



SAFE ENVIRONMENT PROGRAM

ARCHDIOCESE OF NEW YORK

CODE OF PASTORAL CONDUCT FOR CLERGY

I) Preamble

Bishops, priests, and deacons must uphold Christian values and conduct. The Code of Pastoral Conduct for Clergy provides a set of standards for conduct in certain pastoral situations. This Code of Conduct applies to all Clergy that live and serve in the Archdiocese of New York. Seminarians, since they aspire to ordination, are also called to conduct themselves according to this Code of Conduct.

II) Responsibility

The public and private conduct of Clergy can inspire and motivate people, but it can also scandalize and undermine the people's faith. Clergy must, at all times, be aware of the sacred responsibilities that accompany their noble calling. They must also know that God's goodness and grace supports them in their ministry to the people of God.

Responsibility for adherence to the Code of Pastoral Conduct for Clergy rests with the individual. Clergy members who disregard this Code of Pastoral Conduct for Clergy will be subject to remedial action by the Chancery. 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) Sacramental Confidentiality

The Code of Conduct provides a set of standards in our ministry to children and youth who are minors. Violations of these standards should be reported to the appropriate authorities. However, none of the obligations stated in this Code of Conduct are independent of the confidentiality of the confessional. Under NO circumstances can there be any disclosure – even indirect disclosure – of information received through the confessional.

IV) Pastoral Standards

1. Conduct for Clergy When Acting as Pastoral Counselors and Spiritual Directors

Clergy, when acting as Pastoral Counselors and Spiritual Directors, must respect the rights and advance the welfare of each person.

1.1 Clergy, when acting as Pastoral Counselors or Spiritual Directors, shall not step beyond their competence in counseling situations and will refer clients to other professionals when appropriate.

1.2 Clergy, when acting as Pastoral Counselors or 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). [see section 7. 2.2]

- 1.3 Clergy, when acting as Pastoral Counselors or Spiritual Directors, should not audiotape or videotape sessions.
- 1.4 Clergy 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 Clergy, acting as Pastoral Counselors or Spiritual Directors, assume the full burden of responsibility for establishing and maintaining clear, appropriate boundaries in all counseling and counseling-related relationships.
- 1.6 Physical contact of any kind (i.e., touching, hugging, holding) between Clergy in the role of Pastoral Counselors or Spiritual Directors and the persons they counsel can be misconstrued and should be avoided.
- 1.7 Sessions should be conducted at appropriate times and places.
 - 1.7.1 No sessions should be conducted in private living quarters.
 - 1.7.2 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 or other observers.
- 1.8 Clergy, when acting in the role of Pastoral Counselors or Spiritual Directors, shall maintain a log of the times and places of sessions with each person counseled.

2. Confidentiality

Information disclosed to a Clergy member during the course of counseling, advising, or spiritual direction shall be held in the strictest confidence possible.

- 2.1 Information obtained in the course of sessions shall be confidential, except for compelling professional reasons or as required by law.
 - 2.1.1 If there is clear and imminent danger to the client or to others, the Clergy member may disclose only the information necessary to protect the parties affected and to prevent harm.
 - 2.1.2 Before disclosure is made, if feasible, the Clergy member should inform the person being counseled about the disclosure and the potential consequences.
- 2.2 Clergy members should discuss the nature of confidentiality and its limits with each person in counseling.
- 2.3 Clergy members should keep minimal records of the content of sessions, if any record is necessary.
- 2.4 Knowledge that arises from professional contact may be used in teaching, writing, homilies, or other public presentations only when effective measures are taken to absolutely safeguard both the individual's identity and the confidentiality of the disclosures.
- 2.5 While counseling a minor, if a Clergy member 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:

- Attempts to secure written consent from the minor for the specific disclosure.
 - If consent is not given, disclose only the information necessary to protect the health and well-being of the minor.
- 2.6 All these obligations listed above are independent of the confidentiality of the confessional. Under NO circumstances can there be any disclosure – even indirect disclosure – of information received through the confessional.

3. Conduct with Youth

Clergy, when working with youth, shall maintain an open and trustworthy relationship between youth and themselves.

- 3.1 Clergy must be aware of their own and others' vulnerability when working alone with youth. Use a team approach to managing youth activities.
- 3.2 Physical contact with youth can be misconstrued and should occur (a) only when completely nonsexual and otherwise appropriate, and (b) never in private.
- 3.3 Clergy 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 youth.
- 3.4 Clergy should not allow individual young people to stay overnight in the cleric's private accommodations or residence.
- 3.5 Clergy should not provide shared, private, overnight accommodation for individual young people 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 youth, the Clergy member should take extraordinary care to protect all parties from the appearance of impropriety and from all risk of harm.
- 3.5.2 Use a team approach to managing emergency situations.

4. Sexual Conduct

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

- 4.1 Clergy members who are committed to a celibate lifestyle are called to be an example of celibate chastity in all relationships at all times.
- 4.2 No Clergy member may exploit another person for sexual purposes.
- 4.3 Allegations of sexual misconduct should be taken seriously and reported to the appropriate person and to civil authorities if the situation involves a minor. Archdiocese of New York procedures will be followed to protect the rights of all involved.
- 4.4 Clergy members should review and know the contents of the child abuse regulations and reporting requirements for the state of New York and should follow those mandates.

