

## PART A

### **CODE OF PASTORAL CONDUCT OF THE ARCHDIOCESE OF ANCHORAGE**

#### **For Priests, Deacons, Staff, and Volunteers**

#### **I. PREFACE**

The *Code of Pastoral Conduct* has been developed by the Archdiocese of Anchorage for Priests, Deacons, Religious, lay employees, and volunteers including faculty, staff and volunteers of all Archdiocesan schools (for the purpose of this policy herein Pastoral Ministers). The purpose of the *Code of Pastoral Conduct* is to develop and implement uniform guidelines for appropriate behavior in situations of pastoral counseling, spiritual direction and other forms of ministry. The *Code of Pastoral Conduct* is not intended to address all situations that arise in ministerial 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. Pastoral Ministers 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.**

#### **II.**

#### **RESPONSIBILITY**

The public and private conduct of Pastoral Ministers can inspire and motivate people, but it can also scandalize and undermine the people’s faith. Pastoral Ministers must, at all times, be aware of the responsibilities that accompany their work. They must also know that God’s goodness and grace supports them in their ministry.

Responsibility for adherence to the *Code of Pastoral Conduct* rests with each Pastoral Minister. Pastoral Ministers who disregard this *Code of Pastoral Conduct* will be subject to corrective 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. With regard to sexual misconduct, especially when this involves children, young people or vulnerable adults, the *Code of Pastoral Conduct of the Archdiocese of Anchorage*, and the *Sexual Misconduct Policy of the Archdiocese of Anchorage* will be followed strictly. Likewise, the Archdiocese of Anchorage will adhere to the *Charter for the Protection of Children and Young People (Revised Edition)*, the *Essential Norms for Diocesan/Eparchial Policies Dealing with Allegations of Sexual Abuse of Minors by Priests or Deacons*, and *A Statement of Episcopal Commitment*. Misconduct of a non-sexual manner will be addressed by the appropriate supervisor. Corrective action may be subject to review by the Archbishop or his designee.

### 1. Expectations

All priests, deacons, religious, candidates for ordination, Archdiocesan and parish employees as well as volunteers who have regular contact with minors or vulnerable adults, are to review and sign the *Code of Pastoral Conduct of the Archdiocese of Anchorage* and the *Sexual Misconduct Policy of the Archdiocese of Anchorage* on an annual basis

### **III. Maintaining A Safe Environment**

*We renew our determination to provide safety and protection for children and young people in our church ministries and institutions. We pledge ourselves to act in a way that manifests our accountability to God, to God's people, and to one another...*

(USCCB, Charter for the Protection of Children and Young People, Preamble)

#### **1. Background and Reference Checks**

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

1.1 All newly hired individuals must complete an Authorization/Release form and have a background check completed as part of the hiring process. Employees aged 16-18 must provide written permission from their parent or guardian to have a criminal background check completed.

**1.2 All volunteers working with youth, children, or other vulnerable people are required to sign an Authorization/Release form and have a criminal background check prior to active involvement in parish ministry. Volunteers aged 16-18 must provide written permission from their parent or guardian to have a criminal background check completed.**

1.2.1 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
- d. In employment positions related to finance, a pre-employment credit check may be requested.

1.2.2 The following persons are exempt from the criminal background check:

- a. Teachers currently certified to teach in the State of Alaska (must submit copy of teacher certificate)
- b. Confirmation sponsors who are selected by the candidate or candidate's family
- c. Occasional (i.e. one or two times a year) volunteers who do not work predominantly with youth and children or vulnerable adults

1.3 All reports received for parish employees and volunteers (including non-ordained religious) are to be kept in **confidential files at the Parish**. All reports for priest, deacons, candidates for ordination and Chancery employees are to be kept in **confidential files at the Chancery office**. All reports for faculty, staff and volunteers of schools are to be kept in **confidential files at the school**. All reports for employees or volunteers of other archdiocesan organizations are to be kept in **confidential files on-site at the organization**.

1.3.1 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 parish or Archdiocese will work with the individual to get the record corrected.

1.3.2 If information is reported that would indicate a question as to a person's appropriateness for the position or volunteer activity, the pastor, pastoral administrator or supervisor will be notified to determine whether employment or volunteer status can continue.

1.4 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 her/his diocesan bishop or religious superior as to his/her good standing including a background check. If a background check has not been performed within the last five years, one will be done by the Archdiocese of Anchorage prior to the start of ministry.

