidates for ordination in deciding their fitness for ordination.

11. Allegations against the Bishop are beyond the scope of this policy. Any such allegation shall be directed to the Vicar General who will contact the Papal Nuncio and the appropriate civil authority.
12. Pastors and agency or department heads are responsible for ensuring that all clergy, seminarians, religious, employees and volunteers under their authority are given a copy of this policy. The original of the signed and dated *Acknowledgement of Receipt of Sexual Misconduct Policy* must be sent to the diocesan Human Relations Department within fourteen (14) calendar days of the date of assignment, hire, or beginning volunteer service. Copies should be kept by the parish, mission, school, agency, department or institution.

III. REPORTING REQUIREMENTS

1. All cases of alleged, known or suspected ministry related sexual abuse of a minor must be reported to the proper civil authority. Any person having actual knowledge of, or reasonable cause to suspect an incident of ministry related sexual abuse by any church personnel of the Diocese of Charlotte is to immediately report the incident to the Chancery, unless to do so would violate the Sacrament of Penance. The Chancery will then report the incident to the proper civil authority. After notifying the proper civil authority, the Chancery will immediately notify the Assistance Coordinator, the Promoter of Justice, and the Review Board. Following this, the individual reporting the incident to the Chancery will be notified of the particulars regarding the filing of the incident with civil authority. This reporting requirement is not intended to supersede the right of a victim or witness to individually make a report to public authorities, but is to ensure proper, complete and timely reporting to the proper civil authority. At the time of reporting, the diocese will request to be kept informed as to the progress of that authority's investigation. Should an individual choose to make a report to civil authorities, the requirement to make a report to the Chancery is not removed.
2. A lack of information, or the lack of consent of the alleged victim, the victim's parent(s) or legal guardian, or the person(s) providing the information is not to prevent the immediate reporting of the allegation of abuse to civil authorities.
3. At the time of reporting an incident of alleged sexual misconduct to the Chancery, the person making the report will be asked to complete the diocesan form, *Report of Suspected Ministry Related Sexual Misconduct by Church Personnel*.

4. Any act of retaliation or discrimination against an individual who reports or complains of ministry related sexual misconduct is strictly prohibited and will not be tolerated by the Diocese of Charlotte.

IV. APPLICATIONS – LAY PERSONNEL

1. During the application process, the diocesan form, *Application for Lay Employment*, must be completed and submitted by all lay applicants for any paid position in the Diocese of Charlotte. If the applicant is hired, the application is to be kept in the individual's Official Personnel File.
2. During the application process, the diocesan forms, *Application for Lay Employment* and *Volunteer Profile*, must be completed and submitted by all persons volunteering for positions that involve supervised or unsupervised ministry or work with children. If the volunteer is assigned to a position, the forms are to be kept in the individual's personnel folder.
3. During the application process, the diocesan form, *Notification And Release*, must be completed and submitted by all lay applicants for any paid or volunteer position giving authorization to the Diocese of Charlotte to request investigative background inquiries that give information as to the applicant's character, work habits, performance and experience. The original background check release form must be forwarded to the diocesan Human Relations Department immediately upon receipt. The Human Relations Department will conduct the background check and will notify the requesting parish, mission, school, department, agency or institution of the results within five (5) business days of receipt of the report. All original background check information will be kept by the Human Relations Department.

V. APPLICATIONS – CLERGY, SEMINARIANS AND RELIGIOUS

1. Before beginning any duty, all clergy seeking assignment to perform ministry in a stable, official capacity in the Diocese of Charlotte for more than thirty (30) days, must complete and submit the diocesan form, *Application by A Priest/Deacon Seeking Assignment to the Diocese of Charlotte*, which includes a signed certification and unqualified recommendation by the individual's current Bishop or Provincial as to his performance and character. The Chancery will conduct the background check. All forms and background information will be kept in files maintained by the Chancery.

2. All individuals seeking acceptance as a seminarian in the Diocese of Charlotte must complete and submit the diocesan form, *Personal Questionnaire for Applicants for the Seminary*, which will include authorization for the Office of Vocations to request investigative background as to the individual's fitness for ordination. The diocesan Office of Vocations will conduct the background check. All forms and background information will be kept in files maintained by the Chancery.
3. All religious seeking assignment to perform ministry in a stable, official capacity in the Diocese of Charlotte for more than thirty (30) days, must complete and submit the diocesan form, *Application by Members of Religious Institutes Seeking Assignment to the Diocese of Charlotte*, which includes a signed certification and unqualified recommendation by the individual's current Bishop or Provincial as to his/her performance and character. The Chancery will conduct the background check. All forms and background information will be kept in files maintained by the Chancery.
4. Secular clergy seeking an official assignment, and religious clergy who are not being postulated for assignment by a religious superior, may be required to undertake a psychological examination.
5. Any clergy, religious or seminarian seeking assignment, transfer or residence from the Diocese of Charlotte to another diocese or to a religious community will have an accurate and complete description of his/her record forwarded by the Diocese of Charlotte to the local ordinary or superior of his/her new residence, including anything in his/her background indicating that he/she would be a danger to children or young people or likely to engage in sexual harassment or misconduct.

