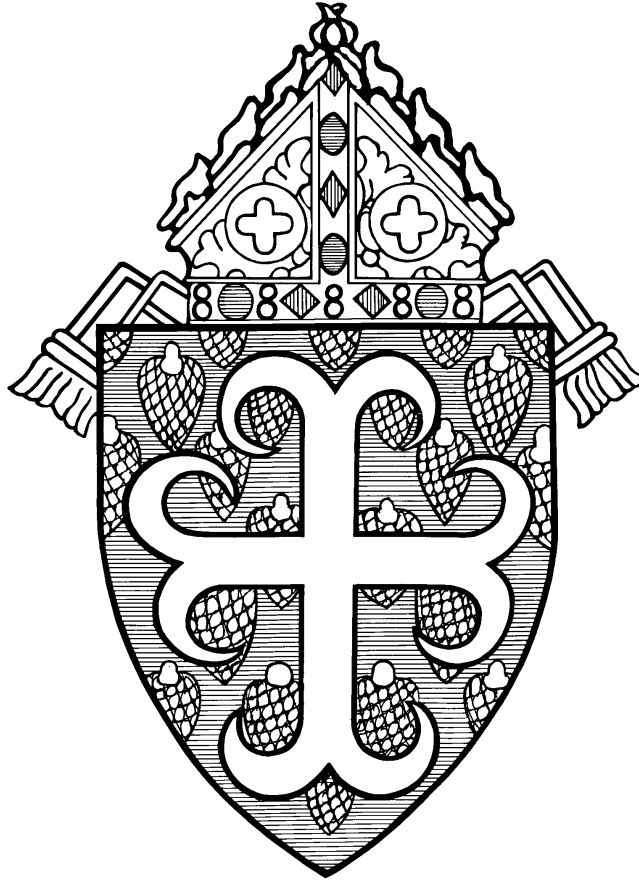


Diocese of Portland



Code of Ethics

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I. Principles of Ethics and Integrity in Ministry: Code of Ethics

Relationships among people are the foundation of Christian ministry and are central to Church life. Defining healthy and safe relationships is not meant, in any way, to undermine the strength and importance of personal contact in the ministerial role. Rather, it is to assist all who fulfill the many roles that create the living Church to demonstrate their love and compassion for children and adults in the most sincere and genuine relationships.

It is with the intention that relationships in ministry be experienced at all times as charitable and safe, that the following Code of Ethics (“Code”) has been adopted by the Diocese of Portland. The public and private conduct of Church Personnel can inspire and motivate people or it can undermine the faith of people. Church Personnel must, at all times, be aware of the responsibilities that accompany their work. They must also know that God's goodness and grace supports them in their ministry.

All Church Personnel are asked to carefully consider each standard in the Code before agreeing to adhere to these standards and continue in service to the Diocese. Responsibility for conforming to and complying with the Code rests with the individual. Church Personnel who disregard the Code will be subject to remedial action. 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.

Note: There are Catholic entities which conduct activities in the State of Maine but which are separate from the Diocese of Portland, such as Cheverus High School, Catherine Mc Auley High School, Catholic hospitals and religious orders. Some other Catholic entities, such as St. Joseph Manor, Deering Pavilion and Catholic Charities Maine, are related to the Diocese but are not governed directly by the Bishop of Portland. Because the Bishop does not directly control either of these types of entities, their activities are not covered by this Code. **When a Catholic Scout Troop is sponsored by a parish all the requirements for Protecting God’s Children training apply to the adult leaders and volunteers. If a Scout Troop is merely using the parish or school facilities and the parish is NOT sponsoring the troop, then the guidelines do not apply, rather the Scout guidelines would prevail.**

II. General Definitions

1. Church Personnel:

- All clergy, religious, (including religious working on a stipend basis) or laity employed by the Diocese, or its parishes, schools, cemeteries, etc., on a full, part time or seasonal basis.
- All seminarians and those enrolled in the Permanent Diaconate Formation Program.
- All those who contract their services to the Diocese who have regular contact with minors, such as counselors, music ministers, etc.
- **All volunteers, that is, any person who performs a Church related service of his/her own free will, on a regular and continual basis, (e.g. catechists, coaches, youth ministers, lectors, extraordinary ministers, ushers, sacristans, et.al.)**

2. A minor is defined as anyone under the age of 18.

3. A vulnerable adult is a person who, because they, (i) are impaired by reason of mental illness, mental deficiency, physical illness or disability to the extent that they lack sufficient understanding or capacity to make or communicate responsible decisions concerning their person, or effectively manage their estate, or, (ii) are wholly or partially dependent upon one or more other persons for care or support, either emotional or physical, and who would be in danger if that care or support were withdrawn, is considered incapacitated or dependent in the eyes of the law.

4. Physical abuse is non-accidental injury that is intentionally inflicted upon a minor or vulnerable adult.

5. Sexual abuse of a minor or vulnerable adult includes sexual molestation or sexual exploitation and other behavior by which an adult uses a minor or a vulnerable adult as an object of sexual gratification.

6. Emotional abuse is behavior that causes observable and material impairment in a person’s psychological well-being.

7. Immediate family, as used in this document, refers to parents, sons, daughters, grandparents, grandchildren, siblings, aunts, uncles, nieces, nephews, cousins, legal guardians and legal custodians.

