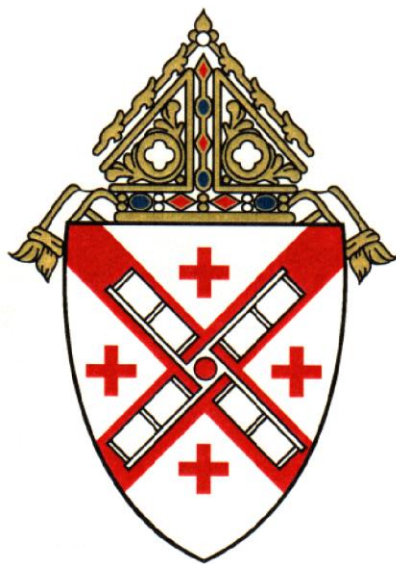


# SAFE ENVIRONMENT POLICIES

## ARCHDIOCESE OF NEW YORK



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## **Table of Contents**

- 1 Requirements for Archdiocesan Institutions**
- 2 Personnel Covered by the Safe Environment Requirements**
- 3 The Safe Environment Requirements**
- 4 The Personnel Screening Process**
- 5 Background Checks**
- 6 Archdiocesan Policy on Sexual Misconduct and the Code of Conduct**
- 7 Safe Environment Training for Staff**
- 8 Safe Environment Training for Children and Parents**
- 9 Reports of Alleged Sexual Abuse or Misconduct**
- 10 Shared Facilities**
- 11 Day Trips**
- 12 Electronic Communications, Internet and Computer Use**
- 13 Maintaining Proper Professional Boundaries**
- 14 Sex Offenders and Church Property and Events**
- 15 Overnight Events**

# **1 Requirements for Archdiocesan Institutions**

## **1.1 Principle**

It is the obligation of every Archdiocesan institution to ensure that all personnel whose duties include contact with minors have complied with the Safe Environment requirements. It is, likewise, the responsibility of all personnel, whose duties in Archdiocesan institutions include contact with minors, to comply fully with the Safe Environment requirements.

## **1.2 Definitions**

"Archdiocesan institution" shall mean all parishes and other canonical juridical persons whose competent ecclesiastical superior is the Archbishop of New York; all other civil corporations including parish corporations having the Archbishop of New York as their presiding officer; and all programs, agencies and organizations sponsored by these canonical or civil entities.

"Personnel" shall mean all persons, (clergy, religious and laity) who are employed by, under personal contract of employment with, or volunteer in any Archdiocesan institution.

"Safe Environment requirements" shall mean the Personnel Screening Process (the Safe Environment Questionnaire and a background check -- see Sections 4 and 5 of these Policies); acknowledgement of receipt of the Archdiocesan Policy Relating to Sexual Misconduct, and the appropriate Code of Conduct (see Section 6 of these Policies); and completion of the Safe Environment Training appropriate to their position (see Section 7 of these Policies).

## **1.3 Safe Environment Requirements to be incorporated in all policies and practices**

All Archdiocesan institutions whose work involves contact with minors shall incorporate the Safe Environment Requirements into their personnel policies and practices for employees and volunteers. These requirements shall be incorporated in all staff or student handbooks. They shall constitute a fundamental part of the human resources policies and standards of every Archdiocesan institution, and a condition of employment and voluntary service for all those whose duties include contact with minors.

## **1.4 Designation of Responsible Administrators for Archdiocesan institutions**

Each Archdiocesan institution shall have a Responsible Administrator for the Safe Environment Program, as follows:

- a. The pastor of each parish shall be the Responsible Administrator for the Safe Environment program for all parish programs and activities.
- b. The principal (or equivalent officer) of each school shall be the Responsible Administrator for that school.
- c. The Director or Coordinator of a parish religious education program shall be the Responsible Administrator for that program.
- d. The director or chief executive officer of other Archdiocesan agencies shall be the

Responsible Administrator for that agency.

While individual tasks in connection with the Safe Environment program can and should be delegated to other personnel, the Responsible Administrator bears ultimate responsibility for the implementation of the program in their institution.

### **1.5 Appointment of Safe Environment Coordinators**

Every Archdiocesan institution should appoint a Safe Environment Coordinator who will serve as the administrative liaison for the Safe Environment Office, and who will assist the Responsible Administrator in implementing the Safe Environment requirements. The Coordinator will also assist the Safe Environment Office in compiling and verifying all reports and rosters for that institution. It would be most convenient if the Coordinator had some basic familiarity with computer database management, so that information can be electronically transmitted and submitted.

### **1.6 Rosters to be periodically sent to every institution**

Periodically during each year, the Safe Environment Office shall provide to the Responsible Administrator and Coordinator of each Archdiocesan institution a roster that will list all personnel from that institution whose duties include contact with minors, and whether they have completed the Safe Environment Requirements.

When they receive their roster, the Responsible Administrators shall ensure that:

- a. All personnel whose position or duties include contact with minors are listed, along with appropriate identifying information (name, address, position at the institution, etc.);
- b. All such personnel have fully complied with the Safe Environment requirements; and

The Responsible Administrator shall then return the updated and corrected report to the Safe Environment Office, which shall maintain such information in its files.

### **1.7 Regular updating of the rosters**

The Responsible Administrator should maintain the roster for their institution in their own files. This roster should be updated whenever there is a change in the personnel whose duties include contact with minors (e.g., an new employee joins or leaves the staff). The Responsible Administrator should keep this updated roster in the institution's files, and use it to verify the rosters that are periodically sent to them by the Safe Environment Office.

It is not necessary to send updated rosters to the Safe Environment Office every time there is a change in staff. The Office will obtain information about new personnel from the background check and training classes, update its database accordingly, and include these changes in the rosters that are periodically sent back to the institutions.

## **1.8 On-Site audits**

Periodically, the Safe Environment Office, or persons designated by them, shall conduct on-site audits of Archdiocesan institutions, to determine the degree of compliance with the Safe Environment Requirements. Prior notice of these audits shall be given to the institution to be reviewed.

## **2 Personnel Covered by the Safe Environment Requirements**

### **2.1 Principle**

The Archdiocese of New York is fully committed to implementing the Bishops' Charter for the Protection of Minors and Young Persons. To do so effectively, it is necessary to determine which of our personnel have duties that include contact with minors. In most cases, this determination is very easy, but in others, it will be necessary to examine the person's job requirements and the degree to which they actually come in contact with children.

### **2.2 Personnel whose duties include contact with minors**

All personnel in every Archdiocesan institution whose duties include contact with minors must comply with the Safe Environment Requirements.

Certain job descriptions should always be deemed to have duties that include contact with minors: school administrators and administrative staff, teachers, teacher aides, substitute teachers, school or classroom volunteers, guidance counselors, school custodians, catechists, catechist aides, youth ministers, athletic coaches and volunteers, youth choir directors, school maintenance staff, and trainers of altar servers.

Any person who is involved in any overnight activity with a child in any Archdiocesan institution or program, even if only on one occasion, shall be deemed to have duties that include contact with minors. This includes parents who will be involved in the overnight activity with their own children, if the activity also involves any other children whose parents will not be present.

This requirement should be interpreted broadly. If there is any doubt about whether a person has duties that include contact with minors, the question should be resolved in favor of requiring them to comply with the Safe Environment requirements.

### **2.3 Personnel who do not have duties that include contact with minors**

Personnel whose only contact with minors is in the course of the sacred liturgy, should not, in the absence of other factors, be deemed to have duties that include contact with minors, such as: lectors, Eucharistic ministers, ushers, music ministers and leaders of song.

