

PART A

CODE OF PASTORAL CONDUCT OF THE ARCHDIOCESE OF ANCHORAGE

For Priests, Deacons, Pastoral Administrators, Staff, and Volunteers

PREFACE

The *Code of Pastoral Conduct* has been developed by the Archdiocese of Anchorage this *for Priests, Deacons, Pastoral Administrators, Employees, and Volunteers*. The purpose of the *Code of Pastoral Conduct* is to develop and implement uniform guidelines for appropriate behavior in situations of pastoral counseling and spiritual direction. The *Code of Pastoral Conduct* is not intended to address all situations that arise in pastoral counseling relationships. It is intended to create a structure for addressing a variety of circumstances that, if not appropriately addressed, can create a risk of incidents, allegations, claims and/or lawsuits.

The Church must be exemplary. Clergy, staff, and volunteers will be held accountable for their behavior. In order to maintain the highest level of accountability, there must be a clear blueprint of appropriate behavior. The *Code of Pastoral Conduct* provides a basic structure for identifying limits. It is intended as a “continuous improvement document.” Therefore, suggestions and recommendations for additions and revisions are encouraged.

I. PREAMBLE

Priests, deacons, pastoral ministers, administrators, staff, and volunteers in our parishes and organizations must uphold Christian values and conduct. The *Code of Pastoral Conduct for Priests, Deacons, Pastoral Ministers, Administrators, Staff, and Volunteers* provides a set of standards for conduct in certain pastoral situations.

II. RESPONSIBILITY

The public and private conduct of clergy, staff, and volunteers can inspire and motivate people, but it can also scandalize and undermine the 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 support them in their ministry.

Responsibility for adherence to the *Code of Pastoral Conduct* rests with each individual. clergy, staff, and volunteers who disregard this *Code of Pastoral Conduct* will be subject to remedial action by the appropriate church supervisor. Corrective action may take various forms—from a verbal reproach to removal from the ministry—depending on the specific nature and circumstances of the offense and the extent of the harm.

III. PASTORAL STANDARDS

1. Conduct for Pastoral Leaders, Counselors and Spiritual Directors including Priests and Deacons acting in this capacity. This is not intended to violate the seal of confession (see 2.5).

Pastoral Counselors and Spiritual Directors must respect the rights and advance the welfare of each person.

- 1.1 Pastoral Counselors and Spiritual Directors must not step beyond their competence in counseling situations and shall refer clients to other professionals when appropriate.
- 1.2 Pastoral Counselors and Spiritual Directors should carefully consider the possible consequences before entering into a counseling relationship with someone with whom they have a pre-existing relationship (i.e., employee, professional colleague, friend, or other pre-existing relationship). Pastoral Counselors and Spiritual Directors must never provide counseling to persons with whom they have engaged in past sexual intimacies. [See Section 7.2.2]
- 1.3 Pastoral Counselors and Spiritual Directors should not audiotape or videotape sessions, unless written permission has been granted by person(s) being counseled.
- 1.4 Pastoral Counselors and Spiritual Directors must never engage in sexual intimacies with the persons they counsel. This includes consensual and nonconsensual contact, forced physical contact, and inappropriate sexual comments.
- 1.5 Pastoral Counselors and Spiritual Directors shall not engage in sexual intimacies with individuals who are close to the client—such as relatives or friends of the client. Pastoral Counselors and Spiritual Directors should presume that the potential for exploitation or harm exists in such intimate relationships. The welfare of the client excludes the possibility of such relationships.
- 1.6 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.
- 1.7 Physical contact of any kind (i.e., touching) between Pastoral Counselors or Spiritual Directors and the persons they counsel can be misconstrued and should be avoided. Physical conduct within the realm of accepted common courtesy (e.g. handshake) is allowed.
- 1.8 Sessions should be conducted in appropriate settings at appropriate times.
 - 1.8.1 No sessions should be conducted in private living quarters.
 - 1.8.2 Sessions should not be held at places or times that would tend to cause confusion about the nature of the relationship for the person being counseled.

- 1.9 Pastoral Counselors and Spiritual Directors shall maintain a log of the times and places of sessions with each person being counseled.

2. Confidentiality

Information disclosed to a Pastoral Counselor or Spiritual Director during the course of counseling, advising, or spiritual direction shall be held in the strictest confidence.