VI. PROCEDURES WHEN ALLEGATIONS ARE MADE AGAINST A LAY EMPLOYEE OR VOLUNTEER

1. On receiving an allegation of ministry related sexual misconduct, if the allegation is sexual abuse of a minor, the Chancery will immediately report the allegation to the proper civil authority, request to be kept informed of their investigation, notify the accused of the nature of the allegation, and assign an investigator who will conduct an immediate investigation into the matter. Unless required by law, allegations of sexual misconduct and/or sexual harassment will not be reported to civil authority, but all other requirements and procedures in this policy will be followed. The involvement of the Assistance Coordinator, the Promoter of Justice, and the Review Board will be included where and when necessary but in all cases of sexual abuse. In cases of sexual abuse, the accused will be placed on administrative leave (with pay for paid employees) pending the outcome of the investigation.

2. The accused will be advised of the investigative process, of their right to civil and canonical counsel, and their right to appear before the Review Board with counsel and/or other advocate.
3. No diocesan investigation will interfere with any civil investigation, and will be conducted with a high level of Christian pastoral care for the alleged victim, his/her family, the person reporting the incident, the accused, and all other persons whose lives are touched by this incident.
4. If required, the Review Board will meet as soon as practical once the investigation has been completed and will carefully examine all information gathered during the investigation. After due deliberation, the board will either request additional information/interviews or advise the bishop of their recommendation(s).
5. If the investigation finds that there is no reasonable cause to believe that the allegation is true, the accused and the person making the allegation will be notified and the matter will be closed. The Chancery will make a determination as to whether or not the accused will be restored to duty at his/her original position, to another position, to the same location or to another location. The Diocese of Charlotte will do all that is possible to restore the good name of the accused.
6. If the investigation finds that there is reasonable cause to believe that the allegation is true, the accused and the person making the allegation will be notified of that finding and the accused's employment or volunteer relationship with the Diocese of Charlotte will be terminated immediately. The diocese will encourage the individual to seek an appropriate treatment program.
7. It is the responsibility of the accused to obtain and finance his/her own private counsel.

VII. PROCEDURES WHEN ALLEGATIONS ARE MADE AGAINST CLERGY, RELIGIOUS OR SEMINARIANS IN SERVICE TO THE DIOCESE

1. On receiving an allegation of ministry related sexual misconduct, if the allegation is sexual abuse of a minor, the Chancery will immediately report the allegation to the proper civil authority, notify the accused of the nature of the allegation, place the accused on administrative leave thereby relieving him/her of any ecclesiastical ministry or function, and conduct an immediate investigation into the matter. Unless required by law, allegations of sexual misconduct and/or sexual harassment will not be reported to civil authority, but all other requirements and procedures in this policy will be followed. The involvement of the Assistance Coordinator, the Promoter of Justice, and the Review Board will be included

- where and when necessary. Any administrative leave will be planned and circumstances determined in a way specific to each situation and to each individual in accord with canon 1722. In general, an administrative leave will be time limited, will allow for re-determination at the end of such time limit, will specify living arrangement, location, financial support, and will address treatment, conduct and aftercare.
2. The accused will be asked to undergo appropriate medical and/or psychological evaluation and intervention, unless to do so would interfere with an investigation by civil authorities. Participation of an accused cleric in appropriate professional treatment/counseling is required as a matter of clerical obedience (c.273). Treatment/Counseling referral is for treatment, not punishment. Any future ministry in the Diocese of Charlotte will require in part a full sharing with the Chancery of all information developed in the course of the treatment. Authorization from the accused is required in all cases to allow the treatment providers to communicate openly and freely with the Chancery.
 3. Following evaluation and treatment, if aftercare is prescribed, the accused will be assigned to a priest-monitor who will be a friend in very difficult circumstances and who will ensure that the aftercare program is carried out.
 4. If the diocesan investigation finds that there is no reasonable cause to believe that the allegation is true, the accused and the person making the allegation will be notified and the matter will be closed. The Chancery will make a determination as to whether or not the accused will be restored to duty at his/her original position, to another position, to the same location or to another location. The Diocese of Charlotte will do all that is possible to restore the good name of the accused.
 5. If the accused admits that the allegation is true, if the diocesan investigation finds that there is reasonable cause to believe that the allegation is true, or if a civil investigation finds that the allegation is true, the accused will be permanently removed from ministry. Clergy may request dispensation from the obligations of Holy Orders. If this is not voluntarily requested the Bishop of the Diocese of Charlotte or, in the case of a vacancy, the Diocesan Administrator, may request dismissal of the accused from the clerical state without the consent of the accused. If removal from the clerical state is not applied, i.e. for reasons of advanced age or infirmity, the accused will not be allowed to celebrate Mass publicly, wear clerical garb, or present himself publicly as a priest.
 6. The accused will be encouraged to retain the assistance of civil and canonical counsel. When necessary, the Diocese of Charlotte will supply canonical counsel to the accused. It is the responsibility of the accused to obtain his/her own private counsel.