### **2.4 Factors to consider in determining if a person's duties include contact with minors**

To determine whether a person's duties include contact with minors, the following factors should be considered. If the answer to one of these questions is "yes", then the person should be considered to have duties that include contact with minors.

- a. Is the person's job require them to work directly with minors (as opposed to positions that involve contact that is only incidental, irregular, occasional or infrequent)?
- b. Does the person's duties frequently bring them into a school, or the location of a religious

- education program or youth program?
- c. Does the person's duties involve face-to-face dealings with minors?
- d. Does the person's duties enable them to come into physical contact with minors?
- e. Does the person have the opportunity to be with minors in private?
- f. Does the person ever have direct supervisory responsibility over minors?
- g. Do minors typically come into the person's private workspace?

If there is any doubt about whether a person has duties that include contact with minors, the question should be resolved in favor of requiring them to comply with the Safe Environment requirements.

## **2.5 Personnel who have duties that include contact with minors, but are under 18**

Personnel who are under the age of 18 themselves work in positions with duties that include contact with minors only if they are under the direct supervision of an adult who is in full compliance with the Safe Environment Requirements and who is actually present with them at the time and place of their service.

Personnel under the age of 18 must also comply with the Safe Environment Requirements:

- a. Personnel who are 16 and 17 must complete a Safe Environment Questionnaire, submit to a background check (with parental consent), and attend a "Safer Spaces" class.
- b. Personnel who are 14 or 15 must complete a Safe Environment Questionnaire, and attend a "Safer Spaces" class, but do not have to submit to a background check.
- c. Personnel under the age of 14 need not submit to a background check or attend a training class, but they must be advised of the Code of Conduct.

For more information about the background check process, see Section 6 of these Policies; for information about the "Safer Spaces" training program, see Section 7 of these Policies.

## **2.6 Personnel in Archdiocesan institutions who are employed by non-Archdiocesan agencies**

Personnel who are in contact with minors in Archdiocesan programs, but are employed by an outside agency (such as a cleaning contractor) or a public agency (such as a local school district), must comply with the Safe Environment requirements, as follows:

- a. Employees of local school districts (e.g., remedial education teachers) – If they present current proof that they have passed a background check and had training in child abuse from their school district, they should be given written copies of the Archdiocesan Code of Conduct and our reporting requirements. These people should not be listed on the school's roster, but the school should keep records that they were provided with the information.
- b. Other contractors (e.g., maintenance staff employed by an outside contractor) – They must submit to a background check and attend a "Safer Spaces" class, and should be listed on the institution's roster.

## **2.6 Personnel in programs that use Archdiocesan facilities**

Personnel who work with minors in programs or activities that are not sponsored or conducted by an Archdiocesan institution, but that use or rent facilities of an Archdiocesan institution, are not required to comply with the Safe Environment requirements. For example, volunteers and leaders of community sports programs that merely hold games at a parish's gym are covered by the child protection requirements of those programs, and are not required to complete the Archdiocesan Safe Environment Requirements.

## **2.7 Boy Scouts**

In the case of volunteers with Boy Scout and Cub Scout troops that are sponsored by an Archdiocesan institution, the Safe Environment Requirements shall be satisfied if they have:

- a. Taken the Boy Scout Youth Protection Training Course;
- b. Are up to date with their Boy Scout Youth Protection certification; and
- c. Have had a background check (including criminal record and state sexual offender registry checks) within the previous three years.

Troop leaders shall be responsible for ensuring the compliance of their volunteers. They shall keep appropriate records regarding all their volunteers, and shall report on their compliance to the Responsible Administrator of the Archdiocesan institution that sponsors their troop.

## **2.8 School Maintenance and Custodial Staff**

All maintenance staff who are working in schools, even if they only work at times when they do not come into contact with children, must comply with the Safe Environment Requirements.



### **3 The Safe Environment Requirements**

#### **3.1 Principle**

At the heart of the Bishops' Charter is the need to create a safe environment for children. This environment will be founded on the principles of virtue and vigilance. The virtues of the Christian life, particularly purity and chastity, must be fostered in our institutions and programs, and in the hearts of all our personnel. We must also be prudent in screening and overseeing all our personnel and programs. By living these virtues, our children will be safe in our institutions.

#### **3.2 Safe Environment Requirements for all new applicants**

All new applicants for positions with an Archdiocesan institution, whether paid or volunteer, whose position or duties will include contact with minors, must fully comply with the following Safe Environment requirements:

- a. Complete the Personnel Screening Process (i.e., complete the Safe Environment Questionnaire, submit to a background check, and acknowledge receipt of the Archdiocesan Policy Relating to Sexual Misconduct, and the appropriate Code of Conduct); and
- b. Complete the Safe Environment Training appropriate to their position.

The Personnel Screening Process (including submitting to a background check) must be completed by all personnel before commencing their duties; the appropriate training must be completed within 45 days of commencing their duties. If a program is scheduled to last for less than 45 days (e.g., vacation bible schools, summer camps, etc.), all new personnel must complete the Safe Environment requirements before the program begins.

If any new personnel of the Archdiocese fail to satisfy the Safe Environment requirements by the appropriate date, they may not hold a position with duties that include contact with minors in any program or activity of the Archdiocese or any of its parishes or institutions until they complete the Safe Environment requirements.

#### **3.3 New applicants who currently work at another Archdiocesan program or institution**

In many cases, people who work for one Archdiocesan program also work for another as well. In fulfilling the Safe Environment Requirements, the key question is whether the two programs or agencies are part of the same institution. For example, the school, religious education program, and various other activities of a particular parish should be considered part of the same institution.

If new applicants currently work in some capacity at the same institution, and they are already fully in compliance with the Safe Environment Requirements, they only need to complete the training program appropriate to their new position.

If new applicants currently work with a different Archdiocesan institution, they must:

- a. Complete a new Safe Environment Questionnaire and submit to a new background check before beginning work; and
- b. Complete the training program appropriate to their new position within 45 days of commencing their new duties.

This rule shall not apply to all those whose continuous employment with an Archdiocesan institution is interrupted by a leave of absence (e.g., maternity leave, Family Medical Leave Act leave) or a sabbatical. These persons shall not have to renew their background check upon their return to employment.

To demonstrate how this works, consider three examples:

Example 1 -- You have a new applicant to become a teacher in your parish school. She is also a volunteer catechist in another parish, at which she submitted to a background check and attended a Safer Spaces training class. She must now (a) complete the Safe Environment Questionnaire, (b) submit to a background check, and (c) attend a VIRTUS "Protecting God's Children" class, since the Safer Spaces class is not sufficient for teachers.

Example 2 -- You have a new applicant to become a volunteer in one of your parish sports programs. He is currently employed as a teacher in an Archdiocesan high school, at which he submitted to a background check and attended a VIRTUS "Protecting God's Children" training class. He must now (a) complete the Safe Environment Questionnaire, and (b) submit to a background check. Further training is not required, since the VIRTUS class is sufficient for volunteers.

Example 3 -- You have a new applicant to become a volunteer in one of your parish youth ministry programs. She is currently employed as a teacher in your parish school, at which she submitted to a background check and attended a VIRTUS "Protecting God's Children" training class. She is already in full compliance with the Safe Environment Requirements, so no further action is necessary.

