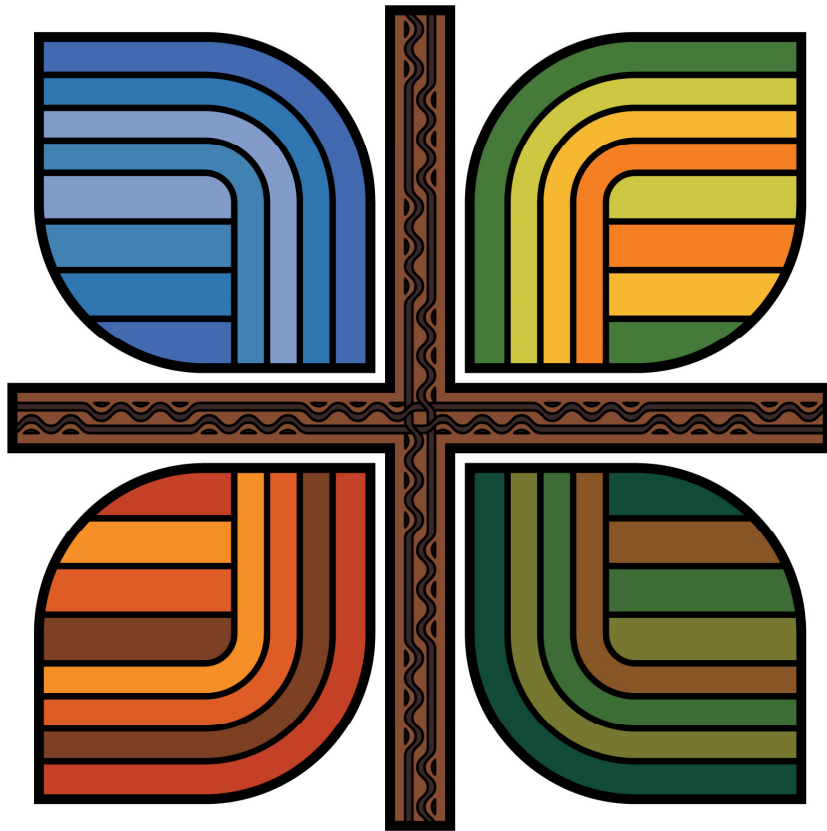


Code of Conduct for Personnel



Approved November 2014

Code of Conduct for Personnel Diocese of Des Moines

Introduction

Personnel of the Diocese of Des Moines uphold Christian values and conduct. They also know that God's goodness and graces support them in their work. In following the Gospel, they are to act properly at all times. The conduct of personnel, both public and private, has the potential to inspire and motivate people, or scandalize and jeopardize their faith.

This Code of Conduct for Personnel ("Code of Conduct") establishes a framework for ethical behavior for personnel. Personnel must be aware of the responsibilities that accompany their work. This code is also intended to stimulate discussion within the Church community in order to broaden consensus on standards of practice and further refine them. These standards cannot address all the ethical questions which involve personnel; nor does it supersede canon or civil law. Current and new employees are to receive training and education about this Code of Conduct.

Responsibility for adherence to this Code of Conduct rests with personnel themselves. Disregard of these standards will be dealt with by the appropriate authorities. Remedial action may take various forms from counseling to removal from the position and/or termination of ministry/employment.

(*For purposes of this Code of Conduct, "personnel" includes those listed in (**Appendix A**) of this document.)

General Principles

The following principles have guided the development of this Code of Conduct.

Integrity

Personnel are persons of integrity and conduct themselves in an honest and open manner, free from deception or corruption.

Respect for Others

Personnel respect the rights, dignity and worth of each person, respecting each individual as a creation of God. Personnel are sensitive to cultural differences among people and appreciate the richness that diversity brings.

Well Being

Personnel attend to their own human, spiritual, intellectual, and pastoral well-being, and support others in their developing well being.

Competence

Personnel maintain high levels of professional competence in their particular work. Training, education and experience all contribute to make them competent and credible in their areas of expertise.