7. The Diocese of Charlotte is responsible for the diocesan salary of a priest, seminarian or permanent deacon undergoing treatment who has been relieved of his duties and responsibilities in accordance with this policy.
8. In the case of a priest, seminarian, permanent deacon, or religious from another diocese, on receiving an allegation of ministry related sexual misconduct, the Chancery will immediately notify the appropriate bishop or superior of the allegation and of the actions that have been/will be taken by the Diocese of Charlotte.
9. In cases where the accusation is found to be true, the accused will be the primary person responsible for payment of the victim's therapy and attendant expenses, and will be required to reimburse the Diocese of Charlotte for all expenses that are incurred in connection with the matter.

VIII. EDUCATION

1. The Diocese of Charlotte will periodically conduct continuing education sessions for clergy, religious, employees and volunteers that will update them from viewpoints such as new scientific knowledge, church policy, canon law, civil law, moral theology, professional ethics, the pastoral care of victims, recognizing the signs of abuse, and coping with the disclosure of misconduct by a colleague.
2. The Diocese of Charlotte will establish safe environment programs for its parishes, missions, schools, institutions and agencies. Through this program, the diocese will cooperate with parents, civil authorities, educators, and community organizations to provide education and training for clergy, religious, employees, volunteers, children, youth, parents, ministers, educators, and others about ways to make and maintain a safe environment for children, including standards of ministerial behavior and appropriate boundaries.

IX. MEDIA AND COMMUNICATIONS

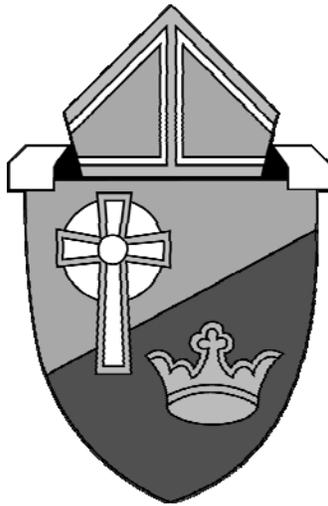
1. The Diocese of Charlotte is committed to a policy of openness relating to allegations of sexual misconduct by its church personnel. Within the confines of respect for the privacy and the reputation of the individuals involved, the diocese will be as open as possible with members of the media and the community.
2. The Diocese of Charlotte will also cooperate with other churches and ecclesial communities, other religious bodies, institutions of higher learning, social service agencies, support groups for victims/survivors, and other interested organizations in conducting research in the area of sexual misconduct.

3. The Chancery shall be responsible for all media contacts and will appoint a primary spokesperson to handle all media inquiries, all release of information, and all news conference arrangements.

X. SANCTIONS

1. Any church personnel who fails to comply with any of the provisions of this policy will be subject to such action(s) by the Diocese of Charlotte as it deems necessary, up to and including removal or termination from any position with any parish, mission, school, department, agency, institution, or organization which is subject under canon or civil law to the administration, authority or governance of the Diocese of Charlotte.
2. Applicants or volunteers for assignment or positions with any parish, mission, school, department, agency, institution or organization in the Diocese of Charlotte who fail to comply with the provisions of this policy may be denied or removed from any position that is subject under canon or civil law to the administration, authority or governance of the diocese.

Code of Ethics Policy of the Diocese of Charlotte



**Effective August 15, 2004
Revision Date July 1, 2009**

**The Diocese of Charlotte
1123 South Church Street
Charlotte, NC 28203
(704) 370-6299**

August 15, 2004

My Dear Brothers and Sisters in Christ:

Please accept my sincere gratitude for the very generous way in which you offer your time, talent and gifts in serving the people of Western North Carolina. It is through the prayers, efforts, dedication and collaboration of priests, deacons, religious, seminarians, lay employees and volunteers that we are able to serve those entrusted to our care. We know that as clergy, religious and laity of the Diocese of Charlotte, we have a responsibility to uphold the highest of moral, professional and ethical standards.

As clergy, religious, seminarians, lay employees and volunteers, we all share in the mission of the Church to continue the work of Jesus Christ. This is both a great privilege and an awesome responsibility. Those who publicly represent the Church, whether by office, employment or appointment, have a special obligation because they have accepted positions of trust. Because of this, the Church must be exemplary. Clergy, religious, seminarians, lay employees and volunteers should and will be held accountable for their behavior.