### **3.4 Personnel who are under the age of 18 and whose duties include contact with minors**

Personnel who are between the ages of 14 and 17 themselves may only hold a position whose duties include contact with minors if they are directly supervised by an adult who is in full compliance with the Safe Environment Requirements and who is actually present at the time and place where they are serving. In addition:

- a. Personnel who are 14 or 15 must complete a Safe Environment Questionnaire, and attend a "Safer Spaces" class, but do not have to submit to a background check;
- b. Personnel who are 16 and 17 must complete a Safe Environment Questionnaire, submit to a background check (with parental consent), and attend a "Safer Spaces" class.
- c. If they are under the age of 14, they do not have to submit to a background check or attend a training class, but they must be advised of the Code of Conduct.

## **4 The Personnel Screening Process**

### **4.1 Principle**

One of the fundamental tools in creating a safe environment is the screening of all those whose duties include contact with minors. The goal of this process is to exclude people whose background or moral character makes them an unreasonable risk for contact with minors.

### **4.2 Requirement for all personnel**

All new personnel of the Archdiocese whose position or duties include contact with minors must complete the Personnel Screening Process.

The Personnel Screening Process consists of the following components:

- a. Completion of a Safe Environment Questionnaire, including providing personal references;
- b. Acknowledgment of receipt of the Archdiocesan Policy Relating to Sexual Misconduct and the Code of Conduct; and
- c. Completing a background check with clear results.

These requirements must be completed by all personnel before commencing their duties. No one may hold a position whose duties include contact with minors without a background check.

### **4.3 The duties of the Responsible Administrator of each Archdiocesan institution**

The Responsible Administrator of each Archdiocesan institution shall ensure that all personnel whose duties include contact with minors have completed the Personnel Screening Process.

The Responsible Administrator of each Archdiocesan institution, or a person designated by him/her, should thoroughly review the Safe Environment Questionnaire of all new personnel, and check the personal references provided by applicants for positions whose duties include contact with minors. The Responsible Administrator of every Archdiocesan institution shall retain the completed Safe Environment Questionnaires of all personnel in their files.

### **4.4 The Safe Environment Questionnaire**

All applicants for positions in Archdiocesan programs, whose duties include contact with minors, must complete a Safe Environment Questionnaire. This requirement applies to both prospective employees and volunteers.

The Safe Environment Questionnaire shall include a request for the following information:

- a. Personal Information (e.g., name, address);
- b. Current Employment;
- c. Prior positions involving work with minors;

- d. Names of persons who can be contacted as references;
- e. Whether the person has ever been accused, investigated, or disciplined for sexual abuse or misconduct.

Applicants must sign the Safe Environment Questionnaire, certifying that their answers are accurate and truthful, and acknowledging that they received the Summary of the Policy on Sexual Misconduct and the Code of Conduct and will comply with them. Applicants will also certify that they understand their responsibility to comply with the Safe Environment Requirements by the appropriate deadline.

Failure to complete a Safe Environment Questionnaire, or any false statement made on the Questionnaire, shall constitute grounds for termination of employment or volunteer service, and being barred from any contact with minors in any program or activity of the Archdiocese.

The basic background information called for on the Safe Environment Questionnaire may be a duplicate of the information called for in an application for employment or for volunteer service that is already being used by a program. If that is the case, the program should use only the second page of the Safe Environment Questionnaire, which calls for information about prior allegations of misconduct, and the certification regarding the Sexual Misconduct Policy and the Code of Conduct.

#### **4.5 Additional Information**

Additional information, including information available through sources in the public record, may also be considered in evaluating the suitability of a candidate for employment or volunteer service.

#### **4.6 Standard for Screening**

One of the most important components of an effective child protection policy, particularly in a religious organization, is the personal moral character and virtue of those who are permitted to work with youths. Due to the religious nature of all Archdiocesan institutions, the Archdiocese shall evaluate the suitability of persons applying for employment or volunteer service, and those who have already entered into such service, based on the moral teachings of the Catholic Church. The Archdiocese reserves the right to make decisions about employment or volunteer service that will promote the religious principles of the Catholic Church.

## **5 Background Checks**

### **5.1 Principle**

Conducting background checks is an indispensable tool for creating a safe environment. These checks can identify those whose background poses a substantial risk to minors. They can also ensure that the identity of all personnel of the Archdiocese has been fully verified. Background checks and their results must be handled with the highest degree of discretion, in order to protect the privacy of all personnel, and to ensure that negative information is not improperly revealed. At the same time, any information that suggests a risk to minors must be treated very seriously.

### **5.2 Background checks required for all personnel**

All personnel of the Archdiocese whose duties include contact with minors must submit to a background check, administered by the Safe Environment Office.

The Responsible Administrator of each Archdiocesan institution shall ensure that all personnel whose duties include contact with minors have submitted to a background check.

Failure to submit authorization for a background check, refusal to supply a valid Social Security number, and any false statement made on the authorization form, shall constitute grounds for termination of employment and being barred from any contact with minors in any program or activity of the Archdiocese.

### **5.3 Background check authorization forms**

To conduct these background checks, all personnel must grant authorization, on a form prescribed by the Safe Environment Office. All personnel must supply the following information:

- a. Name, including all other names used;
- b. Social Security number;
- c. Date of Birth;
- d. Current and former addresses.

### **5.4 Background checks for those without a valid Social Security number**

For people who do not have a valid Social Security number, the following procedures shall be followed:

- a. The person's direct supervisor shall have them complete the background check authorization form, leaving the line for Social Security number blank.
- b. The supervisor shall verify their identity with some form of photo identification (e.g., a driver's license, a passport, an employer-issued ID card, etc.).
- c. The supervisor shall either:

- i. make a copy of the identification document and send it to the Safe Environment Office, along with the completed the background check authorization form; or
- ii. sign and make a notation on the authorization form that the person's identity has been verified.

This procedure shall only be available to those who, for justifiable reasons, does not have a valid Social Security number. A person who has such a number, but refuses to submit it, may not have any contact with minors in any Archdiocesan program.

A person's immigration status shall not be the basis for any adverse action by the Safe Environment Office.

### **5.5 Background checks for minors**

In the case of persons under the age of 18, parental consent must be obtained prior to submitting a background check.

### **5.6 How the background checks will be conducted**

The Safe Environment Office shall submit background checks to an appropriate agency or contractor. These checks shall seek the following information:

- a. Verification of identity;
- b. Existence of a criminal record;
- c. Listing on a sex offender registry.

Financial information will not be sought by the Safe Environment Office or any other Archdiocesan agency, without first obtaining specific consent.

### **5.7 Renewing background checks**

The Archdiocese will periodically conduct a new background check for personnel after the passage of time (e.g., six years) from the person's last check, or if information is received regarding an incident or a criminal conviction.

### **5.8 Background checks for new applicants who currently work at another Archdiocesan program or institution**

New applicants who also work for another Archdiocesan program will have to submit to a new background check unless the two programs or agencies are part of the same institution (e.g., a parochial school, religious education program, and various other activities of a particular parish should be considered part of the same institution)..

### **5.9 Record-keeping**

Each Archdiocesan institution shall retain the completed background check authorization forms

of all personnel in their files. A copy shall be submitted to the Safe Environment Office, which will retain this copy in their files.

#### **5.10 How negative results will be handled**

The Director of the Safe Environment Office shall review all negative reports for all Archdiocesan personnel, in consultation with the following persons (if applicable):

- a. Clergy members -- the Director of the Office of Priest Personnel.
- b. Members of Religious Communities -- the Vicar for Religious.
- c. Department of Education staff and teachers -- the Secretary for Education.
- d. Catholic Charities personnel -- the Executive Director of Catholic Charities.