III. Diocesan Standards

The following fundamental principles, which spring from our church teachings and traditions, shall apply to the behavior of all Church Personnel:

- Church Personnel will strive to exhibit the highest Christian ethical standards and personal integrity in their day-to-day work and personal lives, supporting the teachings, disciplines and traditions of the Catholic Church.
- Church Personnel shall strive to conduct themselves in a professional and respectful manner in both church and work environments avoiding any flagrant or public misconduct.
- Church Personnel will respect the integrity of all individuals and protect the confidentiality and privacy of all information to which they have access to.
- Church Personnel will not take unfair advantage of a pastoral relationship for their own benefit.
- Church Personnel will not physically, sexually or emotionally abuse anyone.
- Church Personnel will not neglect a minor or vulnerable adult who is in their care.
- Church Personnel will share concerns about inappropriate behavior by other Church Personnel with the other's pastor/parish coordinator, their administrator, their principal, or in cases where the behavior directly involves these people, with the **Moderator of the Curia**. (See Section VI-B)
- **Church Personnel will report any suspected abuse or neglect of a minor or vulnerable adult by Church Personnel except for information obtained in sacramental confession or certain information as described in Section V-D-5, to the Diocesan Office of Professional Responsibility. The Office of Professional Responsibility will cause a report to be made to the proper authorities in the case of any abuse of a minor or vulnerable adult. (See Section VI-A-1)**
- **All Church Personnel receiving information regarding suspected abuse of a minor or vulnerable adult by individuals other than Church Personnel will immediately report this to the Department of Human Services, and if the suspected individual is a person not responsible for the child, to the appropriate district attorney's office as well. (Section VI-A-2)**

IV. Prevention of Abuse: Guidelines for Working with Minors and Vulnerable Adults

Abuse of minors is contrary to the teachings of the Church and is prohibited by the Diocese. Accordingly, the Diocese of Portland has adopted the following child abuse education and prevention policies. These guidelines address conduct expected of Church Personnel, whether paid or volunteers, while dealing with minors or vulnerable adults. They are intended to prevent situations where abuse can occur. As such, these guidelines do not apply to persons in dealings with their own family members, although individuals may wish to apply them to their private lives where appropriate. Seeking to further Christ's mission to the young, the Diocese has adopted the following guidelines:

A. General Guidelines for Church Related Activities

1. When releasing minors or vulnerable adults from one's supervision, to someone else's custody, they are to be released only to parents, legal guardians, or approved others where said approval from parent or legal guardian is obtained in writing. If unsure, consult supervisors before releasing the **minor or vulnerable adult**.
Note: This does not apply to the normal release of minors or vulnerable adults at the end of the normal school day or at the end of normal religious education hours.
 2. **No overnight trips sponsored by a parish, its school, or diocesan departments are allowed for any child under grade-9 except for regular Scout Camping events.**
 3. Report uncontrollable or unusual behavior of minors to parents or legal guardians and to supervisors.
 4. Use or possession of illegal drugs is prohibited.
 5. Use of alcohol when working with minors or vulnerable adults is prohibited.
 6. When transporting minors or vulnerable adults by motor vehicle:
 - a. Get written permission from parent or guardian.
 - b. Drivers must be at least 21 years of age.
 - c. If the minor is alone, bring another adult whenever practical, or as a last resort, contact the parent/guardian and inform them that you are transporting the minor home giving them the time and your current location.
 7. Church Personnel are prohibited from speaking to minors or vulnerable adults in a way that is shaming, derogatory, demeaning, or humiliating. In addition, Church Personnel will not use vulgarity in their presence.
 8. Sexually oriented conversations with minors are prohibited, except for human sexuality lessons and discussions when they are part of approved curriculum or as part of normal counseling during the sacrament of reconciliation. These lessons or counseling sessions will conform to the Church's views on the topic.
 9. Discussing one's own sexual orientation, preferences or activities with minors or vulnerable adults is prohibited. Discussing celibacy in the context of the priestly or religious life is, however, appropriate.
 10. Being nude or dressed immodestly in the presence of minors or vulnerable adults is prohibited.
 11. Taking sexually oriented or morally inappropriate materials (magazines, cards, videos, films, website material, computer files, clothing, etc.) onto Church property or showing them to minors or vulnerable adults is prohibited.
 12. Sleeping in the same rooms, beds, sleeping bags, or tents with minors or vulnerable adults is prohibited, unless they are members of one's immediate family. If emergency situations or other circumstances require that adults sleep in the same room or tents, there should be two or more adults.
- The following applies regardless of whether any Church sponsored activity is involved.**
13. No minors, unaccompanied by an immediate family member, should stay overnight in any Diocesan owned or administered house used as the residence of priests, deacons or religious, except for members of the family of the priest, deacon or religious. In the case of priests or deacons with children, guests of the children are permitted to stay overnight so long as said children have their parent's permission and both the cleric and his spouse are always present.

B. Physical Contact with Minors and Vulnerable Adults

The Diocese of Portland has implemented a physical contact policy that will promote a positive, nurturing environment for our children and youth while preventing harm. The following rules address conduct expected of Church Personnel, whether paid or volunteer, when dealing with minors or vulnerable adults as part of church-related activities, rather than family settings:

