



BYZANTINE EPARCHY OF VAN NUYS

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SAFE ENVIRONMENT PROGRAM

“WE PLEDGE TO PROTECT OUR MOST VALUABLE RESOURCE: OUR CHILDREN”

EPARCHY OF VAN NUYS

POLICY AND PROCEDURES
CONCERNING SEXUAL ABUSE
OF MINORS BY
CLERGY OR
CHURCH PERSONNEL

May 28, 2008

Dear People of the Eparchy,

Since the 2002 Bishop's meeting in Dallas, the Eparchy of Van Nuys has implemented a program that provides a safe environment for children within our parishes. The current policies are compliant with the *United States Conference of Catholic Bishops'* annual audit. The main documents are included in this special revised edition and are posted on the eparchial web site.

We have held workshops for all eparchial clergy, consecrated religious, employees, religious education teachers and students. All parents, interested adults, and catechists in the Eparchy have attended workshops. Sister Jean Marie Cihota, OSBM is the Safe Environment coordinator. The Catechists in turn will give presentations appropriate to each age group. In this way, all will have a clear understanding of our safe environment program. We hope and pray that this will prevent any future problems. If any allegations of sexual abuse against minors are discovered, they will be resolved and guided by the direction of the church and civil law in a prayerful and Christian way.

Yours in Christ,

Most Reverend Gerald N. Dino
Bishop of the Eparchy of Van Nuys

Preface

On June 14, 2002, the United States conference of Catholic Bishops approved a *Charter for the Protection of Children and Young People*. The charter addresses the church's commitment to deal appropriately and effectively with cases of sexual abuse of minors by priests, deacons, and other church personnel. The bishops of the United States have promised to reach out to those who have been sexually abused as minors by anyone serving the Church in ministry, employment, or a volunteer position, whether the sexual abuse was recent or occurred many years ago. They stated they would be as open as possible with the people in parishes and communities regarding instances of sexual abuse of minors, with respect always for the privacy and the reputation of the individuals involved. They have committed themselves to the pastoral and spiritual care and emotional well-being of those who have been sexually abused and of their families.

To ensure that each diocese/eparchy in the United States of America will have procedures in place to respond promptly to all allegations of sexual abuse of minors, the United States Conference of Catholic Bishops requires that each diocese/eparchy have a written policy on the sexual abuse of minors by priests and deacons, as well as

by other church personnel which is in full compliance with the *Essential Norms for Diocesan/Eparchial Policies Dealing with Allegations of Sexual Abuse of Minors by Priests or Deacons*. The Eparchial Policy is to specify, in detail, the steps to be taken in implementing the requirements of canon law, particularly CCEC, Canons 1468-1470. Each diocese/eparchy will designate a competent person to coordinate assistance for the immediate pastoral care of persons who claim to have been sexually assaulted when they were minors by priests, deacons or any eparchial personnel, while in the work of the Eparchy. (*USCCB Essential Norms for Allegations of Sexual Abuse of Minors*, Norm 2)

In addition to establishing a written policy on the sexual abuse of a minor, there is to be the establishment of a Diocesan/Eparchial Review Board. The board, required by the *Eparchial Charter on the Clergy Misconduct Review Board*, has already been established as the Clergy Misconduct Review Board for Sexual Abuse of Minors. This Board is an independent advisory board that makes recommendations directly to the Bishop concerning cases in which clerics are accused of sexual misconduct and in other matters relating to the Eparchial Policy on Sexual Misconduct by Clergy. As defined in Canon law, a “cleric” is a priest, deacon or bishop. The Board will consider all cases of sexual misconduct by clergy. There is to be no screening or filtering process.