The Director of the Safe Environment Office shall evaluate whether the nature of the negative report warrants possible action, and verify that the report does indeed relate to the applicant. Any action taken with regard to any negative report shall comply with state and federal law, and the Archdiocesan Policy Regarding Sexual Misconduct.

#### **5.11 Negative results that relate to immigration status**

Information regarding a person's immigration status shall not be the basis for any adverse action in relation to the Safe Environment Program.

#### **5.12 Negative results that relate solely to a person's identity**

If the negative report merely relates to a minor disparity regarding the person's name or address, the Safe Environment Office will take no further action.

If the negative report suggests that the person may have supplied a false name or Social Security Number, the Director of the Safe Environment Office will notify in writing the person in question, and the Responsible Administrator of the Archdiocesan institution at which the person works. The person shall be asked to submit a form of identification that has been validly issued by a government agency (e.g., a valid driver license, passport, etc.). If adequate verification is obtained, no further action will be taken.

If adequate verification is not obtained, the Responsible Administrator of the Archdiocesan institution at which the person works shall take immediate and appropriate action to prevent any risk to minors. This action may include restrictions on the person's contact with minors or being barred from any contact with minors in any program or activity of the Archdiocese. Any action taken by an Archdiocesan institution in regard to a negative report shall be reported to the Safe Environment Office, which shall maintain such information in its files.

### **5.13 How negative reports regarding a criminal record involving sexual misconduct or sex offender status will be handled**

If the background check reveals information that falls under the Bishops' Charter (i.e., it involves the sexual abuse of minors or young people, or is listed in a sex offender registry), the Director of the Safe Environment Office shall consult with the Office of Legal Affairs and notify in writing:

- a. The Archbishop;
- b. The Responsible Administrator of the Archdiocesan institution in which the person works; and
- c. The person about whom the information was received, to give them an opportunity to provide relevant information about the report.

The head of the Archdiocesan institution at which the person works shall immediately bar the person from any contact with minors in any Archdiocesan institution. Further action may include termination of employment or of volunteer service with any Archdiocesan program.

### **5.14 How negative reports regarding any other kind of criminal record will be handled**

If the background check reveals negative information that does not fall under the Bishops' Charter (i.e., it does not involve the sexual abuse of minors or young people), the Director of the Safe Environment Office shall evaluate the information to determine if it may represent a risk to minors. In making this determination, the following factors shall be considered:

- a. The duties and responsibilities held by the person;
- b. The bearing of the offense on their fitness to perform those duties;
- c. The length of time since the commission of the offense;
- d. The age at which the person committed the offense;
- e. The seriousness of the offense;
- f. Any information provided by the person or on their behalf.

If there is a determination that there may be a risk to minors, the Director of the Safe Environment Office shall consult with the Office of Legal Affairs. If the Office of Legal Affairs concurs that there is a risk to minors, the Director of the Safe Environment Office shall immediately notify in writing:

- a. The Archbishop;
- b. The Responsible Administrator of the Archdiocesan institution at which the person works; and
- c. The person about whom the information was received, to give them an opportunity to provide relevant information about the report.

The head of the Archdiocesan institution at which the person works shall take immediate and appropriate action to prevent any risk to minors. This action may include restrictions on the person's contact with minors, being barred from any contact with minors in any program or



activity of the Archdiocese, and discharging the person from employment or volunteer service.

### **5.15 Record-keeping**

The Director of the Safe Environment Office shall maintain secure files for the background check authorization forms and any action taken with regard to any negative report. Any action taken by an Archdiocesan institution in regard to a negative report shall be reported to the Safe Environment Office, which shall maintain such information in its files.

## **6 Archdiocesan Policy on Sexual Misconduct and the Code of Conduct**

### **6.1 Principle**

Sexual misconduct of any kind is gravely contrary to the will of God. In keeping with this bedrock belief, the Archdiocese has adopted a Policy Relating to Sexual Misconduct and Codes of Conduct for both clergy and laity. These policies are intended to establish guidelines in an effort to prevent sexual misconduct by personnel of the Archdiocese. They are also intended to provide guidance to the personnel of the Archdiocese on how to respond to allegations of sexual misconduct if any do occur.

### **6.2 Distribution of the Policy and Code to all personnel**

All personnel of Archdiocesan, and all applicants for positions with Archdiocesan institutions, shall be given either a Summary or a full copy of the Archdiocesan Policy on Sexual Misconduct and the appropriate Code of Conduct.

### **6.3 Certification of receipt of the Policy and Code**

All personnel of the Archdiocese, and all applicants for positions with Archdiocesan institutions shall certify that they have received and understand the provisions of the Archdiocesan Policy on Sexual Misconduct and the Code of Conduct.

For all applicants for positions with Archdiocesan institutions, this certification shall be made on the Safe Environment Questionnaire.

Every Archdiocesan institution shall retain the certification by all personnel in their files.

### **6.4 How the Policy and the Code should be enforced**

All Archdiocesan personnel should be attentive to any violations of the Policy or the Code in their program. Any violation should be brought to the attention of their supervisor immediately. Personnel may also report violations to the Safe Environment Office or the Office of Legal Affairs of the Archdiocese.

Supervisors of Archdiocesan programs are responsible for ensuring that the Policy and the Code are observed by all personnel. Supervisors must immediately address any violation as soon as it comes to their attention, and take appropriate corrective and disciplinary action.

Any violation of the Policy or the Code that represents a risk to minors, or violations that are repeated after having been corrected, shall be the basis for termination of a person's employment or volunteer service.

## **7 Safe Environment Training for Staff**

### **7.1 Principle**

The Archdiocese of New York is fully committed to preventing the sexual exploitation of minors, and to identifying any instance in which it does occur. To this end, all personnel whose duties include contact with minors must receive specific training in identifying and responding to potential incidents of sexual misconduct. Although education alone cannot prevent or change inappropriate sexual behavior, it is essential to help each person to grow and mature in Christian sexuality, and to reduce risks to minors.

### **7.2 General requirements**

The Safe Environment training requirement has two components:

- a. Initial training, and
- b. Continuing education.

The Responsible Administrator of each Archdiocesan institution shall ensure that all personnel whose duties include contact with minors have completed the appropriate Safe Environment training.

The initial training program required of Archdiocesan personnel will depend on the nature of their position.

### **7.3 Initial training for clergy and members of religious communities**

All clergy must attend a VIRTUS "Protecting God's Children" class. This requirement shall apply to all priests, deacons, and candidates for ordination.

Members of religious communities who are active in Archdiocesan institutions, may satisfy their training requirement by completing the training program prescribed by their community, provided that they:

- a. Present documentation to their Responsible Administrator of completion of the training program, and
- b. Attend a "Safer Spaces" class to orient them to the Archdiocesan Code of Conduct and reporting requirements.

### **7.4 Initial training for professional employees**

Professional and supervisory personnel must attend a VIRTUS "Protecting God's Children" class.

“Professional and supervisory personnel” shall include: school administrative and educational staff (principals, assistant principals, deans, assistant deans, teachers, teachers’ aides, or guidance

counselors, but not business, clerical or custodial staff), directors and coordinators of religious education (whether paid or volunteer), social workers, counselors, and youth ministers.

### **7.5 Initial training for other employees and volunteers**

Other employees and volunteers must attend either a VIRTUS "Protecting God's Children" class or a "Safer Spaces" class.

"Other employees" shall mean all employees other than those designated as "professional and supervisory", such as include business, clerical or custodial staff.