In order to maintain the highest level of accountability, this Code of Ethics Policy is adopted to assist in developing and implementing uniform guidelines for appropriate behavior while exercising ministerial and professional undertakings. It is not intended to address every situation that may arise, rather, it is intended to create a structure for addressing a variety of circumstances that, if not appropriately addressed, may create a risk of incidents, allegations, claims or lawsuits. As we read the code, we must remember that it is more than a set of standards. It is a way of connecting our values, ideals and moral responsibilities with the work that we do every day.

It is my sincere desire that all who are involved in the mission of the Church will exemplify the ethics and integrity lived and taught by Jesus, and that all those we serve will see in us His compassion and love.

Sincerely yours in Christ,

Most Reverend Peter J. Jugis, J.C.D.
Bishop of Charlotte

PREAMBLE

Priests, deacons, religious, seminarians, pastoral ministers, administrators, lay employees and volunteers (Church Personnel) in our parishes, agencies, schools and organizations must uphold Christian values and conduct. The *Code of Ethics Policy of the Diocese of Charlotte* (Code) provides a set of standards for conduct in certain situations and is designed to deter wrongdoing and to promote honest and ethical conduct.

The public and private conduct of clergy, religious, seminarians, lay employees and volunteers can be a source of inspiration and motivation, but it can also scandalize and undermine the faith of the people that are served. Church Personnel must at all times be aware of the responsibilities that accompany their work. It is essential therefore, that anyone who undertakes a position of ministry, employment or leadership in the diocese, be ever mindful of the trust that has been placed in him or her. The faithful discharge of the responsibilities that accompany our work requires constant and prayerful reflection since all of us must be sustained by God's goodness and grace.

Responsibility for adherence to the Code rests with each individual. This responsibility requires each of us to periodically take a personal inventory. It is hoped that the Code will assist us in this task. Church Personnel who disregard this Code will be subject to remedial action. This action can take several forms, from a verbal warning to removal, depending on the nature and circumstances of the offense.

While no policy can anticipate all of the challenges and situations that may arise, the Code communicates key guidelines and will assist in making decisions that are ethical and in accordance with applicable legal requirements, the Diocesan Sexual Misconduct Policy, the Diocesan Personnel Policies Handbook, and the Diocesan Financial Policies Handbook. All Church Personnel are encouraged to discuss any questions or concerns they have with their supervisor. Before beginning any ministerial, employment or volunteer functions, Church Personnel will read or have read to them, understand, and sign the proper acknowledgement of receipt form, and comply with this Code.

1. PRINCIPLES OF ETHICS AND INTEGRITY

- 1.1** Church Personnel will conduct themselves at all times in a manner that is consistent with the teachings and precepts of the Roman Catholic Church.
- 1.2** Church Personnel will exhibit the highest Christian ethical standards and personal integrity.
- 1.3** Church Personnel will continually and objectively examine their own actions and intentions to ensure that their behavior promotes the welfare of the diocese and exemplifies the moral tradition of the Church.
- 1.4** Church Personnel will establish clear, appropriate boundaries with anyone with whom they have a ministerial, business, professional or social relationship.
- 1.5** Church Personnel will provide an environment that is free from physical, psychological, emotional, written or verbal intimidation or harassment.
- 1.6** Church Personnel will conduct their relationships with others that are free of deception, manipulation and/or exploitation.
- 1.7** Church Personnel will not sexually abuse or harass a minor child.
- 1.8** Church Personnel will report any suspected sexual abuse of a minor child as required by the diocesan Sexual Misconduct Policy.
- 1.9** Church Personnel will not take unfair advantage of a counseling relationship for their personal benefit.
- 1.10** Church Personnel will not use their position to exercise unreasonable or inappropriate power, influence or authority.
- 1.11** Church Personnel will not accept or confer an office, position, assignment or compensation, which may present the appearance of favoritism or a conflict of interest.
- 1.12** Church Personnel will be responsible stewards of diocesan resources, human and financial, observing both canon and civil law, and making decisions concerning the disposition of resources that reflect Catholic social teaching.
- 1.13** Church Personnel will not make false accusations against another, or reveal the faults and failings to anyone who is not in a position that necessitates a need to know.

- 1.14** Church Personnel will share concerns about suspicions of inappropriate behavior with the appropriate supervisory or management individual.
- 1.15** Accountability: The Diocese and all its parishes, schools and organizations are responsible to its stakeholders, which includes donors and others who have placed their trust in the Church. To uphold this trust, all Church personnel will:
- Promote good stewardship of all Church resources, including donations, grants, program fees, and all financial support.
 - Use all Church resources only for Church related purposes. Church resources are never to be used for personal purposes, even if it is intended to be temporary.
 - Use all Church resources in a prudent-like manner, avoiding unnecessary and excessive spending and wastefulness.
 - Use Church credit cards, vendor relationships and lines of credit only for Church related purposes. They are never to be used for personal transactions, even if it is intended that Church funds will not be used for payment.
 - Comply with all applicable laws and regulations.
 - Not be a party to any fraud or embezzlement, or neglect their duty to safeguard all Church assets.