- 2.1 Information obtained in the course of sessions shall be confidential, except for compelling professional reasons or as required by law (regarding minors, see 2.4 below).
- 2.1.1 If there is clear and imminent danger to the client or to others, the Pastoral Counselor or Spiritual Director should report the case to law enforcement and the local state Office of Children's Services (hereafter referred to as OCS).
- 2.1.2 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.
- 2.2 Pastoral Counselors and Spiritual Directors should discuss the nature of confidentiality and its limitations with each person in counseling, at the outset of counseling.
- 2.3 Knowledge that arises from professional contact may be used in teaching, writing, homilies, or other public presentations only when effective measures are taken to safeguard both the individual's identity and the confidentiality of the disclosures.
- 2.4 While counseling a minor, 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 child's health and well-being, the Counselor or Spiritual Director should:
- In cases where the parent or legal guardian is considered to be a serious threat to the welfare of the minor, report the situation to OCS.
 - Disclose only the information necessary to protect the health and well-being of the minor.
- 2.5 These obligations are independent of the confidentiality required by the seal of confession and by law. Under no circumstances whatsoever can there be any disclosure—even indirect disclosure—of information received under the seal of confession.

3. Conduct With Minors

Clergy, staff, and volunteers working with minors shall maintain an open and trustworthy relationship between minors and adult supervisors.

- 3.1 Clergy, staff, and volunteers must be aware of their own and others' vulnerability when working alone with minors. It is important to use a team approach to managing youth activities.
- 3.2 Physical contact with minors can be misconstrued and should occur (a) only when completely nonsexual and otherwise appropriate, and (b) never in private.
- 3.3 Clergy, staff, and volunteers should refrain from (a) the illegal possession and/or illegal use of drugs and/or alcohol at all times, and (b) the use of alcohol when working with minors.
- 3.4 Clergy should not allow minors, excluding relatives, to stay overnight in the cleric's private accommodations or residence, excluding relatives.
- 3.5 Staff and volunteers should not provide *shared*, private, overnight accommodation for minors including, but not limited to, accommodations in any Church owned facility, private residence, hotel room, or any other place where there is no other adult supervision present.
 - 3.5.1 In rare emergency, situations, when accommodation is necessary for the health and well-being of the minor, the clergy, staff, or volunteer should take extraordinary care to protect all parties from the appearance of impropriety and from all risk of harm.
 - 3.5.2 Adults should use a team approach when managing emergency situations.

4. Sexual Conduct

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

- 4.1 Clergy, religious, staff, and volunteers who are committed to a celibate lifestyle are called to be an example of celibate chastity in all relationships at all times.
- 4.2 Staff and volunteers who provide pastoral counseling or spiritual direction must avoid developing intimate relationships with minors, other staff, or parishioners. Staff and volunteers must behave in a professional manner at all times.
- 4.3 No clergy, staff, or volunteer may exploit another person for sexual purposes.
- 4.4 Allegations of sexual misconduct must be taken seriously and reported to the responsible person as outlined in the Archdiocese's Sexual Misconduct Policy (2004 revision) and to civil authorities if the situation involves a minor. The Sexual Misconduct Policy of the Archdiocese of Anchorage procedures will be followed to protect the rights of all involved.
- 4.5 Clergy, staff, and volunteers must understand the child abuse regulations and reporting requirements for the State of Alaska. (See Appendix III)

5. Harassment

Clergy, staff, and volunteers must not engage in physical, psychological, written, or verbal harassment of staff, volunteers, or parishioners and must not tolerate such harassment by other Church staff or volunteers.

- 5.1 Clergy, staff, and volunteers need to provide a professional work environment that is free from physical, psychological, written, or verbal intimidation or harassment.
- 5.2 Harassment encompasses a broad range of physical, written, or verbal behavior, including but not limited to the following:
 - Physical or mental abuse
 - Racial insults
 - Ethnic slurs
 - Unwelcome sexual advances or touching
 - Sexual comments or sexual jokes
 - Requests for sexual favors as a condition of employment, or as a condition for promotion or compensation
 - Display of offensive materials
- 5.3 Harassment can be a single severe incident or a persistent pattern of behavior where the purpose or the effect is to create a hostile, offensive, or intimidating work environment.
- 5.4 Allegations of harassment are to be taken seriously and reported immediately to the alleged offender's supervisor as outlined in the Archdiocese's Sexual Misconduct Policy (2004 revision), Part B, 7.1.3. The Sexual Misconduct Policy of the Archdiocese of Anchorage procedures will be followed to protect the rights of all involved.