### **7.6 Who may facilitate a training class**

VIRTUS "Protecting God's Children" classes may only be conducted by a facilitator certified by the Safe Environment Office and VIRTUS.

"Safer Spaces" classes may be conducted by a person who has supervisory responsibilities (e.g., a clergy member, principal, or DRE/CRE) who has completed a VIRTUS "Protecting God's Children" class.

### **7.7 Training for personnel under 18 years of age**

Personnel who are 14 to 17 years of age and whose duties include contact with minors, may satisfy their training requirement by attending a "Safer Spaces" class, regardless of whether they are an employee or volunteer. They should not attend a VIRTUS "Protecting God's Children" class. Personnel under the age of 14 need not attend a training class.

### **7.8 Continuing Education**

All personnel whose duties include contact with minors will be provided with continuing education materials by the Safe Environment Office.

## **8 Safe Environment Training for Children and Parents**

### **8.1 Principle**

The Bishops' Charter mandates that all dioceses provide education to children, youth and parents about sexual abuse and its prevention. The best way to deliver this kind of education for minors is to provide information and resources to their parents, who are their primary educators. In addition, to reinforce these lessons, the information should be integrated it into the religion curriculum in both the schools and religious education programs.

### **8.2 Education for children**

The Department of Education of the Archdiocese has developed a curriculum for the children in our parishes and schools, entitled "Right, Safe, Good Relationships", which provides age-appropriate instruction in child sexual abuse. The lessons in this curriculum shall be given annually to all children in all grades of all parish and Archdiocesan elementary and high schools, and parish religious education programs. This program has been made available to all other Catholic schools in the Archdiocese, which must provide annual sexual abuse education to all their students.

### **8.3 Education for parents**

In conjunction with the curriculum for children the Department of Education of the Archdiocese has developed resource materials for parents and guardians. These materials shall be provided to the parent or guardian of all children in all grades of all parish and Archdiocesan elementary and high schools, and parish religious education programs. This program has been made available to all other Catholic schools in the Archdiocese, which must provide annual sexual abuse education to the parents or guardians of all their students.

### **8.4 Record keeping**

Each Catholic school and religious education program in the Archdiocese shall keep records of the numbers of children and parents/guardians who have received this instruction, and shall send this information to the Department of Education periodically.

### **8.5 Parental Choice**

If parents choose not to have their child participate in the safe environment training, the parents are to be offered safe environment training materials, and will be asked to sign a form acknowledging that the materials were made available to them. These materials and forms will be available from the Department of Education of the Archdiocese, and from the Safe Environment Office website. If the parents decline to sign such a form, a notation of this should be made in a record maintained by the school or religious education program.

## **9 Reports of Alleged Sexual Abuse or Misconduct**

### **9.1 Principle**

All reports of alleged sexual abuse or misconduct by Archdiocesan personnel shall be handled in accordance with the appropriate provisions of civil and canon law, the Bishops' Charter for the Protection of Minors and Young Persons, and the Archdiocesan Policy Relating to Sexual Misconduct. Each reported incident will be handled with a high level of Christian care, concern and confidentiality for the alleged victim, the family of the alleged victim, the person reporting the incident, and the alleged perpetrator.

### **9.2 Reports by Archdiocesan personnel**

If Archdiocesan personnel receive a report of alleged sexual abuse of a minor by any Archdiocesan personnel, they shall:

- a. Advise the person (or their parent or guardian) to immediately report the incident to the appropriate District Attorney's Office; and
- b. Notify the Office of Legal Affairs or the Safe Environment Office immediately.

If the report is received from an alleged victim or family member, they shall also refer the person directly to the Archdiocesan Victim's Assistance Coordinator.

If Archdiocesan personnel receive a report of a violation of the Code of Conduct or any other alleged sexual misconduct by any Archdiocesan personnel, they shall:

- a. Immediately notify their supervisor;
- b. Make sure that their supervisor has notified the Office of Legal Affairs, the Safe Environment Office or the Chancellor;
- c. If they cannot confirm that the supervisor has notified the Archdiocese, do so immediately; and
- d. If the report is received from an alleged victim or family member, he shall also refer the person directly to the Archdiocesan Victim's Assistance Coordinator.

If Archdiocesan personnel receive a report of alleged child abuse that occurred outside of an Archdiocesan program, they shall:

- a. Advise the person to immediately report the incident to the New York State Child Abuse Hotline and to the appropriate police agency; and
- b. If they cannot confirm that the supervisor has called the Hotline, do so immediately.
- c. It would also be advisable for the person or their supervisor to notify the Safe Environment Office or the Office of Legal Affairs.

### **9.3 How reports are to be handled by the Safe Environment Office**

If the Safe Environment Office receives a report of alleged sexual abuse of a minor, or any other alleged sexual misconduct by any Archdiocesan personnel, the Director shall immediately notify the Office of Legal Affairs. If this report comes from an alleged victim or their family, the Director of the Safe Environment Office shall also immediately refer the person to the Archdiocesan Victim's Assistance Coordinator.

### **9.3 Record-keeping**

The Director of the Safe Environment Office shall keep a written of the substance of any such report made to the Office, the action taken, and any other relevant information.

### **9.4 Incidents involving vulnerable persons**

For the purposes of these Safe Environment Policies, and in particular the handling and reporting of incidents of sexual misconduct, a person who habitually lacks the use of reason, regardless of their age, is to be considered equivalent to a minor.

## **10 Shared Facilities**

### **10.1 Principle**

Concerns arise when Archdiocesan facilities (e.g., schools and religious education buildings) are being shared with a non-Archdiocesan program (e.g., an adult education class). In this case, great care must be taken to ensure that the children are protected from any contact with members of the general public.

### **10.2 General Policy**

Archdiocesan facilities in which programs with children and young persons are being held are not public places. The only people who are permitted to be in these areas are those who are directly involved in the program, or who are otherwise authorized to be present (e.g., parents, maintenance workers, etc).

Members of the general public are never permitted to have unsupervised access to any facility or area in which children are taking part in any Archdiocesan program.

In many cases, this is ensured by strictly limiting access to the facility. For example, school buildings should have locked doors, with access overseen by staff members who screen visitors to ensure that entrance is granted only to those who are properly on the premises and who will be supervised by staff members.

A high degree of vigilance is required when the facility is being shared with other activities to which the public has access (e.g., a school building that also hosts an adult education program). If possible, there should be clear physical boundaries that restrict any access by the public to the areas used by the children. For example, there should be separate entrances, separate bathrooms, locked doors between floors, etc.

If complete physical separation is not possible, access must be limited by human measures that are very rigorously enforced. For instance, hall monitors must be placed at access points to ensure that the children do not come into contact with the other persons on the premises, and areas used by children as entrances and exits should be supervised by staff members to ensure that children are not interfered with.



## 11 Day Trips

### 11.1 Minor participants

- a. All minors on trips must have a signed permission slip from a parent. (Note that the term "parent" as used in this policy shall include a legal guardian.)
- b. Parents must be permitted to contact their children at any time during the trip, and to withdraw their children from the trip at any time and for any reason.
- c. Parents are entitled to be fully informed of all activities that will take place during the trip.

### 11.2 Adult participants and chaperones

- d. The minimum ratio for chaperones to minors is as follows:
  - i. Pre-school – 1 adult per 4 minors
  - ii. Grades K through 5 – 1 adult per 6 minors
  - iii. Grade 6 and above – 1 adult per 8 minors
- e. At least one chaperone must be over 21 years of age. It is encouraged that all other chaperones be at least three years older than the participants.
- f. All chaperones must be in full compliance with the Safe Environment requirements prior to the trip. However, parents who are not in full compliance may accompany their own child, provided that they are under the direct supervision of Archdiocesan personnel who are in full compliance with the Safe Environment requirements.
- g. All priests and deacons participating in trips must have current valid faculties from the Archdiocese of New York.