2. GUIDELINES FOR WORKING WITH MINOR CHILDREN

- 2.1** Church Personnel are not to possess any sexually explicit or morally inappropriate materials on church, school or diocesan property, or in the presence of minor children. Such materials include, but are not limited to, videos, films, pictures, recordings, drawings, posters, cards, calendars, clothing, computer software and/or games.
- 2.2** Church Personnel are not to engage in sexually oriented conversations with minor children, except in the context of sharing the Church's teaching on human sexuality. Church Personnel are never to discuss their own sexual activities with minor children.
- 2.3** Church Personnel are not to take photographs of minor children who are unclothed or dressing, for example in a locker room or bathing facility, nor shall they permit such photographs to be taken by others.
- 2.4** Church Personnel are not to speak to minor children in a manner that is, or could be construed by an observer as derogatory, demeaning, threatening, intimidating or humiliating, and are not to use profane or foul language in the presence of minor children.

- 2.5** Church Personnel are not to use tobacco products, alcoholic beverages, illegal drugs, or any substance prohibited by law, nor are they to be under the influence of any alcoholic beverage or illegal drugs, when working with minor children. Church Personnel may administer medications to minor children if written permission from parents or legal guardians is given.
- 2.6** Church Personnel are not to sleep in the same bed, hotel or motel room, sleeping bag, tent or cabin with a minor child unless the Church Personnel is the parent, legal guardian or sibling of the minor child.
- 2.7** Church Personnel are not to share showering, bathing, changing or dressing facilities with minor children. When the good of the minor child requires that they be accompanied by an adult to/in any of these locations, the time alone with the minor child should be minimal and another adult should be made aware of the circumstances.
- 2.8** Church Personnel are not to take an overnight trip alone with a minor child who is not an immediate family member.
- 2.9** Clergy and religious are not to allow minor children to be overnight guests in their residence or private accommodations with the exception of an occasional visit from immediate family members. Other Church Personnel are not to provide shared or private accommodations in any diocesan facility, private residence, hotel or motel room, or any other place where there is no other adult supervision present.
- 2.10** When providing transportation for minor children, Church Personnel are to be validly licensed and authorized, ordinarily have written permission from parents or legal guardians, and are to transport minors directly to their approved destination, with no unauthorized stops or deviations unless it is a valid emergency.
- 2.11** At the end of any activity, Church Personnel are to release minor children in their care only to parents, legal guardians, or other persons designated in writing by parents or legal guardians.
- 2.12** Church Personnel should schedule one-on-one counseling sessions or meetings with minor children at times and locations that promote accountability and meet accepted standards of propriety.
- 2.13** Activities and programs for minor children are not to be administered by only one adult. During all activities and programs, facilities should be monitored.
- 2.14** Church Personnel are not to use physical discipline in any way for the

behavior management of minor children. No form of physical discipline is acceptable. This includes spanking, hitting, pinching, or any other physical force as correction or retaliation for inappropriate behavior.

- 2.15** Church Personnel are to immediately report the unusual or uncontrollable behavior of minor children to parents or legal guardians.
- 2.16** As a general rule, volunteers for programs involving working with minor children in parishes should be registered members of the parish for at least six months before being placed in a volunteer position. After careful consideration, exceptions may be made for parents of minor children in the specific programs in which their child or children are participating.
- 2.17** Reference checks should be conducted on employees and volunteers who transfer within the diocese before allowing them to participate in any program involving working with minor children.

3. PHYSICAL CONTACT WITH MINOR CHILDREN

- 3.1** Appropriate affection between Church Personnel and minor children is important for a child's development, and is a positive part of church life and ministry. However, touching must be based on the need of the minor child and not the adult, completely non-sexual, never in private, and otherwise appropriate.
- 3.2** Though not all-inclusive, the following examples are regarded as appropriate forms of affection:
- side hugs
 - shoulder to shoulder or temple hugs
 - pats on the shoulder or back
 - handshakes
 - high fives or hand slapping
 - arms around shoulders
 - holding hands while walking small children
 - kneeling or bending down for hugs with small children
 - holding hands during prayer
- 3.3** Though not all-inclusive, the following examples are forms of affection that are not to be used:
- lengthy or inappropriate hugs or embraces
 - kisses on the mouth
 - holding children over two years old on the lap
 - touching the chests, knees, legs, bottoms or genital areas of

- showing affection in isolated areas or private rooms
 - sleeping in bed with a minor child
 - wrestling or tickling minor children
 - any type of massage given to or received from a minor child
 - comments or compliments that relate to body development or physique
 - any form of unwanted affection
- 3.4** No one should be permitted to develop and/or start new programs for minor children without proper review and approval by the proper authority. Requests to develop new programs should be submitted in writing and must include provisions for adequate adult supervision.