Policy To Be Followed When the Eparchy Receives an Allegation

It is the policy of the Eparchy of Van Nuys that reports of inappropriate behavior or sexual abuse of a minor by a priest, deacon or any eparchial personnel, while in the work of the Eparchy will be carefully investigated by the Bishop or his delegate. The requirements of local civil law will be observed. The eparchial bishop will provide for the pastoral care of the victim(s). He may seek the advice of the Eparchial Clergy Misconduct Review Board. He will issue a decree initiating the Preliminary Investigation to determine if the allegation constitutes at least the semblance of truth about an offence. He is to enquire carefully about the facts and circumstances, and about the imputability of the offence. He approves the canonical counsel for the accused cleric. He reports to the civil authorities if required by law when the person

involved is a minor and notifies civil counsel and insurer. The person(s) making the allegations will be interviewed in an atmosphere that will ensure justice and fairness to all concerned. The accused will also be interviewed. Confidentiality will be maintained, and only those necessary will be involved in the process. The policy does not address sexual misconduct in general, but only in the special circumstances described herein. It is intended to establish requirements and procedures in an effort to prevent sexual misconduct by personnel of the Eparchy involving children and the resulting harm to others while the work of the Eparchy is being performed. Furthermore, it is intended to provide guidance to the personnel of the Eparchy on how to respond to allegations of sexual misconduct if such does occur.

Definitions

Eparchial Coordinator: The eparchial bishop will appoint a coordinator to supervise the implementation of this policy.

Canon or Canon Law: Refers to the Code of Canons of the Eastern Churches (CCEC)

Sexual Misconduct: Any sexual conduct of eparchial personnel while performing the work of the Eparchy involving children or minors (cfr. Canon 909, p.3), which is contrary to the moral instructions, doctrines and canon law of the Catholic church and which causes injury to another as recognized by canon law or the civil or criminal laws of the State where a parish may be located or where the alleged offense occurred.

Personnel: Includes all personnel of the Eparchy, including officers, employees, lay volunteers, clerics and vowed religious personnel who have regular contact with children or minors.

Distribution of Policy

A copy of this policy shall be distributed to all paid personnel of the eparchy. Reasonable effort shall be made to distribute a copy to all lay volunteers.

Education

The following personnel of the Eparchy, as well as other personnel of the Eparchy as may be required, must attend designated educational programs on methods of



recognizing and preventing sexual misconduct involving children or others: priests, deacons, minor clerics, seminarians, vowed religious, volunteers in supervisory capacities, youth directors and staff. Other personnel of the eparchy are encouraged to attend such educational programs.

Background and Reference Checks

All non-clergy personnel of the Eparchy having regular contact with children or minors whether current or prospective, shall complete an informational questionnaire.

Prior to the canonical presentation of any non-eparchial cleric for service in the Eparchy, in addition to a letter of recommendation from his eparchial bishop or religious superior, there must be a clear disclosure of any knowledge relating to actual or alleged physical or sexual abuse. Furthermore, there is a moral obligation of the cleric's own eparchial bishop or religious superior to provide to the Eparchy all new information of actual or alleged physical or sexual misconduct.

Completed questionnaires shall be reviewed and, as appropriate, investigated by the eparchial coordinator. These questionnaires shall be maintained in the personnel files of the eparchy, with access limited to those individuals who have actual custody and control over the personnel files in accord with canon 257.

Obligation to Report

Any personnel of the Eparchy who has actual knowledge of any or who has reasonable cause to suspect an incident of sexual misconduct, as defined in this policy, by any personnel of the eparchy, shall comply with any applicable reporting or other requirements of State and local laws (unless to do so would violate the priest-penitent relationship of the sacrament of penance), and shall report to the Eparchy as follows:

A verbal report of the incident shall be made immediately to the pastor of the parish and a written report shall be prepared. In the event this report cannot be made to the pastor, then it shall be made to the proto-presbyter of the area or the syncellus.

Notifications

Notifications shall immediately be made to the eparchial coordinator and legal counsel to the eparchy. The pastor or the head of the institution where the incident is alleged to have taken place is responsible for making this notification.

Investigation of Reports

Investigation shall be made in accordance with canon law and shall be conducted by a person properly qualified for this type of investigation. The investigation shall be conducted with care taken not to interfere with any criminal investigation, and 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. Care is to be taken that any investigation does not call into question any person's good name.

