

Diocese of Richmond CODE OF ETHICAL CONDUCT

For Church Personnel within the Diocese of Richmond



Diocese of Richmond

February 27, 2020

Dear Priests, Deacons, Religious, Employees, and Volunteers,

As disciples of Jesus Christ, we have been called to witness to Jesus both by what we say and what we do, and so our conduct should always seek to be in accord with the Faith which we profess. As Jesus said, "Let your light so shine before all, that they may see your good works and give glory to your Father who is in heaven" (Matt 5: 16). To assist in the realization of these holy purposes, as Bishop of the Diocese of Richmond I am pleased to publish this *Code of Ethical Conduct*.

This document stands to streamline all existing policy language related to conduct into one coherent policy that is applicable to all Church personnel across all ministries. This code was written to set a clear expectation of core values and set a standard of conduct that is consistent with Catholic Church teachings. To the extent other diocesan policies and procedures require a higher standard than those required by this policy, Church personnel will adhere to those higher standards.

For this policy, the term "Church Personnel" is defined as those individuals who represent the Church by virtue of office or designated position, and includes bishops, priests and deacons with faculties to function in this diocese, seminarians of the Diocese, those enrolled in the Permanent Diaconate Formation program, men and women religious working for the Diocese, lay ecclesial ministers, employees, and volunteers.

Therefore, in accord with the norm of law and with due regard for canon 8 §2 of the *Codex Iuris Canonici*, I hereby promulgate this *Code of Ethical Conduct* to become effective one month from today. The policies outlined in this document supersede all current policy statements concerning conduct.

May God continue to bless us all with goodness and grace in our fulfillment of the mission of the Church.

Sincerely in Christ,

Most Reverend Barry C. Knestout

Bishop of Richmond

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Introduction

In his 2019 Motu Proprio "Vos Estis Lux Mundi" Pope Francis references Matthew 5:14 quoting "You are the light of the world. A city set on a hill cannot be hidden." He goes on to state that "our Lord Jesus Christ calls every believer to be a shining example of virtue, integrity and holiness. All of us, in fact, are called to give concrete witness of faith in Christ in our lives and, in particular, in our relationship with others."

This responsibility is especially true for those who have been called to serve the Church. As servant leaders, we must be mindful that our conduct can and often does inspire and motivate others to a deepened faith and personal holiness. It should be understood that all who minister, work, or volunteer in the Diocese of Richmond are to uphold the Gospel values in their personal and professional conduct.

Thus, this *Code of Ethical Conduct* aims to provide expectations and guidelines as a clear standard of conduct for all Church personnel in ministerial and other Church related activities. **Church personnel**¹ includes bishops, priests and deacons with faculties to function in this diocese, seminarians of the Diocese, those enrolled in the Permanent Diaconate Formation program, men and women religious working for the Diocese, lay ecclesial ministers, employees, and volunteers.

There are four core principles that provide the basis for this *Code of Ethical Conduct*. They are:

- Church personnel are expected to represent the Church in faithful, authentic and loving ways.
- Church personnel are expected to foster the dignity of each person and be committed to the best interests of others.
- Church personnel are expected to seek and maintain competency in the areas in which they exercise a role.
- Church personnel are duty bound to hold one another accountable to conduct and standards appropriate to their respective roles.

The Catholic Diocese of Richmond would like to thank the Archdiocese of Baltimore and the Archdiocese of St. Louis, whose own policies were instrumental in the development of this policy.