### 11.3 Conduct during trips

- h. All participants must conform to the Archdiocesan Code of Conduct and the Safe Environment Policies. This includes, but is not limited to, the following prohibited conduct:
  - i. Any kind of sexual conduct involving a minor.
  - ii. Using sexual language in the presence of minors.
  - iii. Engaging in any inappropriate physical contact with a minor, as defined by Section 13.4 of this Policy.
  - iv. Using alcohol or illegal drugs.
- i. It is absolutely forbidden to require minors to keep secrets from their parents or to make a vow of secrecy about what happens during the trip. However, it is permissible to instruct minors to respect the privacy of others by not revealing personal or private information about them.
- j. It is absolutely forbidden under any circumstances during a trip for minors to be physically restrained or deprived of their ordinary senses in any way (e.g., blindfolded, kept in darkness), subjected to any humiliating or demeaning treatment (e.g., any form of hazing), or deliberately frightened.
- k. A youth may never ride in a vehicle alone with an adult, except for their parent or guardian. In transporting minors, two adults should be present in each vehicle; if that is not possible, the minimum required is one adult and two or more minors.

- l. One-on-one private contact between adults and minors is not permitted. If a personal meeting is required with a minor, it must be conducted in view of other adults and minors.
- m. An adult may not engage in any private direct electronic communication with an unrelated minor (e.g., text messaging, phone calls), unless it is necessary for safety (e.g. to contact a lost child).
- n. A lone adult may never enter a shower, changing room, or bathroom being used by a minor, except in the case of an emergency to ensure safety or health, or to preserve order.
- o. Adult leaders must ensure that they are fully familiar with the safety plan for the facility (e.g., fire exits, boundaries, etc.), and must give the event participants a briefing on safety plans.
- p. Minors are not permitted to transmit, via any form of electronic communication, any photographs or images of other participants in any situation that reasonably might cause embarrassment, humiliation, or distress to the person depicted.
- q. Minors are not permitted to leave the location where the event is taking place, except as part of a group that is under the direct supervision of at least one adult.
- r. There must be separate bathrooms, changing rooms, and showers for males and females. Minors may only use the appropriate facility that conforms to their biological sex.

## **12 Electronic Communications, Internet and Computer Use**

### **12.1 General Principles**

In using the internet, computers, and the various methods of electronic communication, adults who are working with minors in Archdiocesan institutions and programs must maintain appropriate behavior, and serve as examples of Christian conduct. They must also take care to avoid any situation or conduct that might be misinterpreted, or that might be the source of scandal for themselves or others.

### **12.2 Definitions**

- a. The term "electronic communication" shall include, but not be limited to, telephone, cell phone, email, text messaging, instant messaging, comments posted on blogs or websites, chat rooms, social networking sites, on-line gaming, file transfers, internet phone calls, internet video or audio conferencing.
- b. The term "indecent material" shall include, but not be limited to, inappropriate sexually explicit or suggestive images or written material. The determination of whether material is indecent shall be in the discretion of the responsible administrator of the Archdiocesan institution or program, based on the moral doctrines of the Church and civil law.
- c. The term "webpage" shall include, but not be limited to, a website, a page on a social networking site, and a blog.
- d. The term "minor" shall mean any person under the age of eighteen, who is not related to the adult, and with whom the adult is working or has previously worked in an Archdiocesan institution or program.

### **12.3 Proper Relationships and Electronic Communications**

- a. Because of the easy, informal, and at times anonymous nature of many forms of electronic communication, the proper relationship between adults and minors can easily become confused. Adults must make sure that their use of electronic communication maintains a proper professional relationship with minors, and does not create or give the appearance of an inappropriate relationship, or encourage inappropriate behavior.
- b. In using electronic communications, proper and healthy boundaries between adults and minors must always be maintained:
  1. Excessive familiarity or a purely social relationship between adults and minors are not appropriate. Adults must recognize that there is a difference between being "friendly" and being "friends" with children. Minors are not peers of an adult who works with them in a church program or institution.
  2. It is always inappropriate for there to be a "special" relationship between an adult and a young person, or to give the appearance that a minor is a "favorite" of an adult.
  3. Adults are never to take on a role of a "surrogate parent" or "confidant" to a minor with whom they are working.

## 12.4 Electronic Communications in General

- a. Any adult who misuses any form of electronic communication or computer is subject to disciplinary action, including dismissal from employment or volunteer service.
- b. Adults shall not transmit or display any indecent material to minors by any means of electronic communication.
- c. There shall be no private direct electronic communication between an adult and a minor, except as provided below. The use of a private email account to communicate with a minor is never permitted. Text messaging a minor is never permitted, except as set forth in section (g), below.
- d. Adults are permitted to have email communications with a minor through an official email account of an Archdiocesan institution, provided that: the account is subject to monitoring and oversight by a supervisor, only matters relating to the official Archdiocesan activity are communicated, and a proper professional relationship is maintained at all times.
- e. If electronic communication is necessary for the orderly operation of an activity sponsored by or connected with an Archdiocesan institution or program (e.g., to notify participants of changes of schedule, weather cancellations, etc.), the adult moderator of that activity should contact a parent or guardian first, and subsequent communication should be from parent to parent, or from minor to minor (e.g., a telephone tree). If that is not feasible, the policy in section (g), below, should be followed.
- f. An Archdiocesan institution, or an adult moderator of an Archdiocesan program, may send group emails to minors with whom they are working in an Archdiocesan institution or program (e.g., an email to all members of a club to notify them about scheduling matters or to remind them of events). Only matters relating to the activity are to be communicated, and parents or guardians are to be sent a copy of such emails, if possible. An official email account of the Archdiocesan institution or program must be used for these communications, and never a personal account. In all such direct communication with minors, a proper professional relationship must be maintained at all times.
- g. If an adult is serving as a chaperone on a trip sponsored by or connected with an Archdiocesan institution or program, the adult may have direct electronic communication with a minor to the extent that it is necessary for safety or maintaining order (e.g., a telephone call or text message to a minor who has become separated from the group). Only matters relating to the activity are to be communicated, and such communications must be immediately terminated when the trip is concluded or such communications are no longer necessary. In all such communication with minors, a proper professional relationship must be maintained at all times.
- h. An Archdiocesan institution or program may establish a system for sending emergency alerts to minors through text messages, emails or voice mails (e.g., a warning about a significant imminent threat to safety at a school). Only matters relating to the emergency are to be communicated, and parents or guardians are to be sent a copy of such alerts, if possible. This system shall only be used for emergencies, and not for routine communications.
- i. If a minor initiates a private electronic communication with an adult, the adult shall advise the minor that, under the policies of the Archdiocese, private direct communications are not permitted between an adult and a minor, and then seek to

establish contact with the minor's parent or guardian instead, or with the minor through an official email account of an Archdiocesan institution, as set forth in section (d), above.

- j. If a minor initiates an electronic communication to report a violation of the Archdiocesan Policy Relating to Sexual Misconduct or the Code of Conduct, or any civil law relating to child abuse or neglect, the adult must immediately comply with Archdiocesan policies regarding the reporting of incidents (see Section 10 of these Policies).
- k. Any questions about the application of these policies to particular circumstances should be directed to the responsible administrator of the Archdiocesan institution or program, or to the Safe Environment Office.