Investigation of non-clergy personnel

For accusations against all non-clergy personnel, a preliminary investigation shall be conducted by a person designated by the eparchial bishop and the results shall be immediately made known to the eparchial coordinator and legal counsel for the Eparchy. In such a case it is deemed to be in the best interest of the Eparchy or the alleged victim or perpetrator, and in the sole judgment of the eparchial bishop, that the alleged perpetrator be relieved of all responsibilities to the Eparchy and placed on administrative leave pending the outcome of any internal or external investigation. The eparchial bishop will determine if the leave is to be with or without pay. The accused shall be instructed to retain his or her own legal counsel. Any non-clergy personnel who admits to, does not contest, or is found guilty of sexual misconduct shall be immediately terminated from any employment or position within the Eparchy or parish.

Investigation of Clergy

Investigations shall be made in accordance with canon law and shall be conducted promptly. If possible, the cleric shall be interviewed by a person designated by the eparchial

bishop. Precautionary measures, in accord with canon law, shall be taken to assure that the alleged perpetrator not be a risk to youths.

When allegations are admitted by a priest or deacon and it is deemed appropriate by the Bishop, taking into consideration the demands of justice and the good of all involved, the accused:

- a) Will have his assignment terminated. Activities involving contact with parishioners, minors, and other persons are to be forbidden except as is necessary under appropriate safeguards.
- b) May be *requested* to seek and urged to *voluntarily* comply with an appropriate medical and psychological evaluation. (*Essential Norms*, Norm 7)
- c) Will be removed permanently from ecclesiastical ministry, not excluding dismissal from the clerical state, if the case so warrants when even a single act of sexual abuse is admitted or is established after an appropriate process in accord with canon law. (*Essential Norms*, Norm 8, CCEC, c.1453)
- d) Notification of the incident shall be given to insurers in accordance with the terms of applicable policies. If there is admission to the allegation, legal counsel becomes the responsibility of the person accused.
- e) When allegations are made of sexual misconduct involving eparchial or parish personnel, contact with the alleged victim and family should be promptly initiated by the eparchial bishop or person(s) designated by him for the purpose of pastoral care, having first obtained legal counsel. No comment is to be made as to the truth of any accusation.
- f) Any media contact or inquiries regarding any incident of sexual misconduct by personnel of the Eparchy must be directed by the director of communications in consultation with legal counsel.

When allegations are denied by the priest/deacon, the accused is to be informed of the investigation which the Bishop is bound to conduct in accord with the prescriptions of Canons 1468-1470. At the same time the priest/deacon is to be informed of his right to canonical advise, as well as his right to a trial conducted in accordance with Canons 1104, 2, 1185 ff. The priest/deacon shall be reminded of his right to counsel from a civil attorney. If the accused remains firm in his denial of the allegations presented, the Bishop will conduct an investigation in accord with the procedure outlined in Canons 1468-1470, unless the accused chooses to have a canonical trial.

Anonymous Accusations

No accusations should be made anonymously, since anonymous accusations do not allow for proper investigation.

False Accusations

Both civil and canon law provide penalties for falsehood in which individuals becomes victims of false denunciation and slander. The Eparchy and the falsely accused retain the right to pursue such civil and canonical penalties against all those involved in false accusations.

Review

This policy shall be reviewed periodically by the Eparchy.

Revised: May 28, 2008; by the Eparchy of Van Nuys



EPARCHY OF VAN NUYS

CODE OF PASTORAL CONDUCT

For Priests, Deacons, Pastoral Ministers, Administrators, Employees and Volunteers

Revised: May 28, 2008

Preface

This *Model Code of Pastoral Conduct for Priests, Deacons, Pastoral Ministers, Administrators, Employees and Volunteers* is intended for use as a risk management tool by bishops, pastors, superiors of religious communities/institutes, and administrators. The purpose of the *Code of Pastoral Conduct* is to assist in developing and implementing uniform guidelines for appropriate behavior in situations of pastoral counseling and spiritual direction. The *Code of Pastoral Conduct* is not intended to address all situations that may arise in pastoral counseling relationships. It is intended to create a structure for addressing a variety of circumstances that, if not appropriately addressed, may create a risk of incidents, allegations, claims and/or lawsuits.