Personal and Professional Conduct

1. General Conduct

- a. Church personnel are expected to represent the Church in faithful, authentic and loving ways.
 - i. Church personnel are to be faithful to Biblical values, the social teaching of the Catholic Church and the Code of Canon Law.
 - ii. Church personnel conduct must be in agreement with the moral and ethical standards of the Church, including, but not limited to, the sanctity and dignity of human life, the value and integrity of the human person, and the value of people's social relationships to one another and the community. Prohibited misconduct includes, but is not limited to, any offenses against commonly accepted norms of social behavior and/or the dignity of marriage, and teaching/advocating the rejection of Church laws or doctrines.
 - iii. Church personnel are to be sensitive to cultural differences and language barriers that exist among our diverse populations.
 - iv. Church personnel are to treat others with respect and dignity, and not discriminate against others on the basis of race, color, national origin, age, gender, and disability.
- b. Church personnel are expected to foster the dignity of each person and be committed to the best interests of others.
 - Church personnel are to be mindful of the power of position in relationships: both the power to do great good and the power to cause harm.
 - Church personnel who are in positions where they receive privileged access to information are to maintain appropriate levels of confidentiality.
 - iii. Church personnel are to maintain appropriate boundaries³ in relationships.
 - iv. Church personnel are to be familiar with and support the Diocesan Safe Environment Regulations and fully comply with state and Diocesan reporting requirements.
 - v. Church personnel are to be mindful of the dignity of all individuals, paying particular attention to the marginalized among us especially those with intellectual, emotional, or physical disability, the very young, the frail, the elderly, the poor, and other populations such as minority communities that need personal encounter, active involvement, community accompaniment and advocacy.
 - vi. Church personnel are to perform their duties and responsibilities in good faith and avoid any conflict of interest, or even the appearance of a conflict of interest.
- c. Church personnel are expected to seek and maintain competency in areas in which they exercise their roles.

- i. Church personnel are to act in accordance within their diocesan roles with competence.
- ii. Church personnel are to seek and receive guidance from their supervisors² on the expectations required in their roles, how to perform pursuant to Diocesan policies, whether their performance meets expectations, and if and how they can improve.
- d. Church personnel are duty bound to hold one another accountable to conduct themselves according to standards appropriate to their respective roles.
 - Church personnel have the obligation to hold accountable those church personnel who do harm to or cause scandal in the community in which they minister and to and in the Church universal.
 - ii. Church personnel in positions of authority are to screen and supervise staff and volunteers for competency required in the roles they perform and assure their conduct is appropriate.
 - iii. Church personnel who fail or refuse to comply with this *Code of Ethical Conduct* are subject to disciplinary action up to and including termination of employment or removal from volunteer service or pastoral assignment. Supervisors shall notify the appropriate Diocesan authority of violations of this *Code of Ethical Conduct*.
- 2. Conduct in Pastoral Counseling, Spiritual Direction, or Guidance: In providing pastoral counseling, spiritual direction, or guidance, hereafter as "counseling," Church personnel are to respect the rights and advance the welfare of each person. Those who hold a professional certification and/or licensure in these areas shall perform their duties pursuant to the standards required of their profession. Church personnel are not to step beyond their competence and training in counseling situations and are to refer individuals to the appropriate professional when necessary.
 - a. Church personnel are to consider any conflicts of interest and potential consequences before entering into a counseling relationship with someone with whom they have a pre-existing relationship (i.e., as an employee, professional colleague, friend, family member, etc.).
 - b. Church personnel are to establish and maintain clear, appropriate, boundaries in all counseling and counseling-related relationships.
 - c. Counseling or other appointments are to be conducted at appropriate times and in appropriate settings. Counseling sessions should not take place in private living quarters or places that could cause confusion about the nature of the relationship between the counselor and counselee. Counseling sessions should take place in settings where the counselee's ease of exiting is assured; access to the door should not be impeded by persons or objects. Doors should also have a glass pane or remain open while maintaining confidentiality.
 - d. Church personnel providing counseling are to maintain a log of the times and places of counseling sessions. Counseling sessions are not to be audio- or videotaped.

