As particular Promulgated by

The Most Reverend John H. Ricard, S.S.J.
law relating to the Diocese of Pensacola-Tallahassee On this date August 30, 2001

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Preface

This Diocesan Code of Conduct for Priests and Deacons has been developed to assist in establishing and implementing uniform guidelines for professional behavior. It is not possible for this Diocesan Code to address all situations that may arise. It is intended to create a structure for addressing a variety of circumstances faced by clergy during their service for the Church.

The Church must be exemplary. Clergy must be held accountable for their behavior. In order to maintain the highest level of accountability, there must be a clear and unambiguous blueprint of appropriate and inappropriate behavior. This Diocesan Code of Conduct for Priests and Deacons provides a basic structure for identifying limits. This document can assist clergy from placing themselves in an inappropriate, risky, or precarious situation which has the potential of causing grave harm to the Church and personal reputations. It is intended as a "continuous improvement document" and therefore subject to additions and revisions as warranted.

If you have any questions about the Diocesan Code of Conduct for Priests and Deacons or its provisions, please call the Chancellor's Office of the Diocese of Pensacola-Tallahassee at (850) 435-3500.

Diocesan Code of Conduct for Priests and Deacons of the Diocese of Pensacola-Tallahassee

I. Preamble

This document addresses all priests and deacons serving the parishes, religious orders, and institutions of the Diocese of Pensacola-Tallahassee. These persons must uphold Christian values and conduct. Diocesan Code of Conduct for Priests and Deacons provides a set of standards for conduct in certain pastoral situations.

II. Responsibility

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

Responsibility for adherence to this Diocesan Code of Conduct rests with the individual. Priests and deacons who disregard this Diocesan Code of Conduct will be subject to remedial action by the parish, religious order, the school or the Diocese. Corrective action may take various forms—from verbal counseling to removal from the ministry—depending on the specific nature and circumstances of the situation.

III. Pastoral Standards for Priests and Deacons

1. Conduct for Priests and Deacons as Pastoral Counselors and Spiritual Directors. [1]

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

1.1. Pastoral Counselors and Spiritual Directors shall not step beyond their competence in counseling

[1] Pastoral Counselors and Spiritual Directors: Clergy who provide pastoral, spiritual, and/or therapeutic counseling services to individuals, families, or other groups

situations and shall refer individuals to other professionals when appropriate.

1.2. Pastoral Counselors and Spiritual Directors must carefully consider the possible consequences before entering into a counseling relationship (i.e., employee, professional colleague, friend, or other type of pre-existing relationship). [See Section 7.2.2.]

1.3. Pastoral Counselors and Spiritual Directors should not audiotape or videotape sessions.

1.4. Pastoral Counselors and Spiritual Directors must never engage in sexual relationships with the persons they counsel. This includes consensual contact, forced physical contact, and suggestive conversation.

1.5. Pastoral Counselors and Spiritual Directors shall not engage in sexual relationships with relatives, friends, or other individuals who are close to the client. Pastoral Counselors and Spiritual Directors should presume that a potential exploitation or harm exists in such intimate relationships.

1.6. Pastoral Counselors and Spiritual Directors assume the full burden for setting and maintaining clear, appropriate boundaries in all counseling and counseling-related relationships.

1.7. Physical contact of any kind (i.e., touching, hugging, holding between Pastoral Counselors or Spiritual Directors and the persons they counsel can be misconstrued and should be avoided.)

1.8 Sessions should be conducted in appropriate settings at appropriate times.

1.8.1. No sessions should be conducted in private living quarters of a rectory, convent, etc.

1.8.2. Sessions should not be held at places or times that would cause confusion about the

nature of the relationship for the person being counseled (e.g. counseling students in a school after classes when no one else is around.)

1.8.3. The setting should respect/ensure confidential communication.

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

2. Confidentiality

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

2.1. Information obtained in the course of sessions shall be confidential, except for compelling professional reasons as required by law.

2.1.1. If there is clear and imminent danger to the client or to others, the Pastoral Counselor or Spiritual Director may disclose only the information necessary to protect the parties involved and to prevent harm.

2.1.2. Before disclosure is made, if feasible, the Pastoral Counselor or Spiritual Director should inform the person being counseled about the disclosure and the potential consequences.

2.1.3. Disclosure of information related to child or elder abuse should be done in full compliance with the law.

2.2. Pastoral Counselors and Spiritual Directors should discuss the nature of confidentiality and its

limitations with each person in counseling.

2.2.1. Florida Law [Fla. Sta. 2.90.505 (1997)] establishes an evidentiary privilege with respect to communications with clergy.