1.4.1 If any religious and/or clerics who are 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.

1.5 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.

1.6 Any further background investigations of diocesan personnel must be approved by the Archbishop and coordinated by the Safe Environment Coordinator, or other persons designated by the Archbishop.

## 2. EDUCATION/SAFEENVIRONMENT TRAINING

*Each diocese will establish "safe environment" programs. They will cooperate with parents, civil authorities, educators, and community organizations to provide education and training for ...ministers, educators, and others about ways to make and maintain a safe environment for children (USCCB, Charter for the Protection of Children and Young People, Article 12).*

2.1 All priests, deacons, religious, candidates for ordination as well as Archdiocesan and parish employees who have regular contact with minors or vulnerable adults, will attend *Safe Environment Training for Archdiocesan Employees* prior to the start of their ministry, and at regular intervals to be determined by the Archdiocese.

- 2.1.1 Employees under the age of eighteen will attend with the permission of her/his parent or guardian.
- 2.2 All volunteers who have regular contact with minors or vulnerable adults are to attend *Safe Environment Training for Volunteers* prior to the start of their ministry.
  - 2.2.1 Volunteers under the age of 18, who have regular contact with other minors, will attend *Safe Environment Training for Volunteers*. They are required to have the permission of their parent or guardian to attend the training.
- 2.3 The Archdiocese will provide *Safe Environment* training for all students of Archdiocesan Schools, students in parish faith formation classes and their parents on an annual basis. The curriculum for this training must have prior approval of the Archbishop.

#### **IV. STANDARDS OF CONDUCT**

*Pastoral Ministers should model Christ's characteristics in working with the apostles. Pastoral Ministers should lead by example and demonstrate the qualities that they aspire to develop in those to whom they minister*

##### **1. CONDUCT WITH MINORS**

*Pastoral Ministers working with minors shall maintain an open and trustworthy relationship between themselves and those with whom they minister.*

- 1.1 Pastoral Ministers should use positive reinforcement rather than criticism, competition, or comparison when working with children and/or minors.
- 1.2 Pastoral Ministers working with children will use a hands-off discipline technique. They will not strike, spank, shake, or slap minors. They will not touch minors in a sexual or other inappropriate manner.
- 1.3 Pastoral Ministers should refuse to accept personal gifts from minors or vulnerable adults with whom they minister to or their families.
- 1.4 Pastoral Ministers should refrain from giving personal gifts to minors or vulnerable adults with whom they minister to or to their families.
- 1.5 Physical contact with minors can be misconstrued and should occur (a) only when completely nonsexual and otherwise appropriate, and (b) never in private.
- 1.6 Pastoral Ministers 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.
  - 1.6.1 Celibate clergy and religious should not allow minors to stay overnight in their private accommodations or residence, excluding relatives.
  - 1.6.2 Married clergy should use extreme caution when providing overnight accommodations or residence to minors who are not relatives. Normally, spouses should be present at all times.

- 1.6.3 Pastoral Ministers should not *share*, private, overnight accommodations with 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.
- 1.6.4 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.
- 1.6.5 Adults should use a team approach when managing emergency situations.
- 1.7 Pastoral Ministers should refrain from;
  - 1.7.1 illegal possession and/or illegal use of drugs at all times
  - 1.7.2 use of alcohol when working with minors.
  - 1.7.3 smoking or using tobacco products in the presence of minors.
  - 1.7.4 using, possessing, or being under the influence of alcohol at any time while volunteering.
- 1.8 Pastoral Ministers should take care not to pose any health risk to minors (i.e., no fevers or other contagious situations).

## 2. **SEXUAL CONDUCT**

*Pastoral Ministers must not, for sexual gain or intimacy, exploit the trust placed in them by the faith community.*

- 2.1 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.
- 2.2 Married or unmarried Pastoral Ministers are likewise expected to model Christian lifestyle in their relationships with other employees or parishioners. Intimate relationships with others should always reflect the Gospel of Jesus Christ and reflect the moral teachings of the church.
- 2.3 **Sexual relationships between Pastoral Ministers and minors are inappropriate and criminal.**
- 2.4 **Romantic involvement between a Pastoral Minister and a person seeking pastoral counseling or spiritual direction is inappropriate and not allowed.**
- 2.5 No Pastoral Minister may exploit another person for sexual purposes.
- 2.6 Allegations of sexual misconduct must be taken seriously and reported to the responsible person as outlined in the *Sexual Misconduct Policy for the Archdiocese of Anchorage (2008 revision) Part B,4*. The Sexual Misconduct Policy of the Archdiocese of Anchorage procedures will be followed to protect the rights of all involved.