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

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

- 6.1 Sacramental records shall be regarded as confidential. It is important that in compiling and publishing parish or organization statistical information from these records, care is taken to preserve the anonymity of individuals. Only staff members who are authorized to access the records and supervise their use shall handle requests for records less than 70 years old.
- 6.2 Most sacramental records older than 70 years are open to the public.
- 6.3 Information regarding adoption and legitimacy remains confidential, regardless of age.

- 6.4 Parish or organization financial records are confidential unless review is required by the Archdiocese of Anchorage. Contact the Archdiocese upon receipt of any request for release of financial records.
- 6.5 Individual contribution records of the parish, religious community/ institute, or organization shall be regarded as private and shall be maintained in strictest confidence.

7. Conflicts of Interest

Clergy, staff, and volunteers should avoid situations that might present a conflict of interest. Even the appearance of a conflict of interest can call into question integrity and professional standards.

- 7.1 Clergy, staff, and volunteers should disclose all relevant factors that potentially could create a conflict of interest.
- 7.2 Clergy, staff, and volunteers should inform all parties when a real or potential conflict of interest arises. Resolution of the issues must protect the person receiving ministry services.
 - 7.2.1 No clergy, staff, or volunteer should take advantage of anyone to whom they are providing services in order to further their personal, financial, religious, political, or business interests.
 - 7.2.2 Pastoral counselors should not provide counseling services to anyone with whom they have a business, professional, or social relationship. When this is unavoidable, the client must be protected. The counselor must establish and maintain clear, appropriate boundaries.
 - 7.2.3 When pastoral counseling or spiritual direction services are provided to two or more people who have a relationship with each other, the Pastoral Counselor or Spiritual Director must:
 - Clarify with all parties the nature of each relationship,
 - Anticipate any conflict of interest,
 - Take appropriate actions to eliminate the conflict, and
 - Obtain from all parties written consent to continue services.
- 7.3 Conflicts of interest may also arise when a Pastoral Counselor's or Spiritual Director's independent judgment is impaired by:
 - Prior dealings,
 - Becoming personally involved, or
 - Becoming an advocate for one (person) against another.

In these circumstances, the Pastoral Counselor or Spiritual Director shall advise the parties that he or she can no longer provide services and refer them to another Pastoral Counselor or Spiritual Director.

8. Reporting and Disclosure of Ethical or Professional Misconduct

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

- 8.1 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, the person with knowledge of the situation will consult with:
 - Professional colleagues
 - Others knowledgeable about ethical issues, or
 - The Vicar General
- 8.2 When it appears that a member of clergy, a staff member, or a volunteer has violated this *Code of Pastoral Conduct* or other religious, moral, or ethical principles, the person with knowledge of the situation must:
 - Report the issue to a supervisor or next higher authority, or
 - Refer the matter directly to the Vicar General
- 8.3 The obligation of Pastoral Counselors and Spiritual Directors to report client misconduct is subject to confidentiality. However, any agreement or duty to maintain confidentiality must yield to the need to report misconduct that threatens the safety, health, or well-being of any of the persons involved except as provided for in Section 2.5. (Seal of Confession)
- 8.4 When there is a clear indication of illegal actions by clergy, staff, or volunteers, it is each individual's responsibility to notify the proper civil authorities immediately. The Archdiocese of Anchorage should also be notified.

9. Administration

Employers and supervisors are to treat clergy, staff, and volunteers justly in the day-to-day administrative operations of their ministries.

- 9.1 Personnel and other administrative decisions made by clergy, staff, and volunteers shall meet civil and canon law obligations and also reflect Catholic social teachings and this *Code of Pastoral Conduct*.
- 9.2 No cleric, staff, or volunteer shall use his or her position to exercise unreasonable or inappropriate power and authority.
- 9.3 Each volunteer providing service to children and minors must read and sign the Code of Conduct. (See Appendix II)

10. Staff or Volunteer Well-being

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

- 10.1 Clergy, staff, and volunteers need to be aware of warning signs that indicate potential problems with their own spiritual, physical, mental, and/or emotional health.
- 10.2 Clergy, staff, and volunteers are advised to seek help immediately whenever they notice behavioral or emotional warning signs in their own professional and/or personal lives.
- 10.3 Clergy, staff, and volunteers must address their own spiritual needs. Support from a Spiritual Director is highly recommended.
- 10.4 Inappropriate or illegal use of alcohol and drugs is prohibited.