Standards for Conduct In Professional Relationships

1. Administration

Personnel exercise just treatment of others in day-to-day operations.

1.1 Personnel relate to all people with respect, sensitivity and reverence. Meetings/conversations are conducted with patience and courtesy respectful of the views of others, in an environment where it is safe for others to offer constructive criticism.

1.2 Personnel empower others, supporting each person to live the life to which God calls them. They work in ways that respect the different talents people bring to the Church.

1.3 Personnel exercise responsible stewardship of all resources. They ensure that in their area of work, there is a clear accounting of all funds and materials. Parish finances are to be managed in cooperation with the parish finance council as required by canon law.

2. Conduct in Counseling

Personnel who conduct counseling for families, individuals, or groups, respect their rights and advance the welfare of each person.

2.1 Personnel do not exceed their competence in counseling situations. The parameters are dictated by their training, certification, or licensure from the state of Iowa.

2.2 If conducting group sessions, clients are not subject to trauma or abuse resulting from group interactions. Personnel must state to group participants the nature of the group, and the parameters of confidentiality of all individual disclosures.

2.3 Personnel do not disclose information learned from counseling sessions. Personnel should inform the counselee that confidentiality is limited when there is clear and imminent danger to the client or to others. In such cases, personnel must contact the necessary authorities or other professionals.

2.4 In cases where the counselee is in a counseling relationship with another professional, personnel should make clear what services they can provide to the counselee.

2.5 Personnel who leave their position while conducting counseling should help make appropriate referrals for continued care. When possible personnel should provide those whom they are counseling thirty days written notice they are leaving their position.

2.6 Personnel ordinarily do not begin a counseling relationship with someone with whom they have a preexisting relationship (i.e., employee, professional colleague).

2.7 Personnel are forbidden to engage in sexual conduct with those whom they counsel. Any sexual conduct with a former patient within one year of the termination of the mental health services by the counselor or therapist is considered sexual exploitation under Iowa law.

2.8 Physical contact with the counselee should be avoided. In situations where physical contact is initiated by a counselee, use sound discretion and moderation.

2.9 It should always be clear to both the personnel and the counselee that a counseling relationship is in process. This presumes that counseling is conducted in an appropriate setting and at appropriate times. Counseling should not be done in private living quarters or at places or times that would be ambiguous or misleading to the counselee.

2.10 Personnel maintain appropriate boundaries in all counseling relationships. During the course of the counseling relationship, personnel ordinarily do not engage in socializing with counsees.

2.11 Personnel who conduct counseling should exercise personal accountability by engaging in professional peer consultation and/or supervision as appropriate and maintain a written record of all counseling sessions.

2.12 When personnel are unable to provide appropriate assistance, they should advise the party/parties that he/she can no longer provide counseling and refer the counselee to other counselors.

3. Conduct with Minors

Personnel working with minors should use appropriate judgment to ensure trusting relationships marked by personal and professional integrity. There are times when one-on-one involvement with minors is unavoidable. If it is necessary to depart from these guidelines, adults should be aware of any departure and be able to explain their actions as conforming to principles of Christian ministry.

3.1 Personnel must be aware of their own vulnerability and that of any individual minor with whom they may be working. In every instance possible, a team approach to youth activities should be considered.

Personnel should avoid establishing any exclusive relationship with a minor and exercise due caution when they become aware of a minor desiring such a relationship.

3.2 Avoid physical contact when alone with a minor. In situations where physical contact is necessary and proper, use sound discretion and moderation. If a minor initiates physical contact out of affection, an appropriate response is proper if not prolonged.

3.3 Seek more than one responsible adult to be present at events involving minors, such as games and athletic activities.

3.4 Personnel do not use or supply alcohol and/or illegal drugs when working with minors.

3.5 Personnel do not provide any sexually explicit, inappropriate, or offensive material to minors.

3.6 Other than a close familial relationship, church leaders should not provide shared or 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.