## PASTORAL COUNSELING

*Pastoral Ministers must respect the rights and advance the welfare of each person.*

- 3.1 Pastoral Ministers must not step beyond their competence in counseling situations and shall refer clients to other professionals when appropriate. A “counseling relationship” refers to the relationship formed between a person seeking pastoral guidance or direction and a Pastoral Minister who provides this service.
- 3.2 Pastoral Ministers 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 Ministers must never provide counseling to persons with whom they have engaged in past sexual intimacies.
- 3.3 Pastoral Counselors and Spiritual Directors should not audiotape or videotape sessions, unless written permission has been granted by person(s) being counseled.
- 3.4 Pastoral Ministers never engage in sexual intimacies with the persons they counsel. This includes consensual and nonconsensual contact, forced physical contact, and inappropriate sexual comments.
- 3.5 Pastoral Ministers shall not engage in sexual intimacies with individuals who are close to the client—such as relatives or friends of the client. Pastoral Ministers 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.
- 3.6 Pastoral Ministers assume the full burden of responsibility for establishing and maintaining clear, appropriate boundaries in all counseling and counseling-related relationships.
- 3.7 Physical contact of any kind (i.e., touching) between Pastoral Ministers 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.
- 3.8 Sessions should be conducted in appropriate settings at appropriate times.
  - 3.8.1 No sessions should be conducted in private living quarters.
  - 3.8.2 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.
  - 3.8.3 In counseling situations involving minors, meetings must always be held in an appropriate office or room and with the knowledge of another competent person. Parents normally should be notified
- 3.9 In counseling situations, a written notation shall be maintained of the time and place of the session, such as in a calendar or an appointment book (especially when counseling minors). This is to be maintained and kept by the Pastoral Minister. No reference is to be made of the content of the session.

#### 4. CONFIDENTIALITY

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

- 4.1 Information obtained in the course of sessions shall be confidential, except for compelling professional reasons or as required by law.
- 4.1.1 If there is clear and imminent danger to the client or to others, the Pastoral Minister may disclose only information necessary to protect the party or parties involved to prevent harm and to comply with Alaska state law. Examples would be disclosure of plans to commit suicide, revelation of physical or sexual abuse to minor, plans to commit serious bodily harm to another etc.
- 4.1.2 Before disclosure is made, if feasible, the Pastoral Minister should inform the person being counseled about the disclosure and the potential consequences.
- 4.2 While counseling a minor, if a Pastoral Minister 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 Pastoral Minister should:
- 4.2.1 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 Office of Children's Services (hereafter referred to as OCS) and/or local law enforcement.
- 4.2.1 Disclose only the information necessary to protect the health and well-being of the minor.
- 4.3 Pastoral Ministers should discuss the nature of confidentiality and its limitations with each person in counseling, at the outset of counseling.
- 4.4 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.**
- 4.5 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.**

#### 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 *Sexual Misconduct Policy of the Archdiocese of Anchorage (2008 revision) Part B,7*. The Sexual Misconduct Policy of the Archdiocese of Anchorage procedures will be followed to protect the rights of all involved.

## **6. CONFLICT OF INTEREST**

*Pastoral Ministers 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.*

- 6.1 Pastoral Ministers should disclose all relevant factors that potentially could create a conflict of interest.
- 6.2 Pastoral Ministers should inform all parties when a real or potential conflict of interest arises. Resolution of the issues must protect the person receiving ministry services.
- 6.2.1 No Pastoral Minister should take advantage of anyone to whom they are providing services in order to further their personal, financial, religious, political, or business interests.
- 6.2.2 Pastoral Ministers 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 Pastoral Minister must establish and maintain clear, appropriate boundaries.
- 6.2.3 When pastoral counseling or spiritual direction services are provided to two or more people who have a relationship with each other, the Pastoral Minister 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.

6.3 Conflicts of interest may also arise when a Pastoral Minister'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 Minister shall advise the parties that he or she can no longer provide services and refer them to another Pastoral Minister.

## **7. ADMINISTRATION**

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

7.1 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*.

7.2 No cleric, staff, or volunteer shall use his or her position to exercise unreasonable or inappropriate power and authority.