The Church must be exemplary. Clergy, staff, and volunteers should and will 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. The *Code of Pastoral Conduct* provides a basic structure for identifying limits. It is intended as a “continuous improvement document.” Therefore, your suggestions and recommendations for additions and revisions are encouraged.

I. Preamble

Priests, deacons, pastoral ministers, administrators, staff, and volunteers in our parishes, religious communities/institutes, and organizations must uphold Christian values and conduct. The Model Code of

Pastoral Conduct for Priests, Deacons, Pastoral Ministers, Administrators, and *Volunteers (Code of Pastoral Conduct)* provides a set of standards for conduct in certain pastoral situations.

II. Responsibility

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

Responsibility for adherence to the *Code of Pastoral Conduct* rests with the individual. Clergy, staff, and volunteers who disregard this *Code of Pastoral Conduct* will be subject to remedial action by the Eparchy of Van Nuys. Corrective action may take various forms—from a verbal reproach to removal from the ministry—depending on the specific nature and circumstances of the offense and the extent of the harm.

III. Pastoral Standards

1. Conduct for Pastoral Counselors and Spiritual Directors*

* Pastoral Counselors and Spiritual Directors: Clergy, staff, and volunteers who provide pastoral, spiritual and/or therapeutic counseling services to individuals, families, or other groups.

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 situations and shall refer clients to other professionals when appropriate.

1.2 Pastoral Counselors and Spiritual Directors should carefully consider the possible consequences before entering into a counseling relationship with someone with whom they have a pre-existing relationship (i.e.,

employee, professional colleague, friend, or other pre-existing relationship). [See Section 7.2.2]

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

1.4 Pastoral Counselors and Spiritual Directors must never engage in sexual intimacies with the persons they counsel. This includes consensual and nonconsensual contact, forced physical contact, and inappropriate sexual comments.

1.5 Pastoral Counselors and Spiritual Directors shall not engage in sexual intimacies with individuals who are close to the client—such as relatives or friends of the client—when there is a risk of exploitation or potential harm to the client. Pastoral Counselors and Spiritual Directors should presume that the potential for exploitation or harm exists in such intimate relationships.

1.6 Pastoral Counselors and Spiritual Directors assume the full burden of responsibility for establishing 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.

1.8.2 Sessions should not be held at places or times that would tend to cause confusion about the nature of the relationship for the person being counseled.

1.9 Pastoral Counselors and Spiritual Directors shall maintain a log of the times and places of sessions 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 or 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 affected 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.

2.2 Pastoral Counselors and Spiritual Directors should discuss the nature of confidentiality and its limitations with each person in counseling.

2.3 Pastoral Counselors and Spiritual Directors should keep minimal records of the content of sessions.

2.4 Knowledge that arises from professional contact may be used in teaching, writing, homilies, or other public presentations only when effective measures are taken to absolutely safeguard both the individual's identity and the confidentiality of the disclosures. It is suggested that a priest or deacon does not make any references in the Parish in which the counselee is a member.

2.5 While counseling a minor, if a Pastoral Counselor or Spiritual Director discovers that there is a serious threat to the welfare of the minor and that communication of confidential information to a parent or legal guardian is essential to the child's health and well-being, the Counselor or Spiritual Director should:

Attempt to secure written consent from the minor for the specific disclosure.

If consent is not given, disclose only the information necessary to protect the health and well-being of the minor.

Consultation with the appropriate Church supervisory personnel is required before disclosure.

2.6 These obligations are independent of the confidentiality of the confessional. Under no circumstances whatsoever can there be any disclosure—even indirect disclosure—of information received through the confessional.

3. Conduct With Youth

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

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



3.2 Physical contact with youth can be misconstrued and should occur (a) only when completely nonsexual and otherwise appropriate, and (b) never in private.

3.3 Clergy, staff, and volunteers should refrain from (a) the illegal possession and/or illegal use of drugs and/or alcohol at all times, and (b) the use of alcohol when working with youth.

3.4 Clergy should not allow individual young people to stay overnight in the cleric's private accommodations or residence.

3.5 Staff and volunteers should not provide shared, 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, staff, or volunteer should take extraordinary care to protect all parties from the appearance of impropriety and from all risk of harm.