4. CONDUCT FOR PASTORAL COUNSELORS AND SPIRITUAL DIRECTORS

- 4.1** Pastoral Counselors and Spiritual Directors are not to step beyond their competence in counseling situations and are to refer people being counseled to other professionals when appropriate.
- 4.2** While counseling a minor child, if a Pastoral Counselor or Spiritual Director discovers that there is a serious threat to the welfare of the minor, and that communication of confidential information to a parent or legal guardian is essential to the minor child's health and well-being, the Pastoral Counselor or Spiritual Director should disclose only the information necessary to protect the health and well-being of the minor child.
- 4.3** Pastoral Counselors and Spiritual Directors are to carefully consider the possible consequences before entering into a counseling relationship with someone with whom they have a pre-existing relationship.
- 4.4** Pastoral Counselors and Spiritual Directors will conduct all counseling sessions in appropriate settings and at appropriate times. No session is to be conducted in private living quarters.
- 4.5** Pastoral Counselors and Spiritual Directors are to avoid situations that might present a conflict of interest between a counselor and a person being counseled, including even the appearance of a conflict of interest.
- 4.6** Pastoral Counselors and Spiritual Directors are not to engage in sexual intimacies with anyone they counsel. This includes consensual and non-consensual contact, forced physical contact and inappropriate sexual comments.

- 4.7** Pastoral Counselors and Spiritual Directors are not to engage in sexual intimacies with individuals who are close to the person being counseled, i.e. relatives and close friends.
- 4.8** Pastoral Counselors and Spiritual Directors assume the full burden of responsibility for establishing and maintaining clear, appropriate boundaries in all counseling and counseling-related relationships.
- 4.9** Pastoral Counselors and Spiritual Directors are to maintain a log of the times and places of sessions with each person being counseled.
- 4.10** Pastoral Counselors and Spiritual Directors should discuss the nature of confidentiality and its limitations with each person being counseled. Information that is disclosed during the course of counseling or advising is to be confidential, except for compelling professional reasons or as required by law.
- 4.11** If there is a clear and imminent danger to the person being counseled, or to others, the Pastoral Counselor or Spiritual Director may disclose only the information necessary to protect the parties affected and to prevent harm. Before disclosure is made, if feasible, the Pastoral Counselor or Spiritual Director should inform the person being counseled about the disclosure and the potential consequences.
- 4.12** With the exception of knowledge gained in the Sacrament of Penance, knowledge that arises from counseling sessions may be used in teaching, writing 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.
- 4.13** In accordance with the norm of canon law, the sacramental seal is inviolable, therefore, it is absolutely forbidden for a confessor to betray the confidence of a penitent in any way and for any reason. This is applicable whether the penitent is living or dead.

5. HARASSMENT

- 5.1** Church Personnel are to provide an environment that is free from sexual, psychological or physical harassment. This includes but is not limited to:
- physical or mental abuse
 - unwelcome sexual advances or touching
 - sexual comments and jokes
 - requests for sexual favors used as a term or condition of

- requests for sexual favors used as the basis for an employment decision
- displaying or wearing offensive material
- derogatory racial, religious, age, ethnic, physical or mental condition insults or slurs

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

6. POLICY ON CONFLICTS OF INTEREST/PRIVATE INURNMENT, NEPOTISM, OUTSIDE EMPLOYMENT

6.1 Identifying a Private Inurnment or Private Benefit Problem: In brief, "private inurnment" is the *payment* or diversion of an exempt organization's assets to its officials, officers, directors, employees, relatives, friends, major donors, or others in a special relationship to the organization who can influence or control the policy or the day-to-day activities of the organization *for less than full and adequate consideration*. It is a broad concept that can exist in a variety of transactions under a variety of circumstances. Private inurnment also extends to the use of organizational assets for "private benefits" such as sales, leasing, construction contracts, service transactions, etc., at other than fair market value or the exploitation of the exempt organization *for the benefit of a private business* (e.g., "sweetheart deals," promotional schemes, and/or giveaways to private individuals or businesses). Thus, under IRS regulations, a private benefit is similar to, but broader than, private inurnment.

To avoid material private inurnment or benefit in the types of transactions described above, the particular diocesan entity must enter into transactions for its benefit, rather than for a private party's benefit, and exercise due diligence to ensure that the proposed transaction is fair and reasonable such that under the circumstances the organization could not have obtained a more advantageous arrangement with reasonable effort. In addition to screening proposed transactions through the applicable councils and boards, care should be taken to follow diocesan policies and procedures pertaining to the signing of contracts.