## **V. REPORTING AND DISCLOSURE OF ETHICAL OR PROFESSIONAL MISCONDUCT**

*Pastoral Ministers have a duty to report their own ethical or professional misconduct and the misconduct of others.*

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 or legal principles, the person with knowledge of the situation will consult with:

- Professional colleagues
- Others knowledgeable about ethical issues, or
- The Safe Environment Coordinator.

2. Reporting **violations of the *Code of Pastoral Conduct* or other religious, moral, or ethical principles**

2.1 The violation is to be reported to a supervisor or next higher authority as outlined in *Sexual Misconduct Policy of the Archdiocese of Anchorage (2008 revision) Part B; 7.*

3. Reporting **illegal actions by a Pastoral Minister or Archdiocesan employee.**

3.1 It is each individual's responsibility to notify the proper authorities immediately as outlined the *Sexual Misconduct Policy of the Archdiocese of Anchorage (2008 revision) Part B, 7.*

3.2 Volunteers in the Archdiocese of Anchorage are expected to report serious threats to the welfare of a minor or vulnerable adult to their immediate supervisor in ministry, pastor, pastoral administrator or directly to the Safe Environment Coordinator.

4. When a priest, deacon, religious or staff member discovers that there is a **serious threat** (i.e. suspected or potential abuse) to the welfare of a minor or vulnerable adult, and that communication of confidential information to a parent or legal guardian is essential to the child's or vulnerable adult's health and well-being, the priest, deacon, religious or staff member should;
  - 4.1 Attempt to secure consent from the minor or vulnerable adult for the specific disclosure. If consent is not given, disclose only the information necessary to protect the health and well-being of the minor or vulnerable adult. Consultation with a supervisor (e.g. Archbishop, Safe Environment Coordinator, Pastor, Pastoral Administrator, DRE etc) is advisable prior to disclosure to parent(s) or civil authorities
  - 4.2 In situations in which there is suspicion of sexual abuse, diocesan policies will be followed strictly.

**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.**

#### **VI. SPIRITUAL, PHYSICAL, MENTAL AND EMOTIONAL HEALTH**

*Pastoral Ministers have the duty to be responsible for their own spiritual, physical, mental, and emotional health.*

1. Pastoral Ministers need to be aware of warning signs that indicate potential problems with their own spiritual, physical, mental, and/or emotional health.
2. Pastoral Ministers are advised to seek help immediately whenever they notice behavioral or emotional warning signs in their own professional and/or personal lives.
3. Pastoral Ministers must address their own spiritual needs. Support from a Spiritual Director is highly recommended.

## 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) 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 **“Safe Environment Coordinator”** refers to the individual who holds the position of Safe Environment Coordinator in the Archdiocese of Anchorage under the Office of the Archbishop.

1.8 “**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.

1.9 “**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.

1.10 “**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.

1.12 “**Minor**” means anyone under the age of eighteen (18).

## 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. Reporting Allegations of Sexual or Physical Abuse of a Vulnerable Person**

*Diocese will report an allegation of sexual abuse of a person...to the public Authorities. Diocese will comply with all applicable civil laws with respect to The reporting of allegations of sexual abuse...to civil authorities and will Cooperate in their investigation...*

(USCCB, Charter for the Protection of Children and Young People. Article 4)

***Obligation to Report to Civil Authority:***

Sexual or physical abuse of a person is a violation of state law. Some Archdiocesan personnel (e.g. school personnel) are mandatory reporters under state law.

**4.2 *Archdiocesan Personnel reporting allegations of abuse.***

- 4.2.1 Archdiocesan Personnel are to report the allegation to civil authorities (Office of Children's Services, Adult Protective Services, or local law enforcement); volunteers are to report allegations to their immediate supervisor in ministry, pastor or pastoral administrator who will then report to the appropriate authorities. The Archdiocesan Personnel making the report will submit, as soon as reasonably possible, written documentation to the Safe Environment Coordinator.
- 4.2.2 However, a priest is absolutely prohibited from revealing, in words or in any manner for any reason, information acquired from a sacramental confession. This confidentiality is recognized under Alaska law.
- 4.2.3 When the report involves Archdiocesan Personnel as the alleged perpetrator, The Safe Environment Coordinator or other designate shall notify the Archbishop and the Review Board of the alleged incident. The Safe Environment Coordinator will ensure that any allegation of sexual abuse, immoral sexual conduct or sexual abuse of a vulnerable person has been reported to the appropriate civil authorities, and that contact with the Victim's Assistance Coordinator has been initiated. The Victim's Assistance Coordinator will provide support and advise all alleged victims of their right to make a separate report to the public authorities.