3.7 Personnel should know and understand the diocesan policy regarding sexual abuse of minors* by clergy and diocesan procedures contained in this code for reporting misconduct involving minors.

*As defined by the 2011 charter and as used in this policy, sexual abuse of a minor is to be “understood in accord with the provisions of *Sacramentorum sanctitatis tutela* (SST), article 6, which reads:”

§1. The more grave delicts against morals which are reserved to the Congregation for the Doctrine of the Faith are:

1^o the delict against the sixth commandment of the Decalogue committed by a cleric with a minor below the age of eighteen years; in this case, a person who habitually lacks the use of reason is to be considered equivalent to a minor.

2^o the acquisition, possession, or distribution by a cleric of pornographic images of minors under the age of fourteen, for purposes of sexual gratification, by whatever means or using whatever technology;

§2. A cleric who commits the delicts mentioned above in §1 is to be punished according to the gravity of his crime, not excluding dismissal or deposition.

In view of the Circular Letter from the Congregation for the Doctrine of the Faith, dated May 3, 2011, which calls for “mak[ing] allowance for the legislation of the country where the Conference is located,” Section III(g), we will apply the federal legal age for defining child pornography, which includes pornographic images of minors under the age of eighteen, for assessing a cleric’s suitability for ministry and for complying with civil reporting statutes.

If there is any doubt whether a specific act qualifies as an external, objectively grave violation, the writings of recognized moral theologians should be consulted, and the opinions of recognized experts should be appropriately obtained (*Canonical Delicts Involving Sexual Misconduct and Dismissal from the Clerical State*, 1995, p. 6). Ultimately, it is the responsibility of the diocesan bishop/eparch, with the advice of a qualified review board, to determine the gravity of the alleged act.

4. Sexual Conduct

Personnel do not exploit the trust of the community for sexual gain or intimacy.

4.1 Personnel are not to exploit persons for sexual purposes.

4.2 It is the personal and professional obligation of personnel to be knowledgeable about what constitutes sexual exploitation of another and to be familiar with the laws of Iowa regarding sexual exploitation, sexual harassment, sexual abuse, and sexual assault. (For more information on these laws, please refer to Iowa Code 709).

4.3 Personnel are called always within Church teaching to chastity in all relationships. Personnel, whether committed to celibacy, single or married lifestyles, are called to witness in fidelity to chastity.

4.4 Allegations of illegal misconduct will be reported to the authorities. Any sexual exploitation of others is contrary to the policy of the diocese.

4.5 Personnel should be knowledgeable of and comply with Iowa mandatory reporting requirements, as well as the diocesan Code of Conduct and policies on sexual abuse. (For more information on these laws, please refer to Iowa Code section 235B.3(2)).

5. Professional Behavior

Personnel do not engage in physical, psychological or verbal harassment of employees, volunteers, or others and will not tolerate such harassment by other employees or volunteers.

5.1 Personnel are committed to providing a professional work environment for their employees, which is totally free from such harassment. Personnel should strive for a work environment that is free from intimidation and harassment based on any of these factors.

5.2 Harassment encompasses a broad range of physical or verbal behavior, which can include, 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 affecting any personnel decision such as hiring, promotion, or compensation;
- treating someone less favorably based upon their gender;
- display of offensive materials.

5.3 Harassment can occur as a result of a single incident or a pattern of conduct which results in the creation of a hostile, offensive, or intimidating work environment.

5.4 Personnel are to follow the established procedure for reporting of harassment, and are to ensure that no retaliation for bringing forward a claim of harassment will be tolerated. (cf Diocesan Board of Education regulation 478.1)

5.5 Personnel are to ensure that there is a clear policy on reporting harassment for both employees and volunteers. (cf Diocesan Board of Education policy 478) (**Appendix B**)

6. Confidentiality

Information disclosed to personnel during the course of counseling, advising, spiritual direction and any other professional contact shall be held in strictest confidence.

6.1 Individuals who come to personnel should feel that they are entering a relationship marked by respect, trust and confidentiality.