- 3. **Conduct with Minors and Vulnerable Adults**⁴: Church personnel must comply with all policies relating to *Diocesan Safe Environment Regulations* and the *Charter for the Protection of Children and Young People*. Church personnel who work with or routinely have access to minors and vulnerable adults must be aware of their own as well as others' vulnerabilities. For this reason, the Diocese of Richmond will utilize a team approach.
 - a. Church personnel will monitor facilities during any parish, school or diocesan event, particularly any restroom facilities used by children and youth and any secluded areas.
 - b. Church personnel should only meet with a minor where other adults can have access to the room. The entry door should have a window or be left open.
 Church personnel should not meet with a minor if there are no other adults in the immediate vicinity.
 - c. Two unrelated adults who have completed safe environment training and background screening must be present during parish, school or diocesan activities, whether it is a residence, meeting hall, or any other closed or private location.
 - d. The entirety of a Church rectory is considered a private setting, thus official work of the Church is not to be conducted there. Minors or vulnerable adults are only to be inside a rectory with the permission and supervision of their parent or guardian. In those parishes where offices and living quarters are in the same building, a clear demarcation between the two must be made.
 - e. Programs for children/youth shall be approved by parish, school, or diocesan administration and staffed by at least two unrelated adults. Any off-site event must be chaperoned by at least two unrelated adults.
 - f. Transportation provided while on parish- school- or diocesan-sponsored events, requires the presence of two unrelated adults, in the vehicle while children or youth are being transported. When it is not possible to provide two adults for each vehicle, the minimum requirement is one adult with two or more minors, never one adult to one minor.
 - g. Overnight retreats/events require the presence of two unrelated adults. Staff and volunteers should not provide shared, private, overnight accommodations for minors in a Church –owned facility, private residence, hotel room, or other facility where there is no other adult supervision present. All adults must respect the privacy of minors in situations such as changing clothes and taking showers, intruding only to the extent that health and safety requires.
 - h. Adults should be aware that physical contact with minors can be easily misconstrued, especially in private settings. Physical contact with minors should be public, appropriate and nonsexual.
 - Parents have a right to observe programs, activities, and communications in which their children are involved. Parents, who desire to participate in or have continuous contact with their child's programs at school or the parish, must fulfill the requirements of the volunteer background screening process and safe environment training.

- j. In those rare emergency situations, when accommodation is necessary for the health and well-being of the minor or vulnerable adult; extraordinary care should be taken by the Church personnel to protect all parties from the appearance of impropriety and from all harm. When possible, a team approach should be used to deal with emergency situations.
- k. No form of physical discipline is acceptable. Church personnel should never engage in physical discipline for behavior management of a minor or vulnerable adult. Moreover, Church personnel should not humiliate, ridicule or degrade minors or the vulnerable.
- I. Exposing a minor to sexually oriented or inappropriate materials is prohibited.
- m. Church personnel should never offer alcohol, tobacco or illegal drugs to a minor nor should church personnel use, possess or be under the influence of illegal drugs or alcohol or smoke or use tobacco when ministering to minors or the vulnerable.
- n. Church personnel should not accept or give gifts to an individual minor without prior written approval from the parents or guardians and notification to the pastor, school administrator, or diocesan office. Developmentally appropriate gifts may be given to groups of minors as part of a ministry program or work of the parish, school, campus ministry, etc.
- 4. **Conduct in Communications:** In the 'Social Networks' address of Pope Benedict XVI on the 47th World Communications Day the Church was invited to employ various social media in carrying out the task of evangelization. With due regards for that invitation, the following should be kept in mind:
 - a. No Church personnel should initiate contact with a minor via text, telephone or electronic medium *unless* it is part of (1) a group notice or (2) concerning a ministry, work of the parish, school, campus ministry, etc. Whenever possible the latter communiques should be done through an official communication platform of the respective organization.
 - b. In the event a minor or vulnerable adult should initiate the contact requesting a meeting for something of a personal nature, the response should do no more than set a date, time and place for the meeting in an appropriate venue. Some retrievable record of this response should be maintained, and forwarded to one's supervisor, if necessary. In matters related to the Sacrament of Reconciliation, no record should be kept. The Sacrament should be celebrated in a confessional/reconciliation room whenever possible.
 - c. In all other meetings with minors, notification of, or permission from, a parent or guardian should be offered or sought. Depending on the nature of a vulnerable adult's disability, a similar notification to the legal guardian should be made;
 - d. Personal information should be neither sought from minors or vulnerable adults nor shared via texts or social media. In the event church personnel should receive any salacious or suggestive material from minors or vulnerable adults, it must be reported to one's supervisor.

