

DIOCESE OF WINONA
CODE OF CONDUCT
For Clergy & Employees
(Also including Seminarians, Youth Ministers, Directors of
Religious Formation and other volunteers in leadership roles.)



In the spirit of the Gospels, personnel who minister and work in the Diocese of Winona must always seek to uphold Christian values and conduct. Christ calls us as his disciples to a high standard, the same standard he lived and taught. The *Charter for the Protection of Children and Young People*, promulgated by the bishops of the United States, calls for “clear and well-publicized Diocesan/eparchial standards of ministerial behavior and appropriate boundaries for clergy and for any other church personnel in positions of trust who have regular contact with children and young people.” (Art. 6) The following Code of Conduct instructs all who minister and work in our faith communities on appropriate ethical standards.

This Code does not supersede canon or civil law. It is established to set a standard of conduct for all Church personnel who minister and work in the Diocese of Winona. This includes all secular priests, religious priests, senior priests, deacons and retired deacons who are performing ministry in this Diocese, who have been granted faculties to do so. It includes all Diocesan seminarians. It includes all paid employees of the Diocese and all volunteers who have regular contact with minors or are performing ministry in the Diocese with the express permission of the Bishop.

Adherence to this Code is the responsibility of the Church personnel themselves. Those who fail to live within the ethical standards of the Code will be held accountable for their actions. Those who fail to uphold the Code will be subject to appropriate remedial action.

I. General Principles: The following principles guide the development of this Code.

Integrity

Church personnel are to be persons of integrity who conduct themselves in an honest and open manner. They are to be sensitive and open to all people, respecting cultural differences. They are to be conscientious in their work and are to set a good moral example.

Respect for Others

Church personnel shall respect the rights, dignity and worth of each person. Each person is to be viewed as a Child of God without regard to personal attributes, talents, material possessions or degree of participation in Church or parish life.

Well-being

Church personnel are expected to attend to their own human, spiritual, intellectual, and pastoral well-being. They are to foster healthy habits and avoid what is detrimental to their health and well-being.

Competence

Church personnel are to maintain a high level of professional competence in their work. They are to use training, education and experience to improve their competency and credibility in their areas of expertise. They are not to provide services in areas in which they are not competent; competency also means knowing one's limitations.

References

This Code uses the *Policies & Procedures Regarding Sexual Abuse of Minors by Priests, Deacons and Other Church Personnel* when referencing "the Diocesan misconduct policy."

II. Standards for Conduct in Professional Relationships

1. Administration

Church personnel shall practice just treatment of others.

- 1.1 Church personnel are to relate to all people with respect, sensitivity and reverence. Meetings and conversations are to be conducted with courtesy, patience, and in an environment safe for others to offer their constructive criticism.
- 1.2 Church personnel should seek to empower others to live the life to which God has called them.
- 1.3 Church personnel should attend to the responsible stewardship of all Church/parish/school resources. There must be a clear accounting of the use of Church/parish/school funds in all situations.
- 1.4 Church personnel should meet all civil and canon law obligations while reflecting Catholic social teachings.

2. Conduct in Counseling, Spiritual Direction and Pastoral Care-giving.

- 2.1 Church personnel shall not exceed their competence in counseling, spiritual direction, and pastoral care-giving situations. Parameters of competence will be dictated by their training and experience, certification, or licensure.
- 2.2 In group sessions, Church personnel are to see that no individual is subject to trauma or abuse resulting from group interactions. Participants in group sessions must be made aware of the nature of the group and the parameters of confidentiality of all individual disclosures.
- 2.3 Information learned in counseling and spiritual direction and pastoral care-giving is confidential and is not to be disclosed. The person receiving the counseling, spiritual direction or pastoral care should be informed that confidentiality is limited when there is a clear and imminent danger presented to the client or others. Church personnel must contact the proper authorities or professionals when their work requires this contact.
- 2.4 If a person comes for counseling or spiritual direction who is already receiving professional counseling or spiritual direction, the extent of services that can be offered should be made clear.
- 2.5 If Church personnel move out of the parish, appropriate referrals for continued care should be made.