1. Corporal punishment such as spanking, slapping, pinching, hitting, etc. is prohibited.
2. Church Personnel may use reasonable physical contact when reasonably necessary to restrain, to defuse an altercation, to separate combatants, or in self defense.
3. Appropriate affection between Church Personnel and minors is often important for a child's development and is a positive part of Church life and ministry. The following forms of affection are regarded as appropriate examples for most Church sponsored and affiliated programs:
 - Normal Hugs
 - Side, or shoulder to shoulder hugs.
 - Pats on the shoulder or back
 - Handshakes.
 - "High-fives" and hand slapping.
 - Verbal praise.
 - Touching hands, faces, shoulders and arms of minors.
 - Holding hands while walking with small children.
 - Sitting beside small children.
 - Kneeling or bending down for hugs with small children.
 - Holding hands during prayer.
 - Pats on the head when culturally appropriate. (For example, this gesture should typically be avoided in some Asian or Muslim communities).
4. The following are examples of contact that are **not** to be used in Church sponsored and affiliated programs:
 - Inappropriate or lengthy hugs or embraces.
 - Kisses on the mouth.
 - Holding minors, above the approximate age of 5, on one's lap. **Note:** The holding of minors in one's lap should only be done in the context of consoling an obviously distressed child.
 - Touching buttocks, genital areas, or girl's chests.
 - Showing physical displays of affection in isolated areas of the premises such as bedrooms, closets, staff only areas, or other private rooms.
 - Sleeping in bed with a minor.
 - Touching knees or legs of minors, as a show of affection.
 - Wrestling with minors, except for legitimate sports coaching, in which case another adult should be present.
 - Tickling minors
 - Piggyback rides.
 - Any type of massage given by minor to adult.
 - Any type of massage given by adult to minor.
 - Any display of unwanted affection.
 - Compliments that relate to sexual attractiveness or sexual development.

C. Screening of Church Personnel who Work with Minors and Vulnerable Adults

Unless otherwise indicated, the following screenings will be completed for:

1. All clergy, religious or laity employed by the Diocese or its parishes, schools, cemeteries, etc., on a full, part time or seasonal basis.
2. **All volunteers who are serving in a position that is described in #1 above, or are volunteering in a position that is a "Paid" position anywhere in the Diocese, e.g., sexton, sacristan, custodians, and administrators.**
3. All seminarians and those enrolled in the Permanent Diaconate Formation Program.
4. All those who contract their services to the Diocese who have regular contact with minors or vulnerable adults such as counselors, music ministers, etc.
5. All volunteers, that is, any person who works regularly (more than once) with children and vulnerable adults. This includes any person who performs or offers to perform a Church related service of his/her own free will, on a regular (more than once) and continual basis, such as catechists, coaches, youth ministers, etc.
6. All volunteers who participate in any Diocesan/Parish/School sponsored "**Overnight Event**" involving minors less than 18 years of age.

The following must be completed for all applicants:

- a. **A standard application for new employees/volunteers.***
- b. **The 2-page Department of Human Services (DHS) release form.***
- c. **The 1-page Roman Catholic Diocese of Portland Background Check Authorization.***
- d. **Reading and signing the "Code of Ethics" Acknowledgement (See Appendix C).***
- e. **A face-to-face interview.**
- f. **A check of recent references to be conducted by the parish/school.**
- g. **A criminal background check. Note: The applicant may be accepted provisionally while awaiting the results of the background and reference check.**
- h. **Attendance, within 3 months of hire or volunteering, at a Virtus Protecting God's Children training class.**
- i. **A fingerprint check for all school employees. Note: The applicant may be accepted provisionally while awaiting the results of the fingerprint check.**

* Forms available on www.portlanddiocese.org under Child & Youth Protection

7. Volunteers for programs working with minors in parishes must normally have been a member of the parish for at least six months. After careful consultation, exceptions may be made for parents of minors in the specific programs in which their child or children are participating or upon receipt of a waiver from the Diocesan Director of Human Resources.
8. Criminal records checks will be conducted every fifth year of a Church Personnel's employment or volunteer position involving children or vulnerable adults. **If a suspected incident of criminal behavior is reported to any Church Personnel involving any other Church Personnel, a criminal records check or DHS check will be performed immediately and a report made to the Office of Professional Responsibility.**
9. **If a Pastor/Principal receives information regarding possible criminal behavior or history involving any of their employees or volunteers, regardless of their position, they will immediately inform the Office of Professional Responsibility.**
10. Lay Diocesan employees who transfer within the Diocese must make a written request to have their personnel files transferred to the new parish or school. It is the responsibility of the receiving parish to ensure that this happens.
11. No one known to have sexually abused a minor or vulnerable adult, or convicted of any sex crime, will be accepted for employment, ministry or volunteer assignments in the Diocese.
12. All applicants for the priesthood or permanent diaconate are required to participate in psychological screening and background checks to assess their fitness for the ministry and their fitness to work with minors.

13. By agreement of the USCCB (United States Conference of Catholic Bishops) and the Conference of Major Superiors of Men: When a cleric or religious is proposed for a new assignment, transfer, public ministry or residency in Diocesan owned or otherwise administered properties, the sending bishop or major superior will forward and the Bishop of Portland will review - beforehand - an accurate and complete description of the cleric's or religious' record, including whether there is anything in his background or service that would raise questions about his fitness for ministry.
14. Absent an agreement between the USCCB and the Leadership Council of Women Religious or the Council of Major Superiors of Women Religious, Superiors of religious congregations proposing names of individuals for ministry in Diocesan institutions, or residency in Diocesan owned or otherwise administered properties, are required to state in writing, to the Bishop of Portland, that there is nothing in the person's history or behavior that would make her unsuitable to work with minors or vulnerable adults. Pastors, parish coordinators, parochial vicars, administrators, or directors of Diocesan institutions will not hire religious without the written approval of the bishop or his designee.
15. Pastors, parish coordinators, parochial vicars, administrators, or directors of Diocesan institutions will not grant permission for full time, part time, or regular weekend ministry to the public, to any extern cleric without prior written approval of the bishop or his designee.
16. Before any incardinated cleric in the Diocese of Portland is proposed for a new assignment, transfer to or residence in another diocese for any purpose, the Bishop will forward an accurate and complete description of the cleric's record to the ordinary/hierarchy in the new location, which is responsible for reviewing this information beforehand. The description shall include any information in the transferee's background indicating that he could be a danger to minors or vulnerable adults. This applies to all circumstances, including clergy offenders who take up residence in a community/institute to lead a life of prayer and penance.