IV. STANDARDS OF CONDUCT FOR VOLUNTEERS

In working with minors, volunteers should model Christ's characteristics in working with the apostles. Volunteers should lead by example and demonstrate the qualities that they aspire to develop in the young.

1. Expectations of Volunteers

- 1.1 Volunteers should treat everyone with respect, loyalty, patience, integrity, courtesy, dignity, and consideration.
- 1.2 Volunteers should generally not be alone with a child and/or minors at Church and school activities.
- 1.3 Volunteers should use positive reinforcement rather than criticism, competition, or comparison when working with children and/or minors.
- 1.4 Volunteers should refuse to accept expensive gifts from children and/or minors or their parents without prior written approval from the pastor or administrator.
- 1.5 Volunteers should refrain from giving expensive gifts to children and/or minors without prior written approval from the parents or guardian and the pastor or administrator.
- 1.6 If a minor discloses an abuse situation to a volunteer, the volunteer will report it to his supervisor. The supervisor is required to report the information to OCS.
- 1.7 Volunteers will cooperate fully in any investigation of abuse involving minors.
- 1.8 Volunteers will use a hands-off discipline technique. They will not strike, spank, shake, or slap minors. They will not touch a minor in a sexual or other inappropriate manner.

2. Volunteers are not to engage in any of the following activities:

- 2.1 smoke or use tobacco products in the presence of minors.
- 2.2 use, possess, or be under the influence of alcohol at any time while volunteering.
- 2.3 use, possess, or be under the influence of illegal drugs at any time.
- 2.4 pose any health risk to minors (i.e., no fevers or other contagious situations).
- 2.5 avoid, humiliate, ridicule, threaten, or degrade minors either publicly or privately.

PART B

SEXUAL MISCONDUCT POLICY OF THE ARCHDIOCESE OF ANCHORAGE

This policy addresses acts of sexual misconduct by personnel of the Archdiocese and the resulting harm to others, and provides guidance on how to respond to accusations of sexual misconduct.

Sexual misconduct is contrary to Christian values and principles. An abuse of power, sexual misconduct diminishes or destroys the relationship of trust that is so necessary for ministry. Sexual misconduct cannot and will not be tolerated in our Church.

The Archdiocese is committed to addressing and responding to all allegations of sexual misconduct in an appropriate, prompt and effective manner and with due regard for the rights of all. The Archdiocese will comply with all applicable state and local laws regarding incidents of alleged or actual sexual misconduct, and with the following policy.

1. DEFINITIONS

For the purposes of this policy only, the following definitions apply:

- 1.1 **“Allegation”** is an accusation of abuse or sexual misconduct. An allegation needs to have the following ingredients: (1) a named victim; (2) a named perpetrator; (3) a time (as specific as can be reasonably determined); (4) a place (as specific as can be reasonably determined); (5) a specific act or acts of abuse or misconduct.
- 1.2 **“Assistance Coordinator”** is the individual designated to aid in the immediate pastoral care of persons who claim to be victims of sexual abuse or sexual exploitation and/or the victim’s family. Such assistance should not be construed as an admission of legal responsibility. It is simply a pastoral response to a pastoral need.
- 1.3 **“Diocese”** or **“diocesan”** includes the Archdiocese of Anchorage as a corporate entity and all other diocesan corporations, including the parish corporations.
- 1.4 **“Immoral Sexual Conduct”** is sexual behavior that, while not unlawful as described by the laws of the State of Alaska, remains contrary to the moral teachings, doctrines and canon law of the Catholic Church.
- 1.5 **“Investigator”** stands for the independent members of the Response Team, (see page 18) Vicar General or his Designee. Response Team members are trained professionals hired from the community at large to investigate specific allegations.

- 1.6 “**Review Board**” refers to the Archdiocesan Review Board. (See Appendix I).
- 1.7 “**Sexual Abuse of a Child**” includes sexual molestation or sexual exploitation of a minor and other behavior by which an adult uses a minor as an object of sexual gratification.
- 1.8 “**Sexual Misconduct**” means any sexual conduct of diocesan personnel which violates the Pastoral Code of Conduct and/or is unlawful as described in the laws of the State of Alaska.
- 1.9 “**Vulnerable persons**” means all children and all vulnerable adults as defined by Alaska state law. This is defined to be any person 18 years of age or older is considered “vulnerable” when that person experiences a physical or mental disability or physical or mental impairment. Additionally, the elderly are specifically included in the “vulnerable” category.