3.5.2 Use a team approach to managing emergency situations.

4. Sexual Conduct

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

4.1 Clergy, religious, staff, and volunteers who are committed to a celibate lifestyle are called to be an example of celibate chastity in all relationships at all times.

4.2 Staff and volunteers who provide pastoral counseling or spiritual direction services must avoid developing inappropriately intimate relationships with minors, other staff, or parishioners. Staff and volunteers must behave in a professional manner at all times.

4.3 No clergy, staff, or volunteer may exploit another person for sexual purposes.

4.4 Allegations of sexual misconduct should be taken seriously and reported to the Pastoral Center of the Eparchy of Van Nuys in Phoenix, Arizona and to civil authorities if the situation involves a minor.

Eparchy of Van Nuys procedures will be followed to protect the rights of all involved.

4.5 Clergy, staff, and volunteers should review and know the contents of the child abuse regulations and

reporting requirements for the state or local authorities and should follow those mandates.

5. Harassment

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

5.1 Clergy, staff, and volunteers 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, psychological, written, or verbal behavior, including without limitation the following:

Physical or mental abuse.

Racial insults.

Derogatory ethnic slurs.

Unwelcome sexual advances or touching.

Sexual comments or sexual jokes.

Requests for sexual favors used 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 Pastoral Center of the Eparchy of Van Nuys in Phoenix, Arizona. The Eparchy of Van Nuys procedures will be followed to protect the rights of all involved.

6. Parish, Religious Community/Institute, and Organizational Records and Information

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

6.1 Sacramental records shall be regarded as confidential. When compiling and publishing parish, religious community/institute, or organization statistical information

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

6.2 Most sacramental records older than 70 years are

open to the public.

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

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

6.3 Parish, religious community/institute, or organization financial records are confidential unless review is required by the Eparchy of Van Nuys or an appropriate government agency. Contact the Pastoral Center upon receipt of any request for release of financial records.

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

7. Conflicts of Interest

Clergy, staff, and volunteers 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, staff, and volunteers should disclose all relevant factors that potentially could create a conflict of interest.

7.2 Clergy, staff, and volunteers 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, staff, or volunteer should take advantage of anyone to whom they are providing services in order to further their personal, religious, political, or business interests.

7.2.2 Pastoral counselors should not provide counseling services to anyone with whom they have a business, professional, or social relationship. When this is unavoidable, the client must be protected. The counselor must establish and maintain clear, appropriate boundaries.

7.2.3 When pastoral counseling or spiritual direction services are provided to two or more people who have a relationship with each other, the Pastoral Counselor or Spiritual Director must:

- Clarify with all parties the nature of each relationship,
- Anticipate any conflict of interest,

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

In these circumstances, the Pastoral Counselor or Spiritual Director shall advise the parties that he or she can no longer provide services and refer them to another Pastoral Counselor or Spiritual Director.

8. Reporting Ethical or Professional Misconduct

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

8.1 Clergy, staff, and volunteers must hold each other accountable for maintaining the highest ethical and professional standards. When there is an indication of illegal actions by clergy, staff, or volunteers, you should notify the proper civil authorities immediately. Also notify the Pastoral Center in Phoenix, Arizona.

8.2 When an uncertainty exists about whether a situation or course of conduct violates this *Code of Pastoral Conduct* or other religious, moral, or ethical principles, consult with:

- Peers,
- Others knowledgeable about ethical issues, or
- The Pastoral Center of the Eparchy of Van Nuys.

8.3 When it appears that a member of clergy, a staff member, or a volunteer has violated this *Code of Pastoral Conduct* or other religious, moral, or ethical principles:

- Report the issue to a supervisor or next higher authority, or
- Refer the matter directly to the Pastoral Center of the Eparchy of Van Nuys.

8.4 The obligation of Pastoral Counselors and Spiritual Directors to report client misconduct is subject to the duty of confidentiality. However, any agreement or duty to maintain confidentiality must yield to the need to report misconduct that threatens the safety, health, or well-being of any of the persons involved except as provided for in Section 2.6.