6.2 Personnel are bound to safeguard the confidentiality of any notes, files, or computer records pertaining to professional contact with individuals.

6.3 If consultation with another professional becomes necessary, utmost care should be taken to do so only by using non-identifying information; when this is not possible, the other professional must be bound to the same degree of confidentiality as the personnel. If the other professional is not so bound, the disclosure should not be made.

6.4 When consultation is necessary, personnel must exercise great care to limit the content of the information to be shared. Personnel must first determine: what is the precise information that personnel needs to have shared; with whom is the information to be shared; and why does it need to be shared.

6.5 Knowledge that arises from professional contact may be used in teaching, writing and preaching or other public presentations only when effective measures have been taken to absolutely safeguard individual identity and confidentiality.

6.6 Except as provided above with respect to consultation, confidential information can be disclosed only with the written, informed consent of the individual. In legal proceedings in which personnel is a defendant and the allegations stem from a professional contact, the disclosure of confidential information gained in that contact is permitted only to the minimum necessary to achieve the purpose of defense.

6.7 When entering into a counseling or pastoral relationship with an individual, personnel instruct the individual from the outset regarding several exceptions to the ordinary rights to confidentiality: threats of self-inflicted harm to the individual and threats against others because of the individual's emotional status or behavior. Threats of self-harm may also include suicidal thoughts with a plan to commit the act and/or plans to commit violence against another. In these situations, which pose a grave risk for the individual's welfare and the welfare of others, communication of information to a parent or legal guardian and /or to the civil authorities should occur expeditiously with or without the consent of the individual.

6.8 Under no circumstances whatsoever can there be any disclosure, even indirect, of information received through the confessional.

7. Reporting Misconduct

Personnel have a responsibility to report ethical misconduct on their part and for other personnel.

7.1 In cases where there are indications of illegal actions by personnel, notification should be made immediately to the proper civil and Church authorities. This includes the duty that personnel have to self-report to proper Church authorities if charged with illegal actions.

7.2 In cases where there are indicators of unethical, but not illegal actions by personnel, notification should be made to the proper Church authorities.

7.3 All accusations and concerns, either past or present, involving the sexual abuse of a minor and/or adult sexual exploitations, as defined by Iowa law, must be reported promptly to the vicar general or the chancellor.

7.4 In cases relating to the sexual abuse of a minor by clergy, the Diocese of Des Moines Policy Regarding Sexual Abuse of a Minor by a Member of the Clergy will pertain. Other allegations of unethical misconduct will be investigated by the diocese and restrictions/termination of ministry/employment may be imposed. Diocesan protocol and procedures will be followed to insure the rights of all involved and to facilitate justice for the aggrieved.

7.5 Where circumstances dictate, the reporting and investigation procedures set forth under Iowa Administrative Code Section 281.102 should be followed. (cf Diocesan Board of Education policy 478 and regulation 478.1) (**Appendix B**)

8. Electronic Communications

Information and technology resources are used to support the pastoral, educational, instructional and administrative endeavors of church leaders.

8.1 Under no circumstances shall any postings, voicemail, e-mail or Internet originating at diocesan or parish property be in violation of teachings of the Catholic Church, the letter or spirit of the diocesan Equal Employment Opportunity or Sexual Harassment policies or the restrictions against 501c(3) tax exempt organizations. Communication tools should not be used for personal gain, partisan political activity, for gambling, or to solicit others for activities unrelated to diocesan business. Under no circumstances can electronic communications be used to carry defamatory, discriminatory or obscene material.

8.2 The intended transmission or reception of any material in violation of any national, state or local regulation is prohibited. The intended transmission or reception of materials such as pornography that would violate the moral teaching of the Catholic Church or be scandalous to the Church on diocesan or parish equipment is also prohibited.

8.3 The diocese respects the personal privacy of its personnel. However, because communication tools are provided for business purposes, personnel rights of privacy in this context are quite limited. There should be no expectation that any information transmitted or stored on diocesan or parish equipment is, or will remain, private. In the course of their duties, system operators and managers may monitor employee use of the Internet or review the contents of stored or transmitted data. E-mail should not be considered a confidential means of correspondence. Illegal activities or usage will be reported to law enforcement.