- 2.6 A counseling relationship should not be made with someone with whom the counselor has a preexisting relationship.
- 2.7 Church personnel are forbidden to engage in sexual conduct with those whom they counsel or professionally serve.
- 2.8 Physical contact with the person receiving counseling, spiritual direction or pastoral care can be misunderstood or misinterpreted and should be avoided.
- 2.9 It should always be made clear when a counseling or spiritual direction session is in progress. Such sessions should be conducted in an appropriate setting and at appropriate times.
- 2.10 Appropriate boundaries should be maintained always. Church personnel ordinarily do not socialize with those receiving counseling.
- 2.11 When the independent judgment of the Church personnel becomes impaired, they should advise the person receiving counseling or direction or care that they are no longer the person to work with them and refer them to some other counselor, spiritual director or care-giver.

3. Conduct with Minors

Church personnel who work with minors should exercise appropriate judgment to insure trusting relationships marked by personal and professional integrity. In the State of Minnesota, minors are those persons who are not yet eighteen years old.

- 3.1 Church personnel must always be aware of their own vulnerability, as well as the vulnerability of any minor with whom they may be working. In every possible instance, a team approach to youth activities should be used. Exclusive relationships with a minor should be avoided. Church personnel must exercise due caution if they become aware of a minor desiring such a relationship.
- 3.2 Physical contact with minors can be misunderstood and misinterpreted by both minors and adults, and should occur only under appropriate public circumstances. Touching must be age-appropriate and based on the need of the young person, not the need of the adult. Hugging must always be an expression of love and respect. Hugging in appropriate circumstances should always be done in the presence of others and never while alone in a room behind closed doors.
- 3.3 More than one responsible adult should be present at events involving minors, such as games and athletic activities.
- 3.4 Church personnel do not supply alcohol, illegal drugs, and sexually explicit, inappropriate, or offensive materials to minors. Dress must always be in keeping with modesty and Christian values.
- 3.5 Other than a close familial relationship, Church personnel 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.
- 3.6 Church personnel should know and understand the Diocesan misconduct policy and continue to receive updated training as it applies to minors.
- 3.7 Priests celebrating the Sacrament of Reconciliation with minors must always take care that their actions and behavior are appropriate.

4. Sexual Conduct

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

- 4.1 Church personnel must never exploit a person for sexual purpose.
- 4.2 Church personnel have both a personal and professional obligation to be aware of what constitutes sexual exploitation of another and to be familiar with the laws of the State of Minnesota and the Diocesan sexual misconduct policy regarding sexual exploitation, sexual abuse, and sexual assault.
- 4.3 Church personnel who are committed to celibacy are called to witness this in all relationships. Likewise, church personnel committed to a single or married life are called to witness to this fidelity in all their relationships.
- 4.4 Any sexual misconduct allegation must be taken seriously and reported according to the Diocesan misconduct policy.
- 4.5 Church personnel should be knowledgeable of the State of Minnesota laws regarding abuse, neglect or exploitation of children and vulnerable adults. They are to know and follow the proper reporting requirements.

5. Professional Behavior

Church 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 Church personnel are required to provide a professional work environment free of intimidation and harassment of any kind. Harassment incorporates a wide range of physical or verbal behavior, which may 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 material.
- 5.2 Harassment can be a result of a single incident or a pattern of conduct creating a hostile, offensive, or intimidating work environment.
- 5.3 Church personnel are to insure that the policy on reporting harassment of employees and volunteers is available and clear.
- 5.4 Church personnel are to follow the established procedures for reporting harassment and are to ensure that there is no retaliation for bringing forward a claim of harassment.

6. Confidentiality

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

- 6.1 Anyone who comes to Church personnel should feel that they are received with respect, trust and confidentiality.
- 6.2 Church personnel are obliged to safeguard the confidentiality of any notes, files, or computer records pertaining to professional contact with anyone.
- 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 Church personnel.
- 6.4 Caution must be used to limit the content of the information to be shared when consultation is necessary. An effort must be made to determine what information needs to be shared; with whom is the information to be shared; and why it needs to be shared.
- 6.5 Information obtained 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 in 6.5, confidential information may be disclosed only with the written, informed consent of the individual. In legal proceedings in which the Church 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 the defense.
- 6.7 When beginning counseling or pastoral relationship, the individual should be instructed regarding the many 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 intentions 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 These obligations are independent of and supplementary to the confidentiality of the Sacrament of Reconciliation. Under no circumstances whatsoever, can there be any disclosure, even indirect, of information received only through the Sacrament of Reconciliation.