D. Training for Church Personnel who Work with Minors and Vulnerable Adults

Current and prospective Church Personnel will be required to participate in the "Protecting God's Children" training program designed by The National Catholic Risk Retention Group, which addresses their role in protecting minors and vulnerable adults in the Diocese of Portland. This will be accomplished by:

- a. Attending a scheduled training session in the parish or Diocese within 3 months of becoming either an employee or volunteer. Training sessions will be conducted on **an as needed basis**.
- b. In certain circumstances, completing training through online, web-based coursework.
- c. Participating in annual **internet based** training updates.

E. Supervision of Programs that Involve Minors and Vulnerable Adults

The primary standard being implemented here is the presence of multiple adults (at least two) at all church related programs and activities for minors and vulnerable adults. This standard does not apply to the sacrament of reconciliation or to situations where an individual is seeking unscheduled and immediate pastoral care. The goal of this standard is to lessen the chances of abuse occurring or going unnoticed. In this light:

1. Programs or activities for minors and vulnerable adults, whether on or off church property, must always have at least two adults present.
2. Parents are encouraged to be a part of any and all services and programs in which their children are involved in the Diocese of Portland. Parents have an open invitation to observe programs and activities in which their children are involved. However, parents who desire to participate in or have continuous, ongoing contact with their child's programs in the Church will be required to complete the volunteer application process.
3. Church Personnel under the age of 21 must work under the direction of an adult supervisor who is at least 21 years of age.
4. Pastors, Principals, or their equivalent, must be aware of all programs for minors or vulnerable adults that are sponsored by a parish, school, or institution.

5. Pastors, Principals, or their equivalent, must approve new programs for minors or vulnerable adults-before they begin.
6. Where multiple religious education classes, school classes or other group meetings are being conducted, at the same time and in the same building, the second adult need not be present in the classroom. In this case the second adult can be the other teachers/adult leaders in the other classrooms.
7. If there is a single class, or activity being conducted, a second adult must be present or reasonably accessible within the same building.
8. If a teacher is working one-on-one with a student, the classroom door must be left open, and a second adult must be present or reasonably accessible within the same building.
9. If a scheduled class or activity is the only session being conducted at a particular time, and a second adult is not present or reasonably accessible within the same building or one cannot readily be obtained to fulfill that role, the session will be cancelled and the parents/guardians notified to pick up the children.
10. The above rules apply for all overnight camping, overnight retreats, overnight trips, or other scheduled and approved events of this nature. In these cases, male and female minors or vulnerable adults will be segregated and adult chaperones will be segregated. Under no circumstances will a single minor or vulnerable adult stay by themselves in a room or tent. Curfews will be imposed and bed checks will be performed by male and female chaperones, females checking females and males checking males. **Note:** Overnights sponsored by a parish, its school, or diocesan departments are not permitted for children below grade-9.
11. If adults must stay in the same facility, room or tent, then there must be multiple adults in the facility.
12. For transportation requirements see **Section IV-A-5.**

V. Prevention of Other Immoral Conduct: Guidelines for Ethical and Moral Behavior

A. Diocesan Standards

1. Church Personnel enjoy a public trust and confidence. It is essential that Church Personnel view their own actions and intentions objectively to assure that no observer would have grounds to believe that irregularity in conduct exists. All Church Personnel have a responsibility to strive to uphold the standards of the Catholic Church in their day-to-day work and personal lives. Therefore, Church Personnel should not engage in conduct that is immoral or unethical, including, but not limited to:
 - a. Formally rejecting the teachings of the Catholic Church or the Christian way of life.
 - b. Exhibiting actions that are disruptive to ministry and public worship.
 - c. Procuring or participating in abortion or euthanasia.
 - d. Possession or downloading of pornographic materials.
 - e. Engaging in adultery, flagrant promiscuity or illicit co-habitation.
 - f. Abusing alcohol, drugs or gambling.
 - g. Misappropriating Church funds or assets.
 - h. Engaging in any type of criminal conduct.
2. Church Personnel should not harm the reputation of others through:
 - a. Disclosing the faults or failings of others to persons who have no cause to know them.
 - b. Making false allegations against another.

- c. Disclosing confidential information that could cause an individual to suffer embarrassment, humiliation, or public ridicule of any kind, except in cases of mandated reporting as stated in **Section VI-A**.

B. Unprofessional Behavior: Guidelines for Professionalism

Unprofessional behavior is any conduct that does not conform to approved standards of social or professional behavior.

1. Church Personnel will not engage in physical, psychological, written, or verbal abuse of others and will not tolerate such behavior by anyone.
2. Church Personnel will provide a professional work environment that is free from physical, psychological, written, or verbal abuse.
3. Church Personnel are expected to refrain from acting in an unprofessional manner which includes, but is not limited to:
 - Physical or emotional abuse.
 - Racial insults.
 - Derogatory ethnic slurs.
 - Sexual advances or touching.
 - Sexual comments or sexual jokes.
 - Requests for sexual favors.
 - Display of offensive materials.
 - Abuse of power.

C. Exploitation: Guidelines for Counseling Relationships¹

Exploitation in the context of this counseling policy refers to Church Personnel taking unfair advantage of the counseling relationship for the benefit of the counselor.

Sexual exploitation is sexual contact between Church Personnel and the recipient of his or her counseling services, regardless of who initiates the contact.