6.2 Conflicts of Interest: A conflict of interest may exist when persons employed by the diocese (i.e., the Central Administration, parishes, schools, agencies, and/or affiliated entities), or volunteers with influence over certain activities or transactions including those serving on advisory or consultative boards, councils or committees have a direct or indirect

financial interest, as defined below.

- 6.3** Financial Interest: A person has a "financial interest" if the person has, directly or indirectly, through business, investment, or family (including spouses; brothers or sisters; spouses of brothers or sisters; ancestors; children, grandchildren, and great grandchildren; and spouses of children, grandchildren, and great grandchildren), any one of the following:
- An ownership or investment interest in any entity with which the diocese has a transaction or arrangement;
 - A compensation arrangement with the diocese or with any entity or individual with whom the diocese has a transaction or arrangement;
 - A potential ownership or investment interest with, or compensation arrangement with, any entity or individual with whom the diocese is negotiating a transaction or arrangement. Compensation includes direct and indirect remuneration as well as gifts or favors that are substantial in nature.
- 6.4** Church Personnel are to avoid situations that might present a conflict of interest.
- 6.5** Church Personnel are not to take advantage of anyone to whom they are providing ministry or service in order to further their own personal, religious, political, business or economic interests.
- 6.6** Church Personnel are not to solicit, accept or give any personal gifts, favors, or things of value which could influence, or which could be construed as influencing any decision or obligation to the performance of one's duties.
- 6.7** Relatives of Church Personnel, or of relatives of various diocesan boards, may be hired as employees only if they will not be working under the line of supervisory authority of a relative or the advisory authority of the board. Generally, relatives include spouses, children, siblings, grandparents and grandchildren.
- 6.8** No member of any diocesan board is to knowingly take any action or make any statement that is intended to influence any undertaking of a parish, school, agency, department or institution of the diocese in such a way as to confer any benefit on such member or anyone in the member's family or business.
- 6.9** No member of any diocesan board, his/her family members, employer, business or business associates, is to solicit business or favors from any diocesan parish, school, agency, department or institution of the

diocese.

- 6.10** No member of any diocesan board is to vote in connection with any decision that may constitute a conflict of interest.
- 6.11** Outside employment is permitted as long as Church Personnel notify their supervisor of that fact and satisfactorily perform their job responsibilities. If an individual with an outside job does not perform his/her job requirements satisfactorily, he or she may be asked to terminate the outside employment.
- 6.12** Whenever a diocesan entity is considering conducting business with any person employed by the diocese (i.e., the Central Administration, parishes, schools, agencies, and/or affiliated entities) or any volunteer, or his/her family member, his/her business, or any entity in which he/she has an investment, the diocesan entity must solicit bids from at least two other sources and may not select the person/entity with the financial interest unless that person/entity is the lowest bidder.
- 6.13** Duty to Disclose: In connection with any actual or potential conflict of interest, an interested person must disclose the existence and nature of his or her financial interest and all material facts. Reports should be made to the pastor, principal, vicar general/chancellor, attorney, or chief financial officer. Reports made to pastors and principals are to be reported to the vicar general/chancellor. Reports should include relevant information that is discernible.
- 6.14** Investigation: The person to whom said report was made shall be responsible for a thorough and expeditious investigation of the actual/potential conflict of interest. Proposed decisions on the disposition of a case are to be discussed with the vicar general/chancellor or his designee. The results of all confirmed conflicts of interest and the final resolution shall be reported to the diocesan Finance Council.
- 6.15** Subsequent Conflicts and Disclosures: Notwithstanding previous disclosure of actual or potential conflicts of interest, an individual shall make a new disclosure of conflicts when any matter involving the conflict of interest arises for discussion or action. In the event that an individual is uncertain whether an actual or potential conflict of interest exists, the individual should make disclosure of the circumstances that may give rise to an actual or potential conflict.
- 6.16** Confidential or Privileged Information: Information known to be confidential that is acquired by individuals in the course of employment or association with the diocese and its affiliated entities shall be used

only for the benefit and purposes of the diocese. Individuals shall neither disclose confidential information outside the scope of their authorized duties nor utilize their position or association with the diocese for personal identification or advantage, although there may be instances, based on the use of careful discretion and judgment, where incidental use of the association with the diocese may be appropriate.

7. POLITICAL ACTIVITY

- 7.1** The Diocese of Charlotte encourages individual participation in civic affairs. However, Church Personnel are not to engage in political activities in a manner that may create the appearance that such activity is by or on behalf of the diocese.
- 7.2** Church Personnel are not to make any contribution to any candidate for public office or political committee on behalf of the Diocese of Charlotte or in a manner that may create the appearance that the contribution is on behalf of the diocese.
- 7.3** Church Personnel are not to use any parish, school or agency facilities, financial resources, or personnel to endorse or oppose a candidate for public office.
- 7.4** Church Personnel are to clearly communicate that they are not acting on behalf of the Diocese of Charlotte if identified as an official or employee of the diocese while engaging in political activities in an individual capacity.