2.2.1.1. Provides only for clergy when the communication is made privately for the purposes of seeking counsel and advice from the clergy in the usual course of the clergy person's practice or discipline and was not intended for further disclosure.

2.2.1.2. In particular, ordained priests who are bound by the seal of confession, are to respond responsibly:

- In cases where a penitent who is not a perpetrator confesses to a priest that they were sexually abused, the priest is to counsel the penitent to tell someone else that they trust, (i.e. teacher, youth director, school official, or parent).
- The penitent should not be directed to tell the alleged perpetrator.
- A penitent who confesses unlawful physical or sexual abuse against a child or vulnerable adult is to be counseled to report their crime to legal authorities.

2.2.2 It should be remembered that under no circumstances whatsoever can there be any disclosure, even indirect, of information received through the confessional.

2.3 The Priest or Deacon providing pastoral counseling services or spiritual direction should keep minimal records of sessions.

2.3.1. Florida Statute §455.057 and 456.058, chapter 64B4 9.001 and 64B4-9002 outline the require-

ments for client records which are to be followed by all who provide counseling services.

2.4. Knowledge that arises from professional contact may be used in teaching, writing, homilies, or other public presentations only when effective measures have been taken to absolutely safeguard both the individual's identity and the confidentiality of the disclosures.

2.5. If a Pastoral Counselor or Spiritual Director discovers, while counseling a minor, that there is a serious threat to the welfare of the minor and that communication of confidential information is essential to the child's health and well-being, the priest or deacon should:

- report information to appropriate authorities.
- attempt to secure written consent from the minor for the specific disclosure.
- if consent is not given, disclose only information necessary to protect the health and wellbeing of the minor.

When appropriate, consultation with church supervisory personnel is recommended.

2.6. Counseling or tutoring youth should be done in an open space where the counselor is clearly visible to others or with at least one other adult present. Youth should not be alone in a counselor's office when the door is closed except in limited circumstances.

3. Conduct of Priests and Deacons Working With Youth

Clergy working with youth shall maintain an open and trustworthy relationship between youth and adult supervisors.

3.1. Clergy must be aware of their own and others' vulnerability when working alone with youth. Use a team approach to youth activities.

3.2. Physical contact with youth can be misconstrued and should only occur under appropriate public circumstances.

3.3. Clergy should not possess, use or provide to youth alcohol and/or illegal drugs.

3.3.1. Youth must have a proper medical release form completed and signed for permission to possess prescription drugs.

3.3.2. Clergy are not to administer any drugs to students or youth without a proper medical release form.

3.4. Clergy should not provide shared and private accommodation for individual youth. Under no circumstances should youth be invited to live in a rectory or to spend the night except in extraordinary circumstances. Youth should not be brought to private quarters of clergy for any reason whatsoever.

3.4.1. The rectory is to be respected as the priest's residence and should not be a place for private meetings with a youth.

3.4.2. Youth are not to frequent the rectory or private residence of clergy without additional supervision from another adult or with a group of young people.

3.4.3. A youth alone with a clergy person in the rectory or a private residence is inappropriate.

3.5. Clergy should not provide shared and private overnight accommodations for individual young people including, but not limited to, accommodations in any Church owned facility, private residence, hotel room, or any other place where there is no other adult supervision present.

3.5.1. In rare, emergency situations, when accommodation is necessary for the health and well-being of the youth, the clergy should take extraordinary care to protect all parties from the appearance of impropriety and from all harm and notify one other adult and the parents of steps to be taken.

3.5.2. Use a team approach in all circumstances to emergency situations.

3.6. All clergy must have written parental consent to drive youth home or to and from any other function.

3.6.1. All drivers for any church sanctioned event must:

- have completed a "Volunteer Driver In- formation Sheet";
- have a valid driver's license in good standing with the State of Florida;
- have $100,000/$300,000 insurance liability on the car they are driving;
- be 21 years of age or older;
- not have any medical condition nor be taking any medication that would impair their ability to operate a motor vehicle.

3.6.2. Because of high insurance liability, clergy are never to provide transportation for a

young person without the aforesaid written permission.

3.6.3. Clergy should not, unless absolutely necessary, have youth alone with them in an automobile.

4. Sexual Conduct

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

4.1. Priests who are committed to a celibate lifestyle are called to be an example of this promise in all relationships at all times.

4.2. Priests and deacons who provide pastoral counseling or spiritual direction services should use discretion in developing intimate relationships with minors, employees, or parishioners.

4.3. It is a crime for a clergy person to exploit another person for sexual purposes.

4.4. Allegations of sexual misconduct should be taken seriously and reported to the appropriate state and diocesan authorities in order to protect the rights of all involved.