## **12.5 Internet and Computer Use**

- a. Adults who use any computer that is owned by or used in an Archdiocesan institution or program must consent to and abide by the proper usage policies of the institution.
- b. Adults may not view or download from the Internet any indecent material on any computer that is owned by or used in an Archdiocesan institution or program. Adults may never give, transmit or display such material to minors by any means. Adults may never display or save such material in any way in which a minor may have access to it.
- c. No image of a minor who is involved in an Archdiocesan institution or program may be posted on a webpage associated with that institution or program (e.g., an official school website), without the written permission of the responsible administrator of the program and the minor's parent or guardian. Such images must be removed immediately if the minor's parent or guardian refuses or withdraws their consent.
- d. No personal information about minors involved in an Archdiocesan institution or program may be posted on a webpage associated with that institution or program (e.g., listing of names and contact information of sports participants or altar servers on an official parish website).
- e. Adults may not maintain links on their personal webpage to a minor's webpage.
- f. No images of a minor may be posted on the personal webpage of an adult who is working or has worked with that minor in an Archdiocesan institution or program.
- g. The policies set forth in Sections 12.4 (e) and (f) shall not apply if the adult is related to the minor.
- h. Adults should not patrol the Internet for the minors with whom they work, monitor their behavior online, or seek out a young person's personal sites for details of his or her life. This policy shall not apply if the adult is the parent or guardian of the minor.
- i. Adults may never post to any webpage any statements, pictures, or other materials that are false, derogatory, defamatory, degrading, malicious, disrespectful, or threatening to any minor.
- j. Adults who maintain a personal webpage must be aware that any information displayed may be evaluated in light of the individual's position in the Church. The posting of any indecent material on such a site may lead to disciplinary action by the Archdiocesan institution or program in which the adult works.

## **12.6 Social Networking Sites**

- a. Archdiocesan institutions and programs may maintain social networking sites only under

the following circumstances:

1. Access to the site is strictly restricted to those adults and minors who are actively involved in the program;
  2. Access to the site is subject to the invitation and approval of the program's adult moderator;
  3. Private direct communications ("chat" or private messages) may not take place between adults and minors;
  4. To the fullest extent possible, adults must use the social networking site's privacy settings to block private direct communications;
  5. The adult moderator of the program oversees the content of the site and ensures that no inappropriate or indecent material is posted; and
  6. The adult moderator of the program ensures that no personal information or photographs of minors involved in the institution or program are posted without the written permission of the minor's parent or guardian.
- b. Adults may not use personal social networking sites to have private direct communication with a minor with whom they are working or have previously worked in an Archdiocesan institution or program.
  - c. Adults with personal social networking sites may not have on their groups, friends lists or buddy lists any minor with whom they are working or have previously worked in an Archdiocesan institution or program.
  - d. Adults may not post on their personal social networking site any image of a minor with whom they are working or have previously worked in an Archdiocesan institution or program.
  - e. The policies set forth in Sections 12.5 (b), (c) and (d) shall not apply if the adult is related to the minor.
  - f. Adults should not patrol social networking sites for the minors with whom they work, monitor their behavior on those sites, or seek out a young person's personal site for details of his or her life. This policy shall not apply if the adult is the parent or guardian of the minor.
  - g. Adults may never post to a social networking site any statements, pictures, or other materials that are false, derogatory, defamatory, degrading, malicious, disrespectful, or threatening to a minor.
  - h. Adults using social networking sites for their personal use must be aware that any information displayed may be evaluated in light of the individual's position in the Church. The posting of any indecent material on such a site may lead to disciplinary action by the Archdiocesan institution or program in which the adult works.

## **13 Maintaining Proper Professional Boundaries**

### **13.1 General Principles**

All adults (whether volunteers or employees) must maintain clear and appropriate professional boundaries with the minors they serve. A proper professional relationship between adults and minors will always remain focused on the specific role in which the adult is serving the minor.

### **13.2 Responsibility of Adults Working With Minors**

Adults bear the responsibility to ensure that:

- a. their relationship with minors is clearly professional in nature,
- b. proper boundaries are maintained at all times,
- c. minors are made aware of these boundaries,
- d. any minor who breaches these boundaries is counseled as to proper behavior, and
- e. breaches of boundaries are reported to a supervisor.

### **13.3 Guidelines for Maintaining Proper Professional Boundaries**

The following are guidelines for proper professional boundaries in working with minors:

- a. Excessive familiarity or intimacy between adults and minors is not permitted.
- b. Adults should not relate to minors as if they were peers or friends.
- c. Adults should not take on a role of a "confidant" to a minor, beyond the proper context of a professional counseling relationship (e.g., school guidance counselors or pastoral counselors).
- d. Adults should not show undue interest in the private lives of minors (particularly in such areas as relationships, dating, or sexual activity), beyond the proper context of a professional counseling relationship (e.g., school guidance counselors or pastoral counselors).
- e. Adults should not share information about their own private lives with minors (particularly in such areas as relationships, dating, or sexual activity).
- f. Adults should not engage in private correspondence with minors.
- g. Adults must take special care to observe boundaries when they are dealing with minors who are especially vulnerable (e.g., children who have experienced abuse).
- h. Adults may not give undue attention or favorable treatment to a minor, such that there is the appearance that there is a "special" relationship with the adult, or that a minor is a "favorite" of the adult.
- i. Adults should not offer or accept excessive or inappropriate compliments, remarks or gestures that focus on physical appearance.
- j. Adults must always be with another adult or be in the proximity of another adult when working with minors in unsupervised settings.
- k. Adults may not engage in purely social relations with minors in non-school or private settings, except in special circumstances (e.g., graduation parties).
- l. Adults may not enter into a dating relationship with a person who is in a youth program

that they minister to, even if that person is an adult (e.g., a youth minister dating a current member of the youth group).

### **13.4 Physical Contact with Minors**

Physical contact between adults and minors must be approached with a high degree of caution. It should be rare, and under no circumstances can it be regular or routine behavior.

Adults must use extreme caution to ensure that any kind of physical contact with a minor cannot be misconstrued by an observer or by the minor, and that they do not violate appropriate professional boundaries.

Physical contact with a minor is only permissible if:

- a. it is fully appropriate to the situation;
- b. it is appropriate to the age of the minor;
- c. it is entirely and unambiguously nonsexual;
- d. the minor consents to the contact and is fully comfortable with it;
- e. it cannot be misconstrued by the minor or others; and
- f. it does not constitute an abuse of the adult's position of power or trust.

The following are guidelines to determine whether physical contact with minors is appropriate:

- a. Physical contact with minors may never take place in private.
- b. Physical contact in the context of any kind of counseling may never take place.
- c. Physical contact with minors may never be routine behavior for an adult.
- d. Otherwise unacceptable behavior does not become acceptable if it is initiated by a minor. The adult has an obligation to counsel the minor as to proper behavior. The adult should also report any such incident to their supervisor.
- e. Cultural customs, or the ordinary behavior of minors towards their peers, do not justify otherwise inappropriate physical contact with an adult.