1. Clergy, parish coordinators, pastoral associates, and members of religious orders providing pastoral counseling or spiritual direction are generally not licensed as professional counselors and are expected to limit their counseling to spiritual, religious, moral or pastoral matters.
2. Church Personnel shall not step beyond their competence in counseling situations and shall refer matters to other professionals when appropriate.
3. Counselors should avoid situations and conduct that are exploitive or are likely to give the appearance of exploitation.
4. Counselors should avoid counseling situations and conduct that further their own personal, religious, political, or business interests.
5. If a conflict of interest exists or arises, Church Personnel should inform all parties. Resolution of the issues must protect the person being counseled.
6. Counselors must never engage in sexual intimacies with the people they counsel. This includes nonconsensual and consensual contact, forced physical contact and sexually explicit conversations not related to counseling issues.
7. Counselors shall not engage in sexual intimacies with relatives, friends, or other individuals who are close to the client, when there is a risk of exploitation or potential harm to the client. Church Personnel should presume that a potential exploitation or harm exists in such intimate relationships.
8. Counselors are fully responsible for setting and maintaining clear, appropriate boundaries in all counseling and counseling-related relationships.

¹ "Counseling relationships" include pastoral counseling, spiritual direction, and other forms of counseling provided by competent professionals through Church affiliated organizations and services.

9. Physical contact should be respectful and consistent with the intent to provide a safe and comfortable counseling environment.
10. Sessions should be conducted in appropriate settings at appropriate times and 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. For example, regular counseling sessions with minors or vulnerable adults should be scheduled when there is another adult readily available in the building. No sessions should be conducted in private living quarters where practicable.

D. Confidentiality

1. Information disclosed to Church Personnel during the course of counseling, or other one-on-one inter-relationships, shall be held in the strictest confidence possible. Disclosure will be made as permitted by canon and civil law and only as follows:
 - a. If there is clear and imminent danger to the client or to others, the Counselor is to disclose the information necessary to protect the parties involved and to prevent harm.
 - b. Before disclosure is made, if feasible, the counselor will inform the person being counseled about the disclosure and the potential consequences.
 - c. If the counselor has reasonable cause to suspect the existence of child abuse, the counselor must “cause a report to be made” as specified in **Section VI – “Protocol for Handling Reports of Misconduct”** which should be consulted.
2. If Counselors discover, while counseling a minor, that there is a serious threat to the welfare of the minor and that communication of confidential information to a parent or legal guardian is essential to the child’s health and well-being, the pastoral counselor or spiritual directors will disclose only the information necessary to protect the health and well-being of the minor.
3. Counselors should discuss the nature of confidentiality and its limitations with each person in counseling.
4. Any priest who hears the sacramental confession of someone who reveals information about past or present abuse of a minor or vulnerable adult shall strongly urge the penitent to report the abuse to the proper civil and Church authorities. However, in accordance with the norm of canon law (c.983), the sacramental seal of confession is inviolable; therefore, it is forbidden for a confessor to betray the confidence of a penitent. This is applicable whether the penitent is living or dead.
5. **Information about abuse of a minor or vulnerable adult is sometimes revealed during private spiritual direction or pastoral counseling.**
 - a. **In the event that the victim is currently a child or vulnerable adult, the information must be reported as under Section VI.A.1.**
 - b. **If during spiritual direction or pastoral counseling someone other than a victim reveals information about abuse of a minor or vulnerable adult, the spiritual director or pastoral counselor will report the abuse in accordance with diocesan policy.**
 - c. **If an adult victim of abuse reveals to a spiritual director or pastoral counselor that he/she was abused when a minor, he or she may request that information about the abuse be kept confidential. The spiritual director or pastoral counselor will strongly urge the adult victim to make a report to the proper civil or Church authorities in keeping with Section VI – “Protocol for Handling Reports of Misconduct” or to permit the spiritual director to make a report. However, in accordance with Maine law, and to avoid further victimization, the spiritual director or pastoral counselor will respect any request by the adult victim that the information be kept confidential.**
 - d. **If during spiritual direction or pastoral counseling someone other than the victim reveals information about the abuse of a minor who is now an adult that information will not be deemed confidential and a report is made to the Office of Professional Responsibility.**
6. In teaching, delivering homilies, and other public presentations, Church Personnel will never refer to specific situations, even anonymously, regarding information learned in counseling.

E. Conflicts of Interest

A conflict of interest exists when Church Personnel take advantage of relationships in order to further their own personal, religious, political, or business interests.

1. Church Personnel should avoid all situations which are likely to result in a conflict of interest. Even the appearance of a conflict of interest can call integrity and professional conduct into question.
2. If a conflict of interest exists or arises, Church Personnel should inform all parties.
3. Church Personnel must establish clear, appropriate boundaries with anyone with whom they have a business, professional, or social relationship (e.g. parishioners, vendors, prospective employees, etc.)

VI. Protocol for Handling Reports of Misconduct

As part of its commitment to living the Word of God, the Diocese of Portland renews its commitment to integrity in ministry, to living the Christian values in our daily work, to protecting children from abuse, and to providing pastoral care for the victims of abuse and their families, to those who have abused, and to the religious communities affected.

A. In Cases of Abuse or Neglect of a Minor or Vulnerable Adult

The state of Maine considers the following individuals, among others, to be Mandated Reporters in cases of suspected abuse or neglect of a child or vulnerable adult.

- A clergy member acquiring the information as a result of clerical professional work except for information received during sacramental confession.
- Any person affiliated with a church or religious institution that serves in an administrative capacity or has otherwise assumed a position of trust or responsibility to the members of that church or religious institution, while acting in that capacity, regardless of whether the person receives compensation.