7. Reporting Misconduct

Church personnel have a responsibility to report ethical misconduct on the part of other Church personnel.

- 7.1 If there are indications of illegal actions by Church personnel, the proper Church and civil authorities should be notified in accord with Church and civil law.
- 7.2 If there are indications of unethical, but not illegal, actions by Church personnel, the action should be brought to the attention of the individual. If this does not resolve the issue, then the proper Church authorities should be notified.

- 7.3 All accusations and concerns involving the sexual abuse of a minor and/or adult sexual exploitation are to be dealt with in accord with the Diocesan misconduct policy.
- 7.4 If the abuse of a young person is witnessed, Church personnel are to immediately report the misconduct to the proper authorities in order that appropriate steps to intervene and provide a safe environment for the young person are accomplished.
- 7.5 If Church personnel are uncertain if a course of conduct or particular situation is violating this Code of Conduct, they should consult the Chancellor at the Diocesan Pastoral Center.

8. Records and Information

Appropriate confidentiality shall be maintained in creating, storing, accessing, transferring and disposing of parish or institutional records.

- 8.1 Sacramental registers belong to the individual parish and are maintained for the good of the faithful. Release of personal data from sacramental registers is dependent on a number of factors and shall be done only for valid reasons and only by the pastor or parish director or authorized member of the parish staff.
- 8.2 Church records shall be treated as confidential. Requests for all records should be handled by an authorized member of the staff trained to retrieve the requested information. When, for valid Church reporting or parish statistical purposes, information from these records is made public, care must be taken regarding the proper anonymity due to individuals.
- 8.3 Parish financial records are to be held as confidential. Release of data from them shall be done only for valid reasons and only by the pastor or parish administrator or by a member of the parish staff authorized by them.
- 8.4 The records of individual contributions to a parish are to be held as private and revealed only for valid reasons and only by the pastor or parish director or by a member of the parish staff authorized by them.

9. Electronic Communications, Internet and Computer Use

In using the internet, computers, and the various methods of electronic communication, adults who are working with minors in Diocesan institutions and programs must maintain appropriate behavior, and serve as examples of Christian conduct. They must also take care to avoid any situation or conduct that might be misinterpreted, or that might be the source of scandal for themselves or others.

Proper Relationships and Electronic Communications

- 9.1 Because of the easy, informal, and at times anonymous nature of many forms of electronic communication, the proper relationship between adults and minors can easily become confused. Adults must make sure that their use of electronic communication maintains a proper professional relationship with minors, and does not create or give the appearance of an inappropriate relationship, or encourage inappropriate behavior.
- 9.2 In using electronic communications, proper and healthy boundaries between adults and minors must always be maintained:

- a. Excessive familiarity or a purely social relationship between adults and minors are not appropriate. Adults must recognize that there is a difference between being "friendly" and being "friends" with children. Minors are not peers of an adult who works with them in a church program or institution.
- b. It is always inappropriate for there to be a "special" relationship between an adult and a young person, or to give the appearance that a minor is a "favorite" of an adult.
- c. Adults are never to take on a role of a "surrogate parent" or "confidant" to a minor with whom they are working.