**4.3 *Victims Reporting Allegations***

Victims are encouraged to contact the Office of Children's Services, Adult Protective Services or their local law enforcement agency directly or they may contact the following who will assist them in reporting to the appropriate civil authorities;

- a.** 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).
- b.** Archdiocesan Victim's 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.

## 5. Archdiocesan Response to Allegations of Abuse

*Diocese will reach out to victims/survivors and their families and demonstrate a sincere commitment to their spiritual and emotional well-being. The first obligation of the Church with regard to the victims is for healing and reconciliation.*

(USCCB, Charter for the Protection of Children and Young People. Article 4)

5.1 When accusations of immoral sexual conduct or sexual or physical abuse of a vulnerable person 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.

5.2 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.

5.3 Outreach Services for Victims. In cases where a cleric admits to, does not contest, or is found guilty of immoral sexual conduct, or sexual or physical abuse of a vulnerable person 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.

## 6. Investigation of Reported Incidents regarding vulnerable persons.

*Diocese will also have a review board that functions as a confidential consultative body to the bishop...This board will advise the diocesan bishop in his assessment of allegations of sexual abuse of minors and in his determination of suitability for ministry.*

(USCCB, Charter for the Protection of Children and Young People. Article 2).

6.1 Upon being notified of an alleged incident of immoral sexual conduct, or sexual or physical abuse of a vulnerable person, The Archdiocesan Review Board shall notify the Independent Investigator of the allegations and request an investigation only after the appropriate law enforcement agency has concluded their investigation. 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 internal investigation shall be conducted by the Independent Investigator and her/his findings submitted to the Review Board and to the Safe Environment Coordinator 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.

6.2 The Review Board will assess all accusations of immoral sexual conduct, or sexual or physical abuse of a vulnerable person, and will communicate its assessment and advice to the Archbishop of the Archdiocese, the alleged victim, and the alleged perpetrator.

- 6.3 When an accusation of sexual misconduct or sexual or physical abuse of a vulnerable person appears credible, the alleged perpetrator, in accordance with canonical and other considerations, may 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 decision to place the alleged perpetrator on administrative leave, should be made in consultation with the Safe Environment Coordinator. Factors to be taken into consideration include the safety of parishioners as well as the need to cooperate fully with law enforcement investigations. If the alleged perpetrator is a priest or deacon, he will be asked by the Archbishop to undergo an appropriate evaluation. (*USCCB, Charter for Protection of Children and Young People, Article 5, paragraph 2 ff.*)
- 6.4 When an accusation of sexual misconduct or sexual or physical abuse of a minor perpetrated by another minor appears credible, the alleged perpetrator may be prohibited from attending Archdiocesan schools, parish faith formation classes or other Archdiocesan activities or events where other minors are present pending the outcome of the internal and any outside investigation.

## 7. **Reports of Sexual Harassment**

- 7.1 Any personnel of the Archdiocese who know or have reason to believe an incident or a pattern of sexual harassment has occurred shall report the incident to the alleged offender's immediate supervisor. It is the duty of the supervisor to report the incident to the Safe Environment Coordinator unless to do so would violate the seal of confession.
- 7.2 The Safe Environment Coordinator 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. If the allegations are substantiated, the Independent 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.

## 8. **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 Safe Environment Coordinator will take every reasonable step to restore publicly the good name and reputation of the falsely accused.

9. **Guidelines for known sexual offenders in attendance at parish and Archdiocesan events and activities.**

*While a Catholic's access to the sacraments must be respected, access to other events and activities may need to be restricted or even prohibited altogether as a precaution against likelihood of repeat offense.*

A registered sexual offender or someone known to be a danger to minors or vulnerable adults should not be allowed to attend any parish or Archdiocesan activities or events outside of liturgical services at which children or vulnerable adults may be present.

The individual may be allowed to attend certain events or activities but only if solely adults are present.

The individual must inform the pastor/administrator if he/she would like to attend a particular event or activity, e.g. a men's prayer group.

The pastor/pastoral administrator has final say over which events or activities the individual may or may not attend. In any case, if a child is present, the individual must leave.

For an individual to attend a regularly scheduled Mass or other liturgical services, the *Sexual Misconduct Policy of the Archdiocese of Anchorage (2008 revision) Appendix II*, should normally be followed.