4.5 Clergy members should know and follow the Archdiocese of New York “Policy Relating to Sexual Misconduct”.

5. Harassment

Clergy members 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 members shall 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 without limitation the following:

- Physical or mental abuse.
- Racial insults.
- Derogatory ethnic slurs.
- Unwelcome sexual advances or touching.
- Sexual comments or sexual jokes.
- Requests for sexual favors used (a) as a condition of employment, or (b) to affect other personnel decisions, such as 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 should be taken seriously and reported immediately to the appropriate person in the parish, community/institute, diocese, or organization.

5.5 Archdiocese of New York procedures, as outlined in the Policy Relating to Sexual Misconduct, 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, religious community/institute, or organizational records.

6.1 Sacramental records shall be treated with great care. When compiling and publishing parish, religious community/institute, or organization statistical information from these records, great care must be taken to preserve the anonymity of individuals.

6.2 Most sacramental records older than 70 years are open to the public.

6.2.1 Information regarding adoption and legitimacy remains confidential, regardless of age.

6.2.2 Only staff members who are authorized to access the records and supervise their use shall handle requests for more recent records.

6.3 Parish, religious community/institute, or organization financial records are confidential unless review is required by The Archdiocesan Financial Office or an

appropriate government agency. Contact the Chancery upon receipt of any request for release of financial records.

- 6.4 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 members should avoid situations that might present a conflict of interest. Even the appearance of a conflict of interest can call integrity and professional conduct into question.

- 7.1 Clergy members should disclose all relevant factors that potentially could create a conflict of interest.

- 7.2 Clergy members 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 member should take advantage of anyone to whom they are providing services in order to further their personal, religious, political, or business interests.

- 7.2.2 Clergy members should not provide counseling services to any one 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 Clergy member 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 Clergy member's independent judgment is impaired by:

- Prior dealings,
- Becoming personally involved, or
- Becoming an advocate for one (person) against another.

In these circumstances, the Clergy member shall advise the parties that he or she can no longer provide services and refer them to another Clergy member.

8. Reporting Ethical or Professional Misconduct

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

- 8.1 Clergy members must hold each other accountable for maintaining the highest ethical and professional standards. When there is an indication of illegal actions by

a Clergy member, you should notify the proper civil authorities immediately. Also notify the Chancery.

- 8.2 When an uncertainty exists about whether a situation or course of conduct violates this Code of Pastoral Conduct or other religious, moral, or ethical principles, consult with:
- Peers,
 - Others knowledgeable about ethical issues, or
 - The Chancery office (or responsible administrative authority for the religious community/institute, or organization).
- 8.3 When it appears that a member of the Clergy has violated this Code of Pastoral Conduct or other religious, moral, or ethical principles:
- Report the issue to a supervisor or next higher authority, or
 - Refer the matter directly to the Chancery office (or responsible administrative authority for the religious community/institute, or organization).
- 8.4 The obligation of Clergy to report client misconduct is subject to the duty of 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 2.6.

9. Administration

Employers and supervisors shall 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 Clergy, staff, or volunteer shall use his or her position to exercise unreasonable or inappropriate power and authority.
- 9.3 Pastors are responsible to ensure that each volunteer providing services to children and youth must read and sign the laity “Code of Conduct for Employees and Volunteers Working with Children and Young People” and the Policy Relating to Sexual Misconduct before providing services.

10. Clergy Well-Being

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

- 10.1 Clergy members should be aware of warning signs that indicate potential problems with their own spiritual, physical, mental, and/or emotional health.
- 10.2 Clergy members should seek help immediately whenever they notice behavioral or emotional warning signs in their own professional and/or personal lives.
- 10.3 Clergy members 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.

V) Clergy Member's Code of Conduct

Our children are the most important gifts God has entrusted to us. As a Clergy member, I promise to strictly follow the rules and guidelines in this Clergy member's Code of Conduct when ministering to the children and youth of our parish, school, facility, diocese, etc.

As a Clergy member, I **will**:

- Treat everyone with respect, loyalty, patience, integrity, courtesy, dignity, and consideration.
- Avoid situations where I am alone with a child or youth at Church activities.
- Use positive reinforcement rather than criticism, competition, or comparison when working with children and/or youth.
- Refuse to accept expensive gifts from children and/or youth or their parents without prior written approval from the pastor or administrator.
- Refrain from giving expensive gifts to children and/or youth without prior written approval from the parents or guardian and the pastor or administrator.
- Report suspected abuse to the pastor, administrator, or appropriate supervisor.
- Cooperate fully in any investigation of abuse of children and/or youth.

As a Clergy member, I **will not**:

- Be under the influence of alcohol at any time while ministering to youth.
- Use, possess, or be under the influence of illegal drugs at any time.
- Pose any health risk to children and/or youth (i.e., no fevers or other contagious situations).
- Strike, spank, shake, or slap children and/or youth.
- Humiliate, ridicule, threaten, or degrade children and/or youth.
- Touch a child and/or youth in a sexual or other inappropriate manner.
- Use any discipline that frightens or humiliates children and/or youth.
- Use profanity in the presence of children and/or youth.

I understand that this Code of Conduct is binding on all members of the Clergy serving in the Archdiocese of New York, under the authority of the Policy Relating to Sexual Misconduct.