2. **DIOCESAN PERSONNEL**

“**Personnel**” includes but is not limited to the following categories:

- 2.1 all incardinated clerics (including all incardinated permanent deacons and all incardinated transitional deacons of the Archdiocese);
- 2.2 all religious priests, deacons, and brothers working for the archdiocese, its institutions or offices;
- 2.3 all those non-ordained persons to whom a participation in the exercise of the pastoral care of a parish is entrusted according to Canon 517, Section 2, of the Code of Canon Law;
- 2.4 all clerics of other jurisdictions who are working for the Archdiocese;
- 2.5 all women religious working for the Archdiocese, its parishes, schools, institutions or offices;
- 2.6 all personnel of Catholic schools of the Archdiocese (administration, faculty, and support staff);
- 2.7 all religious education directors or coordinators and teachers in the parishes and schools of the Archdiocese;
- 2.8 all youth ministers in the parishes, schools and institutions of the Archdiocese;
- 2.9 all personnel of archdiocesan campus ministries;
- 2.10 all paid personnel in the offices of the Diocese, in the parishes of the Archdiocese and other diocesan corporations as determined by the Archbishop.
- 2.11 all volunteers in the offices and institutions mentioned in Section 2.10, who work on a significant scale with children and youth and other vulnerable persons;
- 2.12 such other personnel as designated by the Archbishop of the Archdiocese of Anchorage

3. LEGAL GUIDELINES RELATING TO SEXUAL MISCONDUCT

- 3.1 This policy is intended to address sexual misconduct which may be in violation of Alaska law. Such violation can subject the perpetrator to a prison sentence and/or a monetary fine. It can also be the basis for a civil suit for monetary damages.
- 3.2 The law changes from time to time through the enactment of amendments to statutes and judicial interpretations. Because of this, it is incumbent upon the Archdiocese to provide appropriate updating for personnel.
- 3.3 Alaska laws define various types of conduct that violate the law. The primary areas of concern are:
 - 3.3.1 ***Sexual abuse*** (as it applies to adult/child or vulnerable person interactions) is the subjection of a child or vulnerable adult, by any person responsible for their care or by a person in a position of authority, to any sexual act which is a violation of Alaska law.
 - 3.3.2 ***Sexual harassment*** in the workplace occurs when sexual advances, requests for sexual favors, and other verbal or physical conduct is such that
 - (1) submission to such conduct is made explicitly or implicitly a term or condition of an individual's employment;
 - (2) submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual; or
 - (3) such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile, or offensive working environment.
 - 3.3.3 Acts or patterns of sexual harassment can result in termination of employment.

4. EDUCATION

Since education alone cannot shape mature attitudes and behavior or change inappropriate sexual behavior, each adult must be responsible for his or her own sexual growth and maturity. To support this responsibility, the Archdiocese may, from time to time, arrange programs which include knowledge or training applicable to these areas.

The Archdiocese will cooperate with parents, educators, civil authorities, and community organizers to provide education and training for children, youth, parents, educators, ministers, and others about ways in which to make and maintain environments free from sexual misconduct.

5. POLICY DISTRIBUTION

- 5.1 This policy is to be distributed to all personnel listed in Section 2 above, and to the following:
1. all those who seek ordination as clerics of the Archdiocese before being admitted to candidacy
 2. all clerics of other jurisdictions who seek incardination in the Archdiocese, or who seek assignment to work in the Archdiocese
 3. all non-clerical personnel who present themselves for employment or volunteer service with offices and institutions mentioned in Section 2.10.
 4. All above mentioned personnel shall sign an acknowledgment of receipt, understanding and acceptance of the policy. Appendix II to this document contains the required receipt.
 5. The policy is to be renewed annually and a signed receipt submitted.
- 5.2 Personnel listed in Sections 2.1 through 2.5, and those additional persons noted in 1 and 2 above are to forward this receipt directly to the Office of the Chancellor.
- 5.3 All other personnel are to give this receipt to their immediate supervisor, or to the head of their office/institution, or to the person hiring them, who will then forward the receipt to the Office of the Chancellor.

6. BACKGROUND AND REFERENCE CHECKS

To ensure the safety of our children and the members of the church, all priests, deacons, pastoral leaders, archdiocesan and parish staffs and volunteers who work with our youth and children are required to have a criminal background check.