9. Administration

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

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

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

9.3 Each volunteer providing services to children and youth must read and sign the *Code of Conduct* before providing services.

10. Staff or Volunteer Well-being

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

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

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

10.3 Clergy, staff, and volunteers must address their own spiritual needs. Support from a Spiritual Director is highly recommended.

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

IV. Volunteer's Code of Conduct

Our children are the most important gifts God has entrusted to us. As a volunteer, I promise to strictly follow the rules and guidelines in this Volunteer's Code of Conduct as a condition of my providing services to the children and youth of our Eparchy of Van Nuys.

As a volunteer, I will:

- Treat everyone with respect, loyalty, patience, integrity, courtesy, dignity, and consideration.
- Avoid situations where I am alone with children and/or youth at Church activities.
- Use positive reinforcement rather than criticism, competition, or comparison when working with children and/or youth.
- Refuse to accept expensive gifts from children and/or youth or their parents without prior written approval from the pastor or administrator.
- Refrain from giving expensive gifts to children and/or youth without prior written approval from the parents or guardian and the pastor or administrator.
- Report suspected abuse to the pastor, administrator, or appropriate supervisor and the Eparchy of Van Nuys Pastoral Center.
- I understand that failure to report suspected abuse to civil authorities is, according to the law, a crime in most jurisdictions.
- Cooperate fully in any investigation of abuse of children and/or youth.

As a volunteer, I will not:

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

I understand that as a volunteer working with children and/or youth, I may be subject to a thorough background check including criminal history. I understand that any action inconsistent with this *Code of Conduct* or failure to take action mandated by this *Code of Conduct* may result in my removal as a volunteer with children and/or youth.

EPARCHY OF VAN NUYS
PROCEDURES
for
FILING A COMPLAINT OF SEXUAL ABUSE OF MINORS

1. All clergy, staff, and volunteers must report knowledge or belief that a minor is the victim of sexual abuse. (See *Eparchy of Van Nuys Pastoral Code of Conduct*, Section III, 8)
2. All complaints or knowledge of abuse should first be brought to the attention of the pastor of the parish, the principal of the school, the head of a religious community, or the supervisor of the particular ministry or organization.
3. If a victim or a victim's family is making a direct complaint on their own they will meet with the pastor of the parish, the principal of the school, the superior of the religious community, or the supervisor in charge of the activity. At all times, a victim or complainant, may report directly to the Bishop.
4. The person hearing the complaint will take note of the victim's name and address, the person they are accusing, the place where the incident occurred, the time that the incident took place, and a general description of the nature of the offense.
5. Upon receiving the preliminary information noted above, it is mandated that the pastor, principal, religious superior, or ministry supervisor forward the report of abuse to:
 - a) the Bishop & Protosyncellus of the Eparchy;
 - b) the local police department for your town (911) and
 - c) the Child Protection Agency or Hot Line for your area if required.
6. The Bishop and Protosyncellus, upon receipt of a complaint, will contact the Victim's Assistance Coordinator, the Eparchial Review Board, the Syncellus, the Eparchial attorney, and the Eparchial insurance company.

They will also verify that the report has been filed with the local police and the appropriate Child Protection Agency if required.
7. The Bishop or representative will personally meet with all victims and their families.
8. The Bishop will begin a preliminary internal investigation of the incident in accordance with canons 1468-1470 of the Code of Canons of the Eastern Churches.
9. If there is credible evidence that sexual abuse has occurred, appropriate measures will be taken to remove the offender from ministry and place him on administrative leave in accordance with the provisions of canon 1473 of the Code of Canons of the Eastern Churches.