In the case of a minor who is known to be a sexual offender or to be a danger to other minors, the *Sexual Misconduct Policy of the Archdiocese of Anchorage (2208 revision), Appendix II*, should normally be followed.

10. **Policy Distribution**

10.1 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.
6. All priests, deacons, candidates for ordination and Chancery staff are to forward this receipt to the Safe Environment Coordinator.
7. All other Archdiocesan employees and volunteers are to forward this receipt to their parish or school Safe Environment Coordinator.

## 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 Archdiocesan Review Board, the Response Team will conduct an investigation into allegations of sexual misconduct and report the findings to the Review Board and the Safe Environment Coordinator in writing.

The process of dealing with allegations is as follows:

- Any allegation of sexual misconduct is to be reported first to the proper civil authorities and to the Safe Environment Coordinator as outlined in *The Sexual Misconduct Policy of the Archdiocese of Anchorage (2008 revision) Part B, 4*. The Safe Environment Coordinator will then notify the Archbishop and/or his designee as well as the Archdiocesan Review Board of the allegation.
- Once the initial investigation has been completed by the appropriate law enforcement agency, the Archdiocesan Review Board will engage an Independent Investigator to conduct an internal investigation. The Response Team/Independent Investigators 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 to the Safe Environment Coordinator. 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, the Review Board and the Safe Environment Coordinator. 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 POLICY FOR KNOWN SEXUAL OFFENDERS

It should be noted that these are guidelines and do not envision every situation that might arise nor foresee particular circumstances that would call for a different pastoral approach. The size and make-up of the community obviously makes a significant difference as to the resources available in a particular community. **In all cases, the primary concern must be for the safety of children and vulnerable adults.**

It is suggested that the following conditions be met before any known registered sexual offender may attend a regularly scheduled Mass or other liturgical service in the Archdiocese of Anchorage;

- The individual must notify the pastor or pastoral administrator of their desire to attend parish liturgical services and fully disclose the nature and gravity of the offenses(s). The Archdiocesan Safe Environment Coordinator is to verify this by checking court records.
- The individual is to sign a safety plan for him/herself and the community. This plan is developed with the pastor/pastoral administrator in consultation with the Archdiocesan Safe Environment Director. The safety plan is to be kept in a locked confidential file at the parish with a copy to be kept in a confidential file at the chancery by the Safe Environment Director. Ideally, this plan would follow the completion of a certified sexual offender treatment program, though this might not be possible in all cases. If the individual is on probation, the probation officer should be contacted before the safety plan is put into place.
- As an example the safety plan should include the following points;
  - The individual is to arrange for a sponsor who is to undergo a background check and a thorough instruction of what is expected of them. A person may not serve as a sponsor until approved by the pastor/pastoral administrator. If the individual is married, the spouse may serve as sponsor;
  - The sponsor must remain with the individual for the entire time they are on church premises, including trips to the restroom, etc. In case of larger restroom facilities, the individual must never be in one while children are present.
  - The individual may not serve in any ministerial capacity.
  - If at all possible, the individual is to be seated away from children and vulnerable adults.
  - The individual may be in the Church no more than 15 minutes prior to Liturgical services and must depart within 15 minutes after the conclusion of the service.
  - The individual will be notified that appropriate staff will be aware of his/her situation, and will be looking out for any signs of recidivism. The names of the staff will not be available to the individual.
- If an individual is unwilling to abide by these requirements, they are to be offered other options such as communion minister to take communion to them as with communion to the sick.
- **A single violation of the safety plan could result in the immediate termination of the individual's privilege to attend liturgical services.**

**APPENDIX III  
ARCHDIOCESAN CODE OF CONDUCT**

*Children and vulnerable adults among us 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 within the Archdiocese of Anchorage.*

**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 anyone I am ministering to or from their families without prior written approval from the pastor or administrator.
- refrain from giving expensive gifts to anyone I am ministering to or to their families without prior written approval from the parents or guardian and the pastor or administrator.
- If a vulnerable person discloses information to me, as an Archdiocesan Personnel, I will follow the reporting guidelines set for the in the Sexual Misconduct Policy of the Archdiocese of Anchorage. If I am a volunteer, I understand that I am not mandated to make the report 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 vulnerable adults, 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 removal from ministry within the Archdiocese of Anchorage. I know too that I am responsible for reading and following the Sexual Misconduct Policy of the Archdiocese of Anchorage (2008 revision).

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Printed Name

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Date

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Signature

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Parish