- 6.1 All newly hired individuals must complete an Authorization/Release form and have a background check completed as part of the hiring process. All applicants must be told that a background check is being done and they must give their written consent to be screened. All signed authorization forms are to be sent to Human Resources for the Archdiocese.
- 6.2 All volunteers working with youth and children and other vulnerable people are required to sign an authorization and release form prior to active involvement in parish ministry.
- 6.2.1 The following persons are exempt from the criminal background check:
- Teachers currently certified to teach in the State of Alaska (must submit copy of teacher certificate)
 - Confirmation sponsors who are selected by the candidate or candidate's family
 - Occasional (i.e. one or two times a year) volunteers who do not work predominantly with youth and children or vulnerable persons.

6.2.2 Each parish shall keep a log of those submitting an Authorization/Release form including the information as below:

	Criminal Background Check Authorization/Release Submitted	Notification that Check is complete
NAME	DATE	DATE

- 6.2.3. The following checks will be completed for each individual volunteer or person seeking employment:
- a. Social Security Verification
 - b. Criminal Checks in all states and where possible local jurisdictions (e.g., counties where the individual has lived and worked over the past 7 years.)
 - c. State Sex Offender, all states of residence past 7 years

In employment positions related to finance, a pre-employment credit check may be requested.

6. 2.4 All reports received will be kept in confidential files at the Chancery office. No information will be shared unless the individual requests in writing that the information be provided to specified others. An individual, upon written request, may receive a copy of the background check report received. Should there be a discrepancy in the record; the Archdiocese will work with the individual to get the record corrected. If information is reported that would indicate a question as to a person’s appropriateness for the position or volunteer activity, the supervisor will be notified to determine whether employment or volunteer status can continue.

- 6.3 Religious or ecclesiastical superiors will submit to the Archbishop a statement for all religious and /or clerics of other jurisdictions who work for the Archdiocese indicating whether the religious or cleric is in good standing.
- 6.4 All religious and/or clerics who seek employment with the Archdiocese or its institutions, all clerics of other jurisdictions who seek incardination in the Archdiocese, or who seek assignment for work in the Archdiocese must, before beginning ministry in the Archdiocese, furnish documentation to the Archbishop from his diocesan bishop or religious superior as to his good standing (including a background check) or be subject to a background check by the Archdiocese.

- 6.5 If any religious and/or cleric who is currently employed by the Archdiocese seeks or is proposed for a new assignment, transfer, or residence in another ecclesiastical jurisdiction, the Archbishop or religious superior must furnish documentation to the receiving Archbishop/Bishop or religious superior as to their good standing.
- 6.6 All those seeking admission to a seminary in the hope of ordination as clerics of the Archdiocese will undergo psychological testing as required by the Archdiocese. The institutions preparing candidates for ordained ministry in the Archdiocese of Anchorage will submit reports to the Archbishop outlining the candidates' suitability for ministry.
- 6.7 Any further background investigations of diocesan personnel must be approved by the Archbishop and coordinated by the Vicar General, Chancellor or other persons designated by the Archbishop.

7. **REPORTING AND INVESTIGATION OF ALLEGATIONS OF SEXUAL ABUSE, IMMORAL SEXUAL CONDUCT OR SEXUAL ABUSE OF A CHILD OR SEXUAL HARRASSMENT**

- 7.1 ***Obligation to Report to Civil Authority:*** Any employed personnel of the Archdiocese who know or have reason to believe an incident of immoral sexual conduct or sexual abuse of a child by any employee or volunteer of the Archdiocese has occurred shall comply with any applicable reporting or other requirements of state and local laws, unless to do so would violate the seal of confession.
- 7.1.1 Victims may contact Standing Together Against Rape (hereafter referred to as STAR) for assistance in reporting according to a memorandum of agreement between STAR and the Archdiocese of Anchorage (6/2/03).
 - 7.1.2 A victim may also contact the Victim Assistance Coordinator who will help the victim make a report, if requested to do so. The Coordinator will provide appropriate support and help to the victim and his/her family, if needed.
 - 7.1.3 *Those Reporting an Allegation other than the victim:*
 - The person reports the allegation to civil authority (law enforcement and OCS) or asks their supervisor to do so.
 - This report shall be followed as soon as reasonably possible with written documentation to the Vicar General.
 - The Vicar General or other designate shall notify the Archbishop, the Independent Investigator and the Review Board of the alleged incident. The Vicar General will report any allegation of sexual abuse, immoral sexual conduct or sexual abuse of a child to the appropriate public authorities, and will support and advise all alleged victims of their right to make a separate report to the public authorities.