Eparchy of Van Nuys
8105 N 16th Street
Phoenix AZ 85020
(602)861-9778 Telephone
(602)861-9796 FAX

Victim's Assistance Coordinator
Rosemarie Ludwig, Ph.D
PO Box 83474
Phoenix AZ 85071
(602) 997-1550 Telephone
rstussy@cox.net



UNIFORM REPORT FOR CHILD PROTECTION

Eparchy of Van Nuys

Date of report: _____ Reported by: _____

Telephone: _____

CHILD: _____ DOB: _____ Male ____ Female ____

Parent/Guardian: Telephone: _____

Address: _____

Suspected perpetrator: _____ Relationship to child: _____

Public Children's Service Agency to whom report was made:

- ____ Alaska Child Abuse Hotline (1-800-478-4444)
- ____ Arizona Child Abuse Hotline (1-888-767-2445)
- ____ Phoenix (602-530-1800 24 hrs.)
- ____ California (1-800-422-4453)
- ____ Colorado (303-866-3006)
- ____ Idaho (1-800-422-4453)
- ____ Nevada (1-800-992-5757)
- ____ New Mexico (1-800-797-3260)
- ____ Oregon (1-800-854-3508)
- ____ Washington (1-800-562-5624)
- ____ Bureau of Indian Affairs (1-800-633-5155)

____ **National Child Abuse Hotline (1-800-422-4453)**

____ **Other** _____

Was report made to law enforcement? ____yes ____no

To who was report made?

Reason for report:

EPARCHY OF VAN NUYS CHARTER:

THE EPARCHIAL MISCONDUCT REVIEW BOARD Regarding Sexual Abuse of Minors

The Board

The name of the board required by the *Eparchial Policy on Sexual Abuse by Clergy and eparchial personnel* will be the **Eparchial Misconduct Review Board**. For purposes of brevity, it will be referred to as “The Board” in the following paragraphs. The Board is an independent advisory board that makes recommendations directly to the Eparchial Bishop concerning cases in which clerics or eparchial personnel are accused of sexual misconduct and in other matters relating to the *Eparchial Policy on Sexual Misconduct by Clergy or Eparchial Personnel*. As defined in Canon Law, a “cleric” is a priest, deacon or bishop. The Board will consider all cases of sexual misconduct by clergy or eparchial personnel. There is to be no screening or filtering process. The cases presented to the Board will not be limited to behavior with minors.

Board Membership

The Board will be comprised of five members appointed by the Eparchial Bishop. The Board will include lay Catholics with expertise in a variety of areas and who are not employees of the Eparchy. An effort will be made to have the Board membership reflect the racial, ethnic, and social diversity of the Eparchy. The existence and purpose of the Board and the identity of Board members will be made public. The Board and its members will be listed in the Eparchial Pastoral Handbook. As outlined in the *Eparchial Policy on Sexual Abuse by Clergy or Eparchial Personnel*, members will be appointed for a term of five years or until a successor is appointed. Initial terms will be staggered. Members can be appointed for more than one term. There should be a reasonable turnover in membership in order to provide the Board with new perspectives and expertise.

The Eparchial Bishop will designate a Chairperson to serve for a one-year term. The term may be renewed for one but not more than two additional terms. Board members will not receive compensation for their services, but will be reimbursed for their necessary expenses. Past and present Board members will be covered by sufficient insurance to protect them from any liability that could arise from the performance of their duties.

The Eparchial Promoter of Justice will be asked to attend the meetings and to provide information to the Board but is not a member of the Board.

Executive Secretary

The Eparchial Bishop will appoint an Executive Secretary who will attend all meetings but is not a member of the Board. The Secretary is to assist the Board in the performance of its duties. This person is to be a well-qualified and experienced Catholic professional who possesses the expertise necessary to serve in this capacity and is responsible to the Board under the direction of the Chairperson.



Functions of the Board

- A. The Board will review regularly, at least annually, the Eparchial policies on sexual misconduct and make recommendations for strengthening and enhancing the effectiveness of these policies in preventing and dealing with sexual misconduct.