8.4 Violations of these procedures can result in responses ranging from denial of future access to termination of ministry/employment.

Acknowledgment

The Diocese of Des Moines gratefully acknowledges the valuable assistance provided by the Archdioceses of Dubuque and Milwaukee, and the Dioceses of Davenport and Sioux City.

Appendix A

“Personnel” includes the following categories:

- A. All incardinated clerics.
- B. All priests and deacons who have the faculties of the Diocese of Des Moines.
- C. All those non-ordained persons to whom participation in the exercise of the pastoral care of the parish is entrusted according to Canon 517, Section 2, of the Code of Canon Law.
- D. All clerics or seminarians of other dioceses or religious communities who are working for the diocese or diocesan entities.
- E. All religious working for the diocese or diocesan entities.
- F. All staff of St. Thomas More Center in Panora.
- G. All staff in the offices, institutions, all religious working for the diocese or diocesan entities, and all staff of St. Thomas More Center who have regular contact with minors (i.e., three or more hours each month).
- H. All volunteers in the offices, institutions, all religious working for the diocese or diocesan entities, and all staff of St. Thomas More Center who have regular contact with minors (i.e., three or more hours each month).
- I. Such other personnel as designated by the Bishop of Des Moines.
- J. All seminarians of the diocese.

Note: Catholic corporate entities within the Diocese of Des Moines that are listed in The Official Catholic Directory or the Diocesan Directory that do not have the Bishop of Des Moines as their President are not covered by this policy (i.e., Catholic colleges, hospitals, religious communities).

Appendix B

Policy 478

<p style="text-align: center;">DIOCESE OF DES MOINES</p> <p style="text-align: center;">Catholic Schools Policies/Regulations</p>

STAFF PERSONNEL

Sexual Harassment and/or Abuse by Staff Personnel

It shall be the policy of the Diocesan Catholic Schools Board that all schools maintain an environment free from sexual harassment and abuse. Each school must promote a sexual harassment and abuse free environment through information, training, supervision and investigation of allegations of such behavior.

Sexual harassment and abuse shall include but is not limited to, inappropriate, intentional or unwelcome sexual advances, touches, or behaviors, pressure or requests for sexual favors, and other verbal or physical conduct of a sexual nature when:

- 1) Submission to the conduct is implicitly or explicitly a term or condition of education or employment.
- 2) Submission to or rejection of the conduct is used as the basis for academic decisions affecting a student or an individual's employment.
- 3) Such conduct has the purpose or effect of substantially interfering with a student's academic performance by creating an intimidating, hostile or offensive education environment or has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile or offensive working environment.

School personnel (students, employees, volunteers), who believe they or others have or may have been sexually harassed and/or abused by school employees/volunteers, should report this matter to local officials (Level I Investigator) and to the Diocesan Chancellor.

Persons who have been sexually harassed and/or abused always have the right to notify the civil authorities.

The Level-One investigator must respond promptly to complaints/allegations of sexual harassment and/or abuse. School personnel (employees/volunteers and students) are required to assist in the investigation when requested to provide information all involved are to maintain confidentiality to the extent practical in the reporting and investigating process.

No one shall retaliate against a student or employee/volunteer because they have filed a sexual harassment or abuse complaint or participated in an investigation of such a complaint.

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The school administrator shall normally serve as the designated Level-One investigator unless the allegation involves the Level-One investigator, in which case the Diocesan Superintendent of Schools shall be notified. The name and telephone number of the Level-One investigator and an alternate shall be published annually in the Student/Parent and Faculty/Staff Handbooks.