4.5. Clergy should review and know the contents of the child abuse regulations and reporting requirements for the State of Florida and should follow those requirements. These are to be found in the Diocese Policy and Procedural Guidelines Relating to Sexual Abuse by Church Personnel.

5. Harassment

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

5.1. Clergy shall provide a professional work environment that is free from physical, psychological, written, or verbal intimidation or harassment.

5.2. Harassment encompasses a broad range of physical, written, or verbal behavior that includes, but is not limited to the following:

- physical or mental abuse;
- racial insults;
- derogatory ethnic slurs;
- unwelcome sexual advances or touching;
- sexual comments or sexual jokes;
- requests for sexual favors used as a condition of employment, or to affect other personnel decisions, such as promotion or compensation;
- display of offensive materials.

5.3. Harassment can be a single severe incident or a persistent pattern of behavior where the purpose or the effect is to create a hostile, offensive, or intimidating work environment

5.4. Allegations of harassment should be taken seriously and reported immediately to the appropriate supervisory authority in the parish, institution, or diocese. Diocesan procedures will be followed to protect the rights of all involved.

6. Parish, Religious Community, and Institutional Records and Information

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

6.1. Sacramental records shall be regarded as confidential irregardless of their age.

6.2. When compiling and publishing parish, religious community, or institution statistical information

from these records, great care must be taken to preserve the anonymity of individuals.

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

6.2.2. Requests for records shall be handled only by staff who are authorized to locate the records and supervise their use.

6.3. Parish, religious community, or institution financial records are confidential unless review is required by the diocese, a supervising institution or an appropriate government agency. Contact the Chancellor's Office upon receipt of any request for release of financial records.

6.4. Individual contribution records of the parish, religious community, or institution shall be regarded as private and shall be maintained in strictest confidence.

7. Conflicts of Interest

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

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

7.2. Clergy should inform all parties when a real or potential conflict of interest arises. Resolution of the issues must protect the person receiving ministry services.

7.2.1. No clergy should take advantage of anyone to whom they are providing services in order to further their personal, financial, religious, political, or business interests.

7.2.2. Pastoral counselors should not provide counseling services to anyone with whom they have a business, professional, or social relationship

7.2.3. When pastoral counseling or spiritual direction services are provided to two or more people who have a relationship with each other, the pastoral counselor or spiritual director must:

- anticipate any conflict of interest;
- clarify with all parties the nature of each relationship;
- discuss possible side-effects or risks of counseling;
- take appropriate actions to eliminate the conflict;
- obtain from all parties written consent to continue services.

7.3. Conflicts of interest may also arise when a pastoral counselor's or spiritual director's independent judgment is impaired:

- by prior dealings,
- by becoming personally involved, or
- by becoming an advocate for one person against another.

8. Reporting Ethical or Professional Misconduct

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

8.1 Clergy cannot minister to others unless they minister first to themselves. When there is an indication of inappropriate, unprofessional, risky and/or illegal actions allowed or committed by clergy the proper authorities are to be notified immediately. The Chancellor's Office is also to be notified.

8.2. When an uncertainty exists about whether a situation or course of conduct violates this Diocesan

Code of Conduct or other religious, moral, or ethical principles, consult with:

- peers, • others knowledgeable about ethical issues,
- Pastor
- the Chancellor's Office.

8.3. When a member of clergy may have violated this Code of Conduct or other religious, moral, or ethical principles:

- report the issue to a supervisor or next higher authority, or
- refer the matter directly to the Chancellor's Office.

8.4. The obligation of pastoral counselors and spiritual directors to report client misconduct is subject to civil law. Any agreement or duty to maintain confidentiality must yield to the need to report misconduct that threatens the safety, health, or wellbeing of the persons involved.

9. Administration

Employers and supervisors are to treat clergy in a professional and just manner in the day-to-day administrative operations of their ministries.

9.1. Personnel and other administrative decisions made by clergy, shall meet civil and canon law obligations and also reflect Catholic social teachings and this Code of Conduct.

9.2. No clergy shall use his or her position to exercise unreasonable or inappropriate power and authority.

10. Clergy Well-being

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

10.1. Clergy should be aware of warning signs that indi- cate potential problems with their own mental, emotional, physical, and/or spiritual health.

10.2. Clergy should seek help immediately whenever they notice behavioral or emotional warning signs in their professional and/or personal lives.

10.3. Clergy must address their own spiritual needs. Support from a spiritual director is highly recommended.

10.4. Inappropriate use or abuse of alcohol and drugs is prohibited.

Reference phone numbers for reports of misconduct:

- Florida State Abuse or Neglect Registry…...1-800-342-9152
- Office of the Chancellor……..850-435-3500