- 7.1.4 When accusations of immoral sexual conduct or sexual abuse of a child are made against personnel (employed or volunteer) of the Archdiocese, an officially designated archdiocesan representative (i.e. Assistance Coordinator) will promptly initiate contact with the alleged victim and family. If the alleged victim is a vulnerable person (See Sec. 1.2), the representative and/or advocate will offer to meet with the parents or legal representative on behalf of the Archdiocese. If the alleged victim is an adult, the representative and/or advocate will initiate contact with the person in question.
- 7.1.5 The Assistance Coordinator will work with the alleged victim and/or victim's family for the purpose of offering whatever concern or solace may be needed. Such assistance will be offered as a matter of pastoral concern, and shall not be construed as an admission of legal responsibility. Medical, psychological and spiritual assistance may be offered in the spirit of Christian justice and charity.
- 7.1.6 *Outreach Services for Victims.* In cases where a cleric admits to, does not contest, or is found guilty of sexual abuse, immoral sexual conduct or sexual abuse of a child either the Archbishop or one of his representatives will offer to meet with the injured party, victim and/or the victim's family. In addition, the Archdiocese will provide the victim with counseling, spiritual assistance, a support group, or other similar outreach services as appropriate.

7.2 Investigation of Reported Incidents regarding minors (under the age of 18).

- 7.2.1 Upon being notified of an alleged incident of immoral sexual conduct or sexual abuse of a child, the Chancellor or Vicar General shall promptly notify the Independent Investigator of the allegations and request an investigation as to the accuracy of such allegations. Each reported incident will be investigated as soon as reasonably possible, with care taken not to interfere with any criminal investigation, and with a high level of Christian care, concern and confidentiality. The initial investigation shall be conducted by the Independent Investigator and her/his findings submitted to the Review Board and Vicar General for such further investigation as may be appropriate in accordance with the policies and procedures of the Review Board, a copy of which is attached to this policy as Appendix I.
- 7.2.2 The Review Board will assess all accusations of sexual abuse, immoral sexual conduct or sexual abuse of a child, and will communicate its assessment and advice to the Archbishop of the Archdiocese, the alleged victim, and the alleged perpetrator.
- 7.2.3 When an accusation of sexual abuse, sexual misconduct or sexual abuse of a child appears credible, the alleged perpetrator, in accordance with canonical and other considerations, will be relieved of all responsibilities in the

Archdiocese, parish, office, or institution, and be placed on administrative leave pending the outcome of the internal and any outside investigation. The priest or deacon will be asked by the Archbishop to undergo an appropriate evaluation. (c.f. Charter for Protection of Children and Young People, Article 5, paragraph 2 ff.)

8. REPORTS OF SEXUAL HARASSMENT

Any personnel of the Archdiocese who know or have reason to believe an incident or a pattern of sexual harassment has occurred shall report as outlined in 7.1.2 above unless to do so would violate the seal of confession.

8.1 *Action Where Guilt Determined.* If the allegations are substantiated, the Investigator shall inform the Review Board of the results of the investigation, and the Review Board shall make recommendations regarding appropriate disciplinary action, up to and including termination of employment.

9. FALSE ACCUSATIONS AND UNSUBSTANTIATED CLAIMS

There is always the possibility of false accusations or unsubstantiated claims made for whatever reason. It is important for all diocesan personnel to know that both civil law and canon law (cc.1390-1391) provide penalties for the crime of falsehood in which individuals become victims of false denunciation and calumny. In cases where the alleged perpetrator is found not guilty, and/or false accusations or unsubstantiated claims were made, the Archbishop and Vicar General will take every reasonable step to restore publicly the good name and reputation of the falsely accused.

APPENDIX I

POLICIES AND PROCEDURES OF THE ARCHDIOCESAN REVIEW BOARD

Philosophy Statement: It is the policy of the Review Board to focus on justice for the injured person(s) and protection of current and future members of the Church above all else.

The **Archdiocesan Review Board** (“*Review Board*”) will be composed of at least five (5) members of outstanding integrity and good judgment. The majority of the Review Board members will be lay persons who are not in the employ of the Archdiocese. At least one member should be a priest, another person experienced in legal matters or law enforcement, and at least one member should have particular expertise in the area of sexual abuse or exploitation of minors and others. The members will be appointed for a five-year term, which can be renewed.