- B. The Board will consider all complaints of sexual misconduct by clergy which occur within the pastoral boundaries of the Eparchy of Van Nuys or which involve clerics assigned to or working or living within the Eparchy. This includes cases involving Eparchial clerics, clerics from elsewhere who are on assignment in the Eparchy, religious order clerics who are serving in the Eparchy, and clerics who have been granted hospitality or permission to assist in the Eparchy on a temporary basis.
 - 1. The Board will receive a written report, prepared by Executive Secretary, of each and every allegation of sexual misconduct lodged against a cleric. The Board will not normally receive or consider complaints involving allegations of sexual misconduct by someone other than a cleric.
 - 2. In order to properly carry out the functions of the Board, the Chairperson and Executive Secretary will have full access to all information about the case.
 - 3. The Board will verify that the Eparchy has fulfilled its commitment to report the complaint to the appropriate civil authorities.
 - 4. The Board will discuss each allegation, the background of the parties involved, the response of the cleric, the actions taken by the Eparchial Promoter of Justice and all other relevant information. It will have the authority and resources to obtain additional information deemed to be necessary.
 - 5. The Board will recommend whether it is necessary to place the accused cleric on administrative leave if that has not already been done.
 - 6. The Board will receive reports about the pastoral outreach extended to victims and other recommendations about further efforts to assist victims.
 - 7. The Board will consider whether the parish staff or parish community has been or should be advised of the cleric's misconduct.
 - 8. The Board will monitor each case and once sufficient information has been obtained, make a formal report to the Eparchial Bishop concerning its findings and recommendations, including whether canonical steps should be taken to remove a cleric permanently from ministry. This assessment should be made in the context of the Eparchial policy that a cleric will not be knowingly assigned to serve in the parishes, schools, pastoral ministries or any other assignment when it has been determined that he has engaged in the sexual abuse of a minor.
 - 9. If it appears there is a likelihood that the cleric can be restored to ministry, the Board will make recommendations as to the steps that would be necessary for this to happen and recommend a program of on-going support and supervision for the cleric.
 - 10. The Board will periodically review the cases of clerics who have not been permanently removed from ministry. In this respect, the Board will be provided with status reports containing information obtained from the cleric's supervisor and any other helpful information, including results of psychological evaluations and treatment programs.

- C. The Eparchial Bishop will seek the advice of the Board whenever he receives indications that a cleric may be involved in any kind of sexual misconduct.

Meetings

The Chairperson will ordinarily convene and preside at meetings. The Board will conduct its business at meetings held as often as necessary to perform its duties. The Chairperson may call special meetings when exceptional circumstances are presented which require immediate attention. Meetings will ordinarily be in person; however, special meetings can be conducted telephonically.

Three Board members constitute a quorum and the concurrence of not less than three members is necessary to make a recommendation to the Eparchial Bishop.

The Eparchial Bishop will be invited to attend all meetings. The Board may invite others to attend all or some part of a meeting if necessary.

The meetings will be consultative and advisory, not adversarial and adjudicative. The meetings are not hearings but rather sessions at which the Board receives and considers information, deliberates and formulates its recommendations.

The Board proceedings are confidential and the members of the Board will not discuss the business of the Board or the information presented to the Board with persons who are not Board members or staff.

The Chair of the Board and the Promoter of Justice will communicate to the Eparchial Bishop the matters considered by and the recommendations of the Board shortly after each meeting.

Confidentiality of Records

All records relating to the work of the Board are confidential. Access to these records is restricted to the Eparchial Bishop and his delegates and to those persons or agencies within the Eparchy who need to obtain the information to carry out the purposes of the Eparchial Policy on Sexual Misconduct by Clergy.

Review of Board Guidelines

The Board will formally review the above Charter and the work of the Board after one year and, at least, annually thereafter and make any recommendations to the Eparchial Bishop for whatever changes it deems appropriate.

Mrs. Diane Rabiej appointed Safe Environment Spokesperson

The spokesperson shall be responsible for responding to all inquiries and news conferences regarding allegations of sexual abuse. The spokesperson shall be informed immediately upon the receipt of any allegations. The spokesperson will treat all complaints to the Eparchy as confidential until such time as the allegation becomes public record as a result of charges being filed or the matter is general public knowledge. Within the confines of respect for the privacy and the reputation of the individuals involved, the Eparchial spokesperson will deal as openly as possible with members of the community.

The Safe Environment Spokesperson will be committed to a policy of transparency and openness.



EPARCHY OF VAN NUYS REVIEW BOARD

(Members of the Review Board appointed by Bishop Gerald Dino on May 1, 2009)

**His Grace,
Most Reverend Gerald N. Dino**
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