Electronic Communications in General

- 9.3 Any adult who misuses any form of electronic communication or computer is subject to disciplinary action, including dismissal from employment or volunteer service.
- 9.4 Adults shall not transmit or display any indecent material to minors by any means of electronic communication.
- 9.5 There shall be no private direct electronic communication between an adult and a minor, except as provided below. The use of a private email account to communicate with a minor is never permitted. Text messaging a minor is never permitted, except as set forth in section 9.10, below.
- 9.6 Adults are permitted to have email communications with a minor through an official email account of a Diocesan institution, provided that the account is subject to monitoring and oversight by a supervisor, only matters relating to the official Diocesan activity are communicated, and a proper professional relationship is maintained at all times.
- 9.7 If electronic communication is necessary for the orderly operation of an activity sponsored by or connected with a Diocesan institution or program (e.g., to notify participants of changes of schedule, weather cancellations, etc.), the adult moderator of that activity should contact a parent or guardian first, and subsequent communication should be from parent to parent, or from minor to minor (e.g., a telephone tree). If that is not feasible, the policy in section 9.9, below, should be followed.
- 9.8 A Diocesan institution, or an adult moderator of a Diocesan program, may send group emails to minors with whom they are working in a Diocesan institution or program (e.g., an email to all members of a club to notify them about scheduling matters or to remind them of events). Only matters relating to the activity are to be communicated, and parents or guardians are to be sent a copy of such emails, if possible.
- 9.9 An official email account of the Diocesan institution or program must be used for these communications, and never a personal account. In all such direct communication with minors, a proper professional relationship must be maintained at all times.
- 9.10 If an adult is serving as a chaperone on a trip sponsored by or connected with a Diocesan institution or program, the adult may have direct electronic communication with a minor to the extent that it is necessary for safety or maintaining order (e.g., a telephone call or text message to a minor who has become separated from the group).
- 9.11 In all such communication with minors, a proper professional relationship must be maintained at all times.
- 9.12 If a minor initiates a private electronic communication with an adult, the adult shall advise the minor that, under the policies of the Diocese, private direct communications are not permitted between an adult and a minor, and then seek to establish contact with

the minor's parent or guardian instead, or with the minor through an official email account of a Diocesan institution, as set forth in section 9.6, above.

Internet and Computer Use

- 9.13 Adults who use any computer that is owned by or used in a Diocesan institution or program must consent to and abide by the proper usage policies of the institution.
- 9.14 Adults may not view or download from the Internet any indecent material on any computer that is owned by or used in a Diocesan institution or program. Adults may never give, transmit or display such material to minors by any means. Adults may never display or save such material in any way in which a minor may have access to it.
- 9.15 No image of a minor who is involved in a Diocesan institution or program may be posted on a webpage associated with that institution or program (e.g., an official school website), without the written permission of the responsible administrator of the program and the minor's parent or guardian. Such images must be removed immediately if the minor's parent or guardian refuses or withdraws their consent.
- 9.16 No personal information about minors involved in a Diocesan institution or program may be posted on a webpage associated with that institution or program (e.g., listing of names and contact information of sports participants or altar servers on an official parish website).
- 9.17 Adults who maintain a personal webpage must be aware that any information displayed may be evaluated in light of the individual's position in the Church. The posting of any indecent material on such a site may lead to disciplinary action by the Diocesan institution or program in which the adult works.

Social Networking Sites

- 9.18 Diocesan institutions and programs may maintain social networking sites only under the following circumstances:
 - a. Access to the site is strictly restricted to those adults and minors who are actively involved in the program;
 - b. Access to the site is subject to the invitation and approval of the program's adult moderator;
 - c. Private direct communications ("chat" or private messages) may not take place between adults and minors;
 - d. The adult moderator of the program oversees the content of the site and ensures that no inappropriate or indecent material is posted; and
 - e. The adult moderator of the program ensures that no personal information or photographs of minors involved in the institution or program are posted without the written permission of the minor's parent or guardian.
- 9.19 Adults may not use personal social networking sites to have private direct communication with a minor with whom they are working or have previously worked in a Diocesan institution or program.
- 9.20 Adults with personal social networking sites may not have on their groups, friends lists or buddy lists any minor with whom they are working or have previously worked in a Diocesan institution or program.

- 9.21 Adults may not post on their personal social networking site any image of a minor with whom they are working or have previously worked in a Diocesan institution or program.
- 9.22 Adults using social networking sites for their personal use must be aware that any information displayed may be evaluated in light of the individual's position in the Church. The posting of any indecent material on such a site may lead to disciplinary action by the Diocesan institution or program in which the adult works.
- 9.23 All Church owned computers must be scanned yearly to safeguard computers against use of inappropriate activity.

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Signature of Acceptance:

I, _____, certify that I have read and understand the
(Print Name)

Diocese of Winona's Code of Conduct and will adhere to its principles.

Signature _____