The Diocese of Portland will report, or cause a report to be made, of every suspected case of abuse or neglect of a child or vulnerable adult, by Church Personnel, to the public authorities to the full extent of the law.

- The Office of Professional Responsibility forwards all such reports of abuse of minors to Diocesan legal counsel for the making of an official report to public authorities. There are no exceptions.
- In every case, Diocesan legal counsel shall promptly report allegations of abuse of minors or vulnerable adults to appropriate public authorities as required by law. There are no exceptions.

1. **All Church Personnel receiving information regarding suspected abuse of a minor or vulnerable adult by other Church Personnel will immediately report this to the Office of Professional Responsibility. There is only one exception to this reporting requirement: communications received by clergy during sacramental confession. Information received by clergy while acting as a spiritual director or pastoral counselor to a child victim must be reported to the Office of Professional Responsibility as directed above. (See Section V-D-.4&5).**
2. **All Church Personnel receiving information regarding suspected abuse of a minor or vulnerable adult by individuals other than Church Personnel will immediately report this to the Department of Human Services, and if the suspected individual is a person not responsible for the child, to the appropriate district attorney's office as well.**

See Appendix-B for a list of contacts

3. In the case of suspected abuse of a minor or vulnerable adult by Church Personnel, individuals who are mandated reporters can fulfill their legal reporting requirements by reporting to the Office of Professional Responsibility, which

will then “cause a report to be made” to public authorities by legal counsel. Those with mandated reporting obligations may also choose to make a report directly to public authorities, as well as informing the Office of Professional Responsibility.

4. Maine law provides immunity from civil or criminal liability for the act of reporting or participating in an investigation or proceeding concerning child abuse when the actions are taken in good faith and without actual knowledge that the allegations are false.
5. If the accused is a member of a religious community the person’s superior shall be notified by the **Moderator of the Curia**.
6. When required by Maine law, it is a crime to fail to report or cause a report to be made.
7. In the case of suspected abuse of a minor or vulnerable adult by Church Personnel, the Office of Professional Responsibility will inform the victim that a report of any abuse will be made to public authorities and, in every case, advise and support a victim’s right to make a report themselves.
8. All allegations of sexual abuse of a minor or vulnerable adult by a member of the clergy, a lay employee or a volunteer, will be investigated by the Office of Professional Responsibility and referred to the Diocesan Review Board.
9. Allegations of sexual abuse of a minor or vulnerable adult by a lay employee will also be referred to the Director of Human Resources.

B. In Cases of Other Immoral or Unethical Misconduct by Church Personnel

Though we all strive to uphold the standards of the Catholic Church in our day-to-day work and personal lives, we don’t always succeed. Forgiveness and “Judging not....” are bedrock principles on which our faith is based. However, serious immoral and unethical conduct can weaken that bedrock and cause harm to the church, the people of God. If serious immoral or unethical misconduct by Church Personnel is observed, it will be reported in the following manner.

1. A report will be made to their Pastor, Administrator, Parish Coordinator, or Principal.
2. If the reporter is not satisfied with the response of the Pastor, Administrator, Parish Coordinator, or Principal, they should appeal to **the Moderator of the Curia**.
3. If the case of misconduct involves a Pastor, Administrator, Parish Coordinator, or Principal, the report will be made to **the Moderator of the Curia**.

Appendix A. The Response of the Diocese to Reports of Sexual Abuse of Minors or Vulnerable Adults by Church Personnel

Note: In cases of sexual abuse by clergy, the “Code of Canon Law” and the “Essential Norms for Diocesan/Eparchial Policies Dealing with Allegations of Sexual Abuse of Minors by Priests or Deacons” are the foundation for the material presented in this Appendix.

A. Care of the One Who Brings Allegations of Misconduct by Church Personnel

Care of those who suffer is at the very core of Christianity. The Diocese is committed to the following steps to further that care:

1. If the allegation is found to be true, the Diocese will apologize to the victim on behalf of the Church, regardless of whether or not the Diocese could be held responsible.

2. The Diocese will offer to assist with uninsured counseling costs of the individual. This counseling will be with a licensed therapist of the individual's choice, for a recognized form of therapy for the abuse reported. This offer will be made:
 - a. Regardless of whether the individual is in the process of asserting a lawsuit or a claim for damages against the Diocese.
 - b. Regardless of whether the individual can or could prove a case.
 - c. Regardless of any defenses the Diocese might have to any legal claim against it.
 - d. In writing.
3. The Diocese will inform the individual that a report of any abuse of minors or vulnerable adults will be made to public authorities and, in every case, advise and support the individual's right to do the same.
4. As part of its pastoral response, the Diocese will do the following:
 - a. If the report is made to the Diocese by a third party, that person is to encourage the person they believe was abused to come forward.
 - b. If the reported victim is not identified, the Diocese will attempt to identify and reach out to the individual.
 - c. The Diocese will inquire of the reported victim as to the identity of any other likely victims.
5. An Assistance Minister appointed by the Bishop will offer to provide prompt and continuing pastoral support to all reported victims and their families.
6. The Bishop's office will advise the victim of action taken.
7. The Bishop or his representative will offer to meet with the reported victim or his/her family.
8. The Diocese will not enter into confidentiality agreements except for grave and substantial reasons brought forward by the victim/survivor and noted in the text of the agreement.
9. No settlement agreement with Plaintiffs will be negotiated or agreed to until the complaint has been investigated by the Office of Professional Responsibility and its findings have been considered. This is to insure that any settlement made is warranted, fair and just.