- e. Communications and/or information displayed or shared by Church personnel with a minor through social media must be consistent with the values and teachings of the Church and publicly accessible to parents, guardians, and supervisor.
- f. Church personnel shall communicate with minors from 8:00am to 9:00pm, except in the instances of diocesan, parish, or school sponsored events that extend past 9:00pm.
- 5. **Dignity in the Workplace:** Church personnel will establish and maintain relationships with all those called to participate in the mission of the church which are characterized by openness, honesty, respect, integrity, and avoid any abuse of power.
 - a. All work activity and decisions must comply with all civil laws and regulations applicable to the Church.
 - b. Church personnel must promote the highest standards of business ethics and integrity and must act in good faith and in the best interest of the diocese.
 - c. Church personnel must refrain from statements that are false, degrading, defaming, invasive or harmful to another's reputation.
 - d. Church personnel must be responsible stewards of Church resources, including financial and human resources. Employees must act to preserve and protect the assets of the diocese by making prudent and effective use of resources.
 - e. Business transactions with existing or potential third-party vendors (suppliers, contractors, etc.) must be conducted to avoid any preferential treatment, or perceived preferential treatment. Any gifts or favors accepted from third party vendors:
 - i. Must be limited in value, *i.e.* calendars, books, an invitation to a meal, *etc*
 - ii. Can include perishable items, such as gifts given during holidays, *i.e.*, hams, cookies, nuts, *etc.*;
 - iii. Can include day outings, such as golf or fishing, or tickets to events, such as sports or fundraisers, only upon approval of the supervisor;
 - iv. Must be of such a nature that public disclosure of the gift would not embarrass the Diocese. Under most circumstances, it is not permissible to accept gifts of cash or cash equivalents. Supervisors should not accept gifts from the individuals under their supervision unless the gift is of limited value.

6. **Confidentiality:**

- a. Church personnel must maintain and protect the confidentiality of proprietary information concerning other Church personnel and the diocese. Confidential and/or personal information received concerning parishioners, students and/or student parents shall be equally respected.
- Church personnel must hold in strict confidence information disclosed to them during the course of counseling, advising, or spiritual direction, except for compelling professional reasons or as required by law. Church personnel are to

- discuss the nature of confidentiality and its limitations with each person in counseling.
- c. Church personnel shall consult with the appropriate Church authority, e.g., one's immediate supervisor, before disclosing confidential to any person or entity. Before disclosure is made, if feasible, Church personnel are to inform the person to whom the confidential records pertain about the disclosure.
- d. Church personnel should keep minimal records of the content of counseling sessions. Knowledge that arises from professional contact may be used in teaching, writing, homilies, or other public presentations only when effective measures are taken to safeguard absolute both the individual's identity and the confidentiality of the disclosures.
- e. While counseling a minor in a formal setting, if Church personnel discover 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, Church personnel are to, if feasible, attempt to secure written consent from the minor for the specific disclosure and to disclose only the information necessary to protect the health and well-being of the minor if consent is not given.

These obligations are exclusive of the sacramental seal of Confession, which demands that under no circumstance whatsoever may there be any disclosure, even indirect disclosure, of information received through Confession. Priests and deacons should also be aware of statutes in the Code of Virginia that relate to communications between ministers of religion and persons they counsel or advise.

- 7. **Conflict of Interest:** Church personnel are to 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.
 - a. Situations must be avoided when potential conflicts of interest between an interest of Church personnel's and the interest of the diocese may exist. Activities and relations with others should be conducted so as to avoid any actual or perceived conflicts of interest. If conflicts of interest do occur, Church personnel must make a prompt and full disclosure to their supervisor.
 - b. Church personnel shall avoid relationships that could impair professional judgment, create conflicts of interest (*i.e.*, with employees, employees' family members, students, friends, business relationships, family) or lead to exploiting a relationship for personal gain. Where dual relationships exist, extreme care should be taken to separate what is Church ministry and what is personal.
 - c. Church personnel must lessen the potential for conflicts of interest and exploitation by maintaining clear roles and boundaries and by being clear about whose needs are being met.
 - d. Church personnel are not to take advantage of anyone to whom they are ministering in order to further their personal, political, or business interests.