The **Assistance Coordinator** (“*Victim Assistance Coordinator*”) is a person trained and experienced in dealing with victims of sexual abuse and exploitation. As soon as possible after a complaint is received, the Coordinator will work with the victim and, if appropriate, the victim’s family to support and assist them. The help provided will often include counseling, emotional support, and facilitation of services to help the victim cope with issues resulting from the abuse. The Coordinator will also serve as a liaison with the Archdiocese, keeping the victim well-informed about the progress of the investigation.

The **Response Team** (“*Independent Investigator*”) will be individuals of outstanding integrity, good judgment, and professional training who have experience in conducting investigations and are knowledgeable in the areas of sexual abuse, exploitation or harassment. The Response Team members should not be employees of the Archdiocese. At the request of the Chancellor or Vicar General, the Response Team will conduct the initial investigation into the accuracy of the allegations of sexual misconduct and report the findings to the Review Board and the Vicar General in writing.

The process of dealing with allegations is as follows:

- When a allegation is received the information will be shared with the Archbishop or his designate (the Chancellor or Vicar General) as soon as possible.
- If the victim prefers, in addition to providing access to diocesan personnel, the Archdiocese has entered into a written agreement with STAR. According to the memorandum of agreement, victims can contact STAR directly if they so prefer.
- If the allegation involves possible child sexual abuse or the abuse of a vulnerable person, the OCS and the local police and/or state troopers will be informed immediately so that they can begin their own independent investigations. The Archdiocese will cooperate fully in these efforts.

- The allegation will be reported to the Response Team/Independent Investigators who will then establish the facts of the situation by talking with the victim, the accused, and any other persons whom they choose to interview in connection with the situation. The Investigators will make a written report of their findings to the Review Board and the Vicar General. If after investigation by the Response Team, the complaint is not found to meet the minimum standards of credibility and substance, a written finding stating this shall be given to the complainant, alleged perpetrator and the Review Board. At no time should the investigator communicate with any member(s) of the Review Board *ex parte* on the merits or substance of any matter before the Review Board for action.
- The Review Board will consider the evidence as presented by the Independent Investigators. If necessary, they can request further clarification and information. They will then advise the Archbishop on the disposition of the complaint, keeping in mind the parameters of the Charter for the Protection of Children and the Sexual Misconduct Policy of the Archdiocese.
- The Review Board will maintain a written record of its recommendations made to the Archbishop. This record will be confidential and available only to those specifically authorized by the Review Board to read it.
- Review Board members will sign a statement of confidentiality attesting to the fact that proceedings and deliberations of the Board are to remain confidential.

APPENDIX II ARCHDIOCESAN CODE OF CONDUCT

Our children are the most important gifts God has entrusted to us. I promise to strictly follow the rules and guidelines in this Code of Conduct as a condition of my providing services to minors of our diocese.

I will:

- treat everyone with respect, loyalty, patience, integrity, courtesy, dignity, and consideration.
- avoid situations where I am alone with a minor at Church and school activities.
- use positive reinforcement rather than criticism, competition, or comparison when working with minors.
- refuse to accept expensive gifts from minors or their parents without prior written approval from the pastor or administrator.
- refrain from giving expensive gifts to minors without prior written approval from the parents or guardian and the pastor or administrator.
- If a minor discloses information to me, as a volunteer, I may report this myself or I will report it to my supervisor (pastor, administrator) so that the supervisor can report the disclosure to the Office of Children's Services (OCS). As a volunteer, I understand that I am not mandated to make the report to OCS and understand that the supervisor is expected to report this information about abuse.
- cooperate fully in any investigation of abuse of minors.

I will not:

- smoke or use tobacco products in the presence of minors.
- use, possess, or be under the influence of alcohol at any time while volunteering.
- use, possess, or be under the influence of illegal drugs at any time.
- pose any health risk to minors (i.e., no fevers or other contagious situations).
- strike, spank, shake, or slap minors.
- humiliate, ridicule, threaten, or degrade minors.
- touch a minor in a sexual or other inappropriate manner.
- use any discipline that frightens or humiliates minors.
- use profanity in the presence of minors.

ACKNOWLEDGMENT

Code of Conduct/Sexual Misconduct Policy

I understand that as a priest, deacon, pastoral administrator, staff or volunteer working with children and/or youth, I am subject to a thorough background check including criminal history. I also understand that any action inconsistent with this Code of Conduct or failure to take action mandated by this Code of Conduct may result in my removal as a volunteer with children and/or youth. I know too that I am responsible for reading and following the Sexual Misconduct Policy of the Archdiocese of Anchorage (2004 revision).

Printed Name

Date

Signature

Parish