B. Protection of the Public Following Receipt of a Report

The Diocese will take steps to protect the public in addition to reporting suspected abuse of a minor or vulnerable adult to public authorities. The steps to be taken will depend upon the nature of the allegation and the available evidence. The decision as to which of the steps to take will require a balancing of the need to protect the public and the due process rights of the person accused. In dealing with allegations against clerics or religious the appropriate provisions of canon law will be followed.

1. The allegations will be investigated under the direction of the Office of Professional Responsibility.
2. The action taken will be reviewed by the Diocesan Review Board. No person accused shall remain in service for more than two weeks without a report being made to the Diocesan Review Board.
3. If, after preliminary investigation, the allegation is supported by a semblance of truth to justify immediate restriction from all ministries, and the person accused is subject to the Bishop's authority, the person accused will be restricted during the investigation, in accord with canon law. Restrictions will be in writing.
4. If, after preliminary investigation, the allegations are not supported by a semblance of truth **for immediate removal**, the investigation will move forward and the Bishop, in consultation with the Diocesan Review Board, may elect to apply such steps or restrictions as he deems appropriate, in keeping with canon law. Restrictions will be in writing.

5. **In addition there will be a notification made to the Parish/School and a Press Release distributed depending on the nature of the situation.**
6. Restrictions from ministry may include:
 - a) No contact with the reported victim.
 - b) In the case of a cleric, a psychological evaluation of the person accused will be strongly advised.
 - c) In the case of a cleric, no residence at or near the location of the alleged abuse.
 - d) In the case of clergy and religious, ongoing spiritual and psychological counseling will be strongly advised.
 - e) No unsupervised contact with minors or vulnerable adults. In the case of laity, excluding religious, this restriction applies to Diocesan places of work or volunteer activities.
 - f) In the case of clergy and religious, a monitor shall be appointed to ensure compliance with any restrictions.
 - g) In the case of clergy and religious, maintenance of a calendar showing all social contacts.
 - h) In the case of clergy and religious, other restrictions as the Bishop, in consultation with the Diocesan Review Board, deems appropriate.
7. Permanent removal of persons found to have abused minors or vulnerable adults.
 - a. Any person found to have sexually abused a minor or vulnerable adult shall be permanently barred from employment by the Diocese or from any volunteer position.
 - b. **In the case of clergy, the proper canonical process will be followed and the matter referred to the Congregation for the Doctrine of Faith.**
 - c. In the case of clergy, to the extent permitted by canon law, the person will be permanently prohibited from public ministry, from wearing clerical garb, or from presenting himself publicly as a cleric. He may also be dismissed from clerical state or assigned to a life of prayer and penance.
8. Lifting of restrictions and return to ministry or employment.

A person suspended or temporarily removed from ministry or subject to restrictions pursuant to this protocol may be returned to ministry or have the restrictions removed only after the following conditions have been satisfied.

- a. Investigation by the Office of Professional Responsibility has been completed.
- b. Law enforcement officials have been consulted by the investigator to determine their findings, if applicable.
- c. The Diocesan Review Board has been consulted.
- d. The Bishop or his designee has determined that the charges cannot be substantiated.
- e. The persons involved in the action have been notified.

C. Due Process Rights of the Accused

While protection of children is always of paramount importance, the Diocese recognizes that not all accusations are accurate and that it is also important to protect the rights of any who may be accused. A person accused may have certain rights under canon law and civil law, and may have a right to challenge or overturn action taken by the Diocese in keeping with this protocol. To protect those rights, the Diocese will take the following steps:

1. The person accused will be advised that anything he/she says may be used against him/her and that there is no expectation of confidentiality.
2. The person accused will be informed that he/she has a right to consult a lawyer, and in the case of clergy and those who hold Ecclesiastical office, a right to a canon lawyer supplied by the Diocese.
3. Others, not normally entitled to a canon lawyer, may choose to be represented by one at their own expense.
4. In all actions, the Diocese shall attempt to balance the need to avoid unfairly damaging the reputation of the accused, with the need for protecting the public.

5. Under canon law, no person may be permanently removed from ecclesiastical office or subject to other canonical penalties without certain due process rights. Those include:
 - a. The right to be informed of the charges.
 - b. The right to a canon lawyer.
 - c. The right to have the charges proven to a moral certainty – permanent action cannot be taken on the grounds of suspicion alone.
 - d. The right to a canonical trial.
 - e. The right to appeal.
6. No action taken voluntarily by the person accused has the effect of a canonical penalty.

D. Care of the Accused

Our faith requires that persons accused be treated with justice, care and compassion. Jesus teaches us to condemn the sin while loving the sinner. Therefore:

1. The person accused will be promptly informed and given an opportunity to respond to the allegations. Verbal notification will be followed up in writing.
2. The Diocese will treat anyone accused with honesty and dignity.
3. An employee of the Diocese who is accused will be offered counseling as provided in the medical insurance program. Those not covered by insurance and falsely accused will be offered counseling. Counseling for volunteers will be reviewed on a case by case basis.
4. In the case of Diocesan clergy, on-going spiritual and psychological counseling will be offered.
5. Any person accused will be offered pastoral care.
6. After an allegation is made, no Bishop or priest involved in the investigation may hear the sacramental confession of the accused.
7. The Bishop's office will advise the accused of actions to be taken in writing.
8. If the accusations are deemed unfounded, every reasonable effort will be made to restore the reputation of the person wrongly accused.
9. Consistent with canon law, a Diocesan priest permanently removed from ministry will be provided reasonable assistance in developing a new career.