If students and/or personnel believe sexual harassment and abuse has occurred but do not wish, or believe it would be inappropriate, to file a complaint of harassment or abuse with a Level-One investigator, they may inform the principal (Diocesan Superintendent if the allegation involves the principal) about the incident(s). In such case, the principal (Superintendent) shall handle the concern as a personnel matter. (281-IAC 10.2)

School officials must report to Board of Educational Examiners the resignation of a licensed employee or the non-renewal or termination of a licensed employee's contract for an allegation of or actual sexual misconduct of a student. (282-IAC 11.37)

Policy Adopted: January 31, 1994

Policy Revised: March 25, 2013

<p style="text-align: center;">DIOCESE OF DES MOINES</p> <p style="text-align: center;">Catholic Schools Policies/Regulations</p>

STAFF PERSONNEL

Investigation of Sexual Harassment and/or Abuse by Staff Personnel

The following procedures shall be implemented in the investigation of allegations of sexual harassment and/or abuse:

- 1) Any person having knowledge of sexual harassment and/or abuse should file a report with the school's designated Level-One investigator, by using the form, Alleged Sexual Harassment and/or Abuse by Staff Personnel Report.

Any school employee/volunteer receiving a verbal or written report of sexual harassment or abuse must immediately pass on the information to the Level-One investigator.

- 2) If the alleged victim of abuse is under age 19 and younger, the incident must first be reported to the Department of Human Services (DHS). Then the school should proceed with its investigation.
- 3) The Level-One investigator must secure a written report of the allegation and provide a copy to the person filing, the parents of alleged victim if below age 19, and the immediate supervisor of the employee/volunteer. The alleged offender named in the report shall receive a copy of the report at the time he/she is initially interviewed by the Level-One investigator.
- 4) The Level-One investigator shall complete an informal investigation within five working days following receipt of the written report. The investigator shall have access to any records of the alleged victim and alleged offender for the purpose of interviewing and investigating.

If, in the opinion of the Level-One investigator, the alleged victim would be placed in eminent danger through continued contact between the alleged victim and alleged offender, provision shall be made to temporarily remove possible contact by or between the two.

Regulation 478.1

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- 5) If, in the opinion of the Level-One investigator, the alleged victim would be placed in eminent danger through continued contact between the alleged victim and alleged offender, provision shall be made to temporarily remove possible contact by or between the two.
- 6) The Level-One investigation may be deferred, if the investigator believes the magnitude of the allegations suggest an immediate professional investigation. If such is the case, the Level-One investigator shall contact the appropriate law enforcement officials, the person filing the report and the parents of alleged victim if the person is under 19 years of age. All steps involved in this process must be documented.
- 7) Within 5 days of receipt of the completed alleged Sexual Harassment and/or Abuse by Staff Personnel Report, the Level-One investigator shall interview the alleged victim, the alleged accused named in the report and any other persons who may have knowledge of the circumstances contained in the report. The investigator must notify the parent of a child in pre-kindergarten through grade 6 of the date and time of the interview and of the right to be present or to see and hear the interview or send a representative in the parents' place. The investigator should notify the parents of older involved students.
- 8) The designated investigator shall determine, by a preponderance of the evidence and based upon the investigator's training and experience and the credibility of the victim, whether it is likely that an incident took place between the victim and the accused.
- 9) The Level-One Investigation of Sexual Harassment and/or Abuse by Staff Personnel form shall be completed within fifteen calendar days of receipt of the report unless the investigation was temporarily suspended. Copies of this completed form shall be given to the alleged victim, the parents of any involved person under age 19, the accused, and the immediate supervisor of the accused.
- 10) At the conclusion of the Level-One investigation, the person filing the report shall be notified of the next step.

The investigation may be concluded at Level-One if:

- a) There is no preponderance of evidence to support the allegation,
- b) The complaint is withdrawn, the form should be marked "withdrawn". If a reason is given for the withdrawal, a dated memo stating such should be attached to the Alleged Sexual Harassment and/or Abuse by Staff Personnel Report form. The form shall be kept in the alleged accused's file.

All other cases shall be referred to the Level-Two investigator.

Regulation Adopted: May 21, 1990

Regulation Revised: March 25, 2013