- e. Conflicts of interest may arise when the independent judgement of Church personnel is impaired by personal interests. In these circumstances, Church personnel should extricate themselves from such situations and refer the matter to an appropriate qualified substitute to act in their stead.
- 8. **Sexual Conduct:** Church personnel are called to uphold the moral virtue of chastity⁵.
 - a. Church personnel are to not exploit the trust placed in them by the faith community or its members for sexual gain or intimacy. Any physical touch should be public, appropriate and nonsexual since physical touch can be easily misconstrued.
 - i. Church personnel shall avoid developing intimate relationships that are not in keeping with Church teaching, their vocation or state in life.
 - ii. In particular, priests are committed to a celibate lifestyle and are to be an example of celibate chastity in all relationships at all times. Any conduct by a priest against the sixth commandment of the Decalogue is forbidden (c. 1395).
 - b. Allegations of sexual abuse⁶ involving a minor are to be taken seriously and reported immediately to the appropriate Church authority and the proper civil authorities as required by law.
 - c. Allegations of all sexual misconduct (i.e., sexual abuse, sexual exploitation, or sexual harassment) involving adults are also to be taken seriously and are to be reported to the appropriate Church authority who may also report the allegation as required by law. The policies of the Diocese regarding sexual misconduct and sexual abuse are to be followed to protect the rights of all involved.
 - d. Church personnel are to review and know the contents of the child abuse regulations and reporting requirements for the Commonwealth of Virginia and follow those mandates.
- 9. **Harassment:** Church personnel must maintain a professional work environment and are to not engage in sexual, physical, psychological, written or verbal intimidation or harassment and are to not tolerate such harassment by other Church personnel.
 - a. Harassment is unwelcome conduct that denigrates or shows hostility or aversion toward an individual because of their race, color, sex, national origin, religion, age, disability or handicap. Harassment includes, but is not limited to, physical or mental abuse; racial insults or derogatory ethnic slurs; sexual advances or unwanted touching, inappropriate comments or jokes; requests for sexual favors used as a condition of employment or to affect other personnel matters such a promotion or compensation; and display of offensive materials.
 Merely calling others to fulfill the legitimate expectations of their positions is not, in and of itself, harassment.
 - b. Harassment can be a single incident or a persistent pattern of behavior where the purpose or the effect is to create a hostile, offensive, or intimidating environment.

- c. Church personnel are prohibited from retaliating against any individual who reports and/or provides any information concerning harassment and/or violations of diocesan policies, rules and standards of conduct. Retaliation includes, but is not limited to, making threats by verbal, written and/or electronic means.
- d. Allegations of harassment are to be taken seriously and reported immediately to the supervisor and/or the appropriate Church authority such as the pastor, principal, Human Resources Officer, Vicar for Clergy, or the Vicar General.
- e. For additional harassment policies, employees should reference the employee manual, Called to Work in Harmony.
- 10. **Well-being of Church Personnel:** Church personnel are responsible for their own spiritual, physical, mental, and emotional health and are encouraged to utilize the resources available to them through parish or diocesan sponsored programs.
- 11. **Pastoral Response to Allegations of Misconduct:** Church personnel have a duty to report their own professional and ethical misconduct and the misconduct of others.
 - a. Church personnel are to be aware of, clearly understand, and comply with the ethical and professional standards of behavior that arise from our Catholic tradition and which have been developed and clarified by the Catholic Diocese of Richmond.
 - b. Church personnel strive to hold one another accountable to these ethical standards. When there is an indication of illegal actions by any Church personnel, the appropriate Diocesan office is to be notified immediately, as well as the proper civil authorities when the law requires.
 - c. The obligation of all Church personnel to report client misconduct is subject to the duty of confidentiality. However, any agreement or duty to maintain confidentiality is to yield to the need to report misconduct that threatens the safety, the health, or the spiritual, psychological, or physical well-being of any of the person involved.
 - d. Church personnel are prohibited from retaliation against any individual who submits a report of misconduct.

Policy Compliance

Just as individuals are called to be responsible for their own conduct, the Diocese is called to hold all Church personnel accountable to the conduct outlined in this policy. The Diocese will investigate and respond to all reports of violations to this policy. When investigating allegations of misconduct, the appropriate Church personnel will be guided by the following values:

- The safety and protection of the community
- ❖ An unbiased and earnest search for the truth
- The need to provide appropriate outreach to victims
- The need to uphold applicable civil and canon law
- The right of all persons to be treated fairly
- ❖ The right of a person to be protected from unwarranted damage to his/her reputation
- ❖ The need to comply with Diocesan policies and procedures
- The need to maintain and disclose documentation as appropriate
- The need to make any required report(s) in a timely manner
- The need to provide for the well-being of the community impacted by the misconduct

After a complete investigation, any conduct found to be inconsistent with this policy may result in disciplinary action up to and including termination for an employee, or removal of position for a volunteer. In the case of a cleric or person in consecrated life, deprivation of office or other canonical penalties may be imposed through proper channels in the Church's law.