E. Care of the Affected Parish Community

The healing of the affected parish community is of paramount importance. If it is necessary to advise a parish of the removal (in accordance with **Appendix A: B-3**) of one of the members of the parish community, the following steps will be taken where practicable:

1. The **Pastoral** Council will be informed and will participate in designing a process which will assist the parish.
2. The Bishop or his designee will visit the parish and make an appropriate announcement to the parish.
3. Whenever practicable, a crisis intervention team will be mobilized to assist the parish.
4. The Bishop or his designee will offer to meet with groups of concerned parishioners after the announcement.
5. **A new pastor, parish coordinator or administrator will be assigned as soon as possible.**

6. The new pastor, parish coordinator or administrator, as well as the **Pastoral Council** and parishioners will be provided with the information, guidance, support mechanisms and the professional support needed to help the affected parish community heal.

F. Diocesan Review Board

The Bishop shall establish a Review Board, reporting directly to him, which will function as a confidential consultative body to him in discharging his responsibilities.

1. The Review Board will:
 - a. Advise the bishop in his assessment of allegations of sexual abuse of minors and in his determination of suitability for ministry, continued employment or continued volunteer service.
 - b. Consist of up to seven members, at least five of whom are Catholic and in full communion with the Church. All members will be people of outstanding integrity and good judgment who are appointed for five year, renewable terms. Membership on the Review Board shall also include:
 - One priest who is an experienced and respected pastor of the diocese.
 - One member who has particular expertise in the treatment of the sexual abuse of minors.
 - Lay members of integrity and good judgment who are not in the employ of the Diocese.
 - c. Establish its own rules and procedures for operation.
 - d. Have access to all pertinent information in the possession of the Diocese provided that all necessary releases have been secured.
 - e. Retrospectively and prospectively review allegations and advise the Bishop as to the credibility of complaints of abuse of a minor or vulnerable adult.
 - f. Review investigation reports and make recommendations to the Bishop.
 - g. Review and make recommendations regarding the continuation of the cleric in pastoral ministry.
 - h. Review and make recommendations regarding the fitness for ministry of any cleric, lay employee or volunteer, whose ministry was restricted due to unfounded or unverifiable accusations of misconduct.
 - i. Review diocesan policies for dealing with sexual abuse of minors.
2. The Bishop shall appoint an Administrative staff member to act as liaison to the Review Board.
3. All information collected during the investigation and deliberations of the Review Board, shall be considered confidential and may only be disclosed in accordance with civil and/or canon law.
4. If a lay person, accused of misconduct, is to be returned to ministry or employment, the Bishop, at his discretion, may refer the case to the Review Board and seek their recommendation in the matter.

G. Conclusion

1. These policies will be reviewed every two (2) years by the Diocesan Review board.
2. Recommendations for revisions may be presented to the Bishop by the Review Board at any time.
3. A copy of these policies shall be filed with the United States Conference of Catholic Bishops. The Diocese will file all amendments to these policies with the United States Conference of Catholic Bishops within 30 days of the revision.

Appendix B. Contact List for Making Reports of Suspected Sexual Abuse of Minors and Vulnerable Adults

A. Abuse by Church Personnel

Office of Professional Responsibility – 207-321-7836

B. Abuse by Non-Church Personnel

1. Department of Human Services – 1-800-482-7520 24hr Hotline – 1-800-452-1999
2. District Attorney:
 - a. Androscoggin County – 207-784-8390
 - b. Aroostook County – 207-493-3318
 - c. Cumberland County – 207-871-8380
 - d. Franklin County – 207-778-6614
 - e. Hancock County – 207-667-9542
 - f. Kennebec County – 207-622-0971
 - g. Knox County – 207-594-0420
 - h. Lincoln County – 207-882-6311
 - i. Oxford County – 207-743-6359
 - j. Penobscot County – 207-942-8535
 - k. Piscataquis County – 207-564-2161
 - l. Sagadahoc County – 207-443-8200
 - m. Somerset County – 207-474-9861
 - n. Waldo County – 207-338-3282
 - o. Washington County – 207-255-3127
 - p. York County – 207-324-1571

Appendix C. Code of Ethics

- Church Personnel will strive to exhibit the highest Christian ethical standards and personal integrity in their day-to-day work and personal lives, supporting the teachings, disciplines and traditions of the Catholic Church.
- Church Personnel shall strive to conduct themselves in a professional and respectful manner in both church and work environments avoiding any flagrant or public misconduct.
- Church Personnel will provide a professional work environment that is free from physical, psychological, written, or verbal abuse.
- Church Personnel will respect the integrity of all individuals and protect the confidentiality and privacy of all information to which they have access to.
- Church Personnel will not take unfair advantage of a pastoral relationship for their own benefit.
- Church Personnel will not physically, sexually or emotionally abuse anyone.
- Church Personnel will not neglect a minor or vulnerable adult who is in their care.
- Church Personnel will share concerns about inappropriate behavior **by other Church Personnel** with their pastor/parish coordinator, their administrator, their principal, or in cases where the behavior directly involves these people, with **the Moderator of the Curia**.
- Church Personnel will report any suspected abuse or neglect of a minor or vulnerable adult (except for information obtained in confession or "Privileged Communications" as described in **Section V-D-5)(Page 12) after reviewing Section VI – A (Page-13)**

Acknowledgement

I hereby acknowledge receipt of the **revised** Policies on Ethics and Integrity in Ministry adopted by the Diocese of Portland and effective 3/1/2010. I voluntarily agree to abide by these policies and conduct myself in complete accordance with them.

Please Print

Date _____

Name _____

Position _____

Signature _____

Name of Parish, School or Other _____

City _____

(Please return signed form to Diocese of Portland – PO Box 11559 – Portland, ME 04104-7559 – Attention: Safe Environment Coordinator)

***Please note – This form is found on the Diocese website under Child/Youth Protection. Please print out and keep all copies, returning only the last page as shown above.**