8. WHISTLEBLOWER POLICY

- 8.1** The Diocese of Charlotte requires all representatives of the Church, including clergy, religious, directors, and other volunteers, and lay employees, to observe high standards of business and personal ethics in the conduct of their duties and responsibilities. All representatives of the Church must practice honesty and integrity in fulfilling their responsibilities and comply with all applicable laws and regulations.

The objectives of the Whistleblower Policy are to establish policies and procedures for:

- The submission of concerns regarding questionable financial or legal matters, violations and suspected violations of the Code of Conduct, Code of Canon Law and other concerns by the stakeholders of the Church, on a confidential basis;
- The receipt, retention, and treatment of complaints received by

- The protection of anyone reporting concerns from retaliatory actions.

8.2 Reporting Responsibility - Each representative of the diocese has an obligation to report in accordance with this Whistleblower Policy any reasonably perceived violation of: (a) federal, state or local laws, rules and/or regulations; (b) the diocese's Code of Ethics; (c) the diocesan sexual misconduct policy; (d) diocesan personnel policies; (e) diocesan financial policies, including questionable or improper accounting or auditing matters; as well as gross mismanagement, waste, fraud, embezzlement, neglect of duty; and actions that threaten or are viewed as harmful to the health, safety and welfare of others and any other financial, legal or canonical concerns (hereinafter collectively referred to as Concerns).

Reports of Concerns should be made to the pastor, principal, vicar general/chancellor, attorney, or chief financial officer. Reports made to pastors and principals are to be reported to the vicar general/chancellor. All Concerns are to be reported as soon as possible. Reports of Concerns should include all relevant information about the suspected act, including any material evidence that exists.

8.3 Investigation - The person to whom said report was made shall be responsible for a thorough and expeditious investigation of the reported Concern.

Proposed decisions on the disposition of a case are to be discussed with the vicar general/chancellor or his designee. The results of all reported and confirmed Concerns and the final resolution shall be reported to the diocesan Finance Council.

8.4 No Retaliation - This Whistleblower Policy is intended to encourage and enable stakeholders to raise Concerns within the Organization for investigation and appropriate action. With this goal in mind, no stakeholder who, in good faith, reports a Concern shall be subject to retaliation or, in the case of an employee, adverse employment consequences. Moreover, anyone who retaliates against someone who has reported a Concern in good faith is subject to discipline up to and including dismissal from their position within the Church.

8.5 Acting in Good Faith - Anyone reporting a Concern must act in good faith and have reasonable grounds for believing the information disclosed is a legitimate matter of Concern. The act of making allegations that prove to be unsubstantiated, and that prove to have been made maliciously, recklessly, or with the foreknowledge that the allegations are false, will be viewed as a serious disciplinary offense and

may result in discipline, up to and including dismissal from their position with the Church. Such conduct may also give rise to other actions, including civil lawsuits.

- 8.6** Confidentiality - Reports of Concerns, and investigations pertaining thereto, shall be kept confidential to the extent possible, consistent with the need to conduct an adequate investigation. Disclosure of reports of Concerns to individuals not involved in the investigation will be viewed as a serious disciplinary offense and may result in discipline, up to and including termination of the violators' position in the Church. Such conduct may also give rise to other actions, including civil lawsuits.

9. CONFIDENTIALITY

- 9.1** Church Personnel, regardless of their work or volunteer responsibility, are to keep significant information on a confidential basis and are not to discuss it with anyone who is not directly involved.
- 9.2** Sacramental records are to be regarded as confidential. When compiling and/or publishing statistical information from these records, great care is to be taken to preserve the anonymity of individuals. Only those who are authorized to access these records and supervise their use are to have access to them.
- 9.3** Individual contribution records of parishes are to be regarded as private and are to be kept confidential.

10. REPORTING ETHICAL MISCONDUCT

- 10.1** Church Personnel are to hold each other accountable for maintaining the highest ethical and professional standards. When it appears that any Church Personnel has violated this Code, or any other religious, legal, moral, professional or ethical principle, the matter is to be reported to that entity's management authority or the Chancery.
- 10.2** All reports of possible violations of this Code will be treated in confidence as much as the diocese's duty to investigate and the law allow. If confidentiality cannot be maintained, the individual reporting the violation will be so advised.
- 10.3** All reported violations of this Code will be investigated, and if needed, appropriate action will be taken based on the nature of the violation and diocesan policy.

10.4 Retaliation against a person who suspects and reports a violation of this Code in good faith will be treated as an individual violation of this Code.