Some examples of inappropriate physical contact with minors include:

- a. any contact with the areas of the body that are ordinarily covered by a bathing suit;
- b. kissing on the mouth or prolonged hugs;
- c. routine greeting/departure hugs or social kisses to the cheek;
- d. holding hands (other than briefly holding the hand of a young child in public for their safety, for example while crossing the street);
- e. placing and leaving one's arm around a minor's shoulder, back or waist for a prolonged period;
- f. patting a child on the backside (even during a sporting event);
- g. repeatedly touching on the arm, back or legs;
- h. touching on any part of the body in a way that may be construed as a caress;
- i. tickling or wrestling;
- j. placing and leaving hands on the shoulders of a child sitting at a desk;



- k. placing and leaving hands on the legs of a minor who is seated alongside;
- l. sitting with one's legs crossed with the legs of another.

Some examples physical contact with minors that may be appropriate under the circumstances might include:

- a. briefly shaking hands as a social greeting;
- b. very brief public social contact in connection with a special event or circumstance (e.g. such as a public greeting hug, an arm placed around the shoulder for a moment, or a short pat on the back, to congratulate a student at graduation);
- c. lightly and briefly tapping on the arm or shoulder to get their attention;
- d. a "high five" or "fist bump", for instance during a sporting event;
- e. an arm briefly placed around the shoulder of an upset or injured minor in public.

## 14 Sex Offenders and Church Property and Events

### 14.1 Definitions

"Sex offender" shall mean any person who has committed an act of sexual misconduct, regardless of whether they have been convicted of such an offense in a civil court, or whether they are a registered sex offender with any law enforcement agency.

"Sexual misconduct" is defined in the Archdiocesan Policy on Sexual Misconduct as "any actions or words of a sexual nature which are contrary to the moral doctrine, teachings and Canon law of the Catholic Church and (a) are proscribed by Federal, State or local law; or (b) cause harm to another."

"Church property" shall include all real property owned, controlled or leased by a parish or school, including but not limited to buildings, parking lots, playgrounds, and sports fields.

### 14.2 Policies

- a. Sex offenders shall be permanently excluded from any contact with minors in any parish or school program.
- b. A sex offender may not participate in any official parish or school activities, and may not be an active member of any parish or school organizations.
- c. A sex offender may only be present on Church property:
  1. For Mass, Confession or another public liturgy.
  2. For a private meeting with clergy (e.g., for Confession or counseling), but only by appointment and when there are no minors present on the Church property.
- d. A parent or guardian of a minor in parish or school program who is a sex offender:
  1. May be present on Church property to meet with a person who is working with their child (e.g., a teacher), but only by appointment and when there are no other minors present on the Church property.
  2. May be present on Church property to transport their child to and from the parish or school, provided that they:
    - i. Give prior notice to the responsible administrator and receive written permission to enter onto Church property,
    - ii. Comply with all terms and conditions established by the responsible administrator of the parish or school (e.g., requiring that the sex offender be escorted by another adult while they are on Church property or that they remain in a designated area),
    - iii. Remain only in public areas where other adults are present,
    - iv. Remain only as long as necessary to pick up or drop off their child,
    - v. Have no contact or communication with any other minors, and
    - vi. Transport no minor other than their own child.
  3. May attend official parish or school events at which minors are present (e.g., graduation ceremonies, school plays, field trips or sports team "away" games), provided that they:

- i. Give prior notice to the responsible administrator and receive written permission to enter onto Church property,
  - ii. Comply with all terms and conditions established by the responsible administrator of the parish or school (e.g., requiring that the sex offender be accompanied by another adult while they are on Church property),
  - iii. Remain only in public areas where other adults are present, and
  - iv. Have no contact or communication any minor other than their own child.
- e. If a volunteer or employee who works with minors in a parish or school program has a sex offender living in their household, they:
  1. Must notify the responsible administrator of their parish or school.
  2. May not, under any circumstances, bring any materials or other information to their household regarding the minors with whom they work.
  3. May not permit any contact of any kind between the sex offender and any minor with whom they work.

## 15 Overnight Events

Overnight events are generally discouraged, because of the difficulties involved in supervising and protecting minors in such situations. No overnight activity should take place without the approval of the Safe Environment Office. For any overnight events (e.g., trips or retreats) that are approved and are carried out by any Archdiocesan institutions or programs, or are held at Archdiocesan facilities, the following rules must be followed:

2. Minor participants
  - a. Children below the age of 13 may not participate in an overnight event.
  - b. All minors on overnight events must have a signed permission slip from a parent. (Note that the term "parent" as used in this policy shall include a legal guardian.)
  - c. Parents must be permitted to contact their children at any time during the event, and to withdraw their children from the event at any time and for any reason.
  - d. Parents are entitled to be fully informed of all activities that will take place during the overnight event.
3. Adult participants
  - a. A minimum of two adults, at least one of whom is 21 years of age or older, are required on all overnight events involving minors.
  - b. All chaperones must be in full compliance with the Safe Environment requirements prior to the event.
  - c. All priests and deacons participating in overnight events must have current valid faculties from the Archdiocese of New York.
4. Conduct during overnight events
  - a. All participants must conform to the Archdiocesan Code of Conduct and the Safe Environment Policies. This includes, but is not limited to, the following conduct:
    - i. Any kind of sexual conduct involving a minor.
    - ii. Using sexual language in the presence of minors.
    - iii. Engaging in any inappropriate physical contact with a minor, as defined by Section 13.4 of this Policy.
    - iv. Using alcohol or illegal drugs.
  - b. It is absolutely forbidden to require minors to keep secrets from their parents or to make a vow of secrecy about what happens during the event. However, it is permissible to instruct minors to respect the privacy of others by not revealing personal or private information about them.
  - c. It is absolutely forbidden under any circumstances during an overnight event for minors to be physically restrained or deprived of their ordinary senses in any way (e.g., blindfolded, kept in darkness), subjected to any humiliating or demeaning treatment (e.g., any form of hazing), deprived of a reasonable amount of sleep, or deliberately frightened.
  - d. A youth may never ride in a vehicle alone with an adult, except for their parent or guardian. In transporting minors to and from an overnight events, two adults should be present in each vehicle; if that is not possible, the minimum required is one adult and two or more minors.

- e. One-on-one private contact between adults and minors is not permitted. If a personal meeting is required with a youth, it must be conducted in view of other adults and minors.
  - f. An adult may not engage in any private direct electronic communication with an unrelated minor (e.g., text messaging, phone calls), unless it is necessary for safety (e.g. to contact a lost child).
  - g. A lone adult may never enter a bedroom, shower, or bathroom being used by a minor, except in the case of an emergency to ensure safety or health, or to preserve order. Routine room checks may never be conducted by a lone adult.
  - h. Adult leaders must ensure that they are fully familiar with the safety plan for the facility (e.g., fire exits, boundaries, etc.), and must give the event participants a briefing on safety plans.
  - i. Minors are not permitted to transmit, via any form of electronic communication, any photographs or images of other participants in any stage of undress, or in any situation that reasonably might cause embarrassment, humiliation, or distress to the person depicted.
  - j. Minors are not permitted to leave the location where the event is taking place, except as part of a group that is under the direct supervision of at least one adult leader.
5. Sleeping and Other Accommodations
- a. There must be separate bedrooms/sleeping areas, bathrooms, and showers for males and females. Minors must be assigned to the appropriate accommodation that conforms to their biological sex.
  - b. Males and female participants may not sleep in connecting rooms.
  - c. No minor is permitted to sleep in a bedroom with an adult, except in the case of a minor sleeping in the room of their own parent or guardian.
  - d. In dormitory-style facilities, minors and adults, and males and females, must have separate areas.
  - e. Dormitory areas must be overseen by at least two adults.
  - f. Male and female adults may not share a private bedroom unless they are joined in a valid Catholic marriage, adult siblings, or a parent with an adult child.