An electronic version of this policy may be accessed via the Employee Extranet for clergy and employees. Volunteers may access the policy on the diocesan Office of Safe Environment webpage, as well as the diocesan Ethicspoint webpage.

Any change to this policy is at the discretion of the Bishop of Richmond. All changes will be promogulated and all appropriate parties will be notified.

Glossary of Terms as Used in this Document

- 1. **Church personnel:** Bishops, priests and deacons with faculties to function in this diocese, seminarians of the Diocese, those enrolled in the Permanent Diaconate Formation program, men and women religious working for the Diocese, lay ecclesial ministers, employees, and volunteers.
- 2. **Supervisor**: refers to the recognized leader of an individual location or diocesan office (e.g.: Bishop, Pastor, Principal, or Director of Pastoral Center office).
- 3. **Boundaries**: appropriate social, emotional, and behavioral rules of interactions between individuals.
- 4. **Child, Youth, Minor or Vulnerable Adults**: Any person under the age of 18 or an adult considered to be vulnerable. In Virginia, a person is an adult at age 18 and is *sui iuris* unless that person is vulnerable, that is, unable to perform activities or normal daily living due to a mental, intellectual, emotional, long- term physical or developmental disability or dysfunction, brain damage, the infirmities of aging or other causes. In the case of clergy, the Motu proprio "Vos Estis Lux Mundi" gives the definition of vulnerable person as: any person in a state of infirmity, physical or mental deficiency, or deprivation of personal liberty which, in fact, even occasionally, limits their ability to understand or to want or otherwise resist the offence.
- 5. **Chastity**: "Chastity means the integration of sexuality within the person." (Catechism of the Catholic Church [CCC] 2395.) The Church does not equate, in the way some secular definitions do, celibacy with chastity. Rather, "all the baptized are called to chastity." (CCC 2348) Each is to live a lifestyle appropriate to his/her vocation. It is God's grace that empowers us to uphold the virtue of chastity, enabling us to regulate sexual desires and actions. The Christian faithful, by living a chaste life, are able to see others as having value. They see the dignity of another, not seeing others as simply a sexual object. For example, a married person who lives chastely lives in fidelity to his or her spouse, seeking always the good of the spouse and family over personal wants and desires.
- 6. **Sexual abuse**: An act committed against a minor with the intent to sexually molest, arouse, or gratify any person that includes, but not limited to the following:
 - a. The accused intentionally touches the complaining witness's (accuser or victim) intimate parts or material directly covering such intimate parts;
 - b. The accused forces the complaining witness to touch the accused's, the witness's own, or another person's intimate parts or material directly covering such intimate parts:
 - c. The accused caused or assists the complaining witness to touch the accused's, the witness's own or another person's intimate part of material directly covering such intimate parts;

- d. The accused forces another person to touch the complaining witness's intimate parts or material directly covering such intimate parts; or,
- e. The accused solicits information of a sexual nature from the complaining witness.

The definition further includes the acquisition, possession, or distribution by the accused of pornographic images of a child, children, youth(s) or minor(s), for purposes of sexual gratification, by whatever means or using whatever technology.

Sources: Essential Norms, Preamble; Sacramentorium sanctitatis tutela, Art. 6, §1.2º; Code of Virginia, §18.2-67.10 (SER)

ACKNOWLEDGMENT FORM CODE OF ETHICAL CONDUCT

The following is the Official Acknowledgement denoting that the individual whose signature appears below has read and understands the guidelines contained in the Code of Ethical Conduct. This Acknowledgment will be kept in your Church personnel file.

While updated versions of this policy will be shared with employees and diocesan entities, it is your responsibility to ensure you are aware of the most recent version and adhere to it.

Any change to this policy is at the discretion of the Bishop of Richmond. All changes will be promogulated and all appropriate parties will be notified.

Should you have questions about this policy, you understand you should direct those questions to your supervisor. Please complete and return this Acknowledgement to your parish/school/office location.

By acknowledging receipt and understanding of this policy and ministering or accepting an employment or volunteer position within the Diocese of Richmond, I agree that I will abide by the Code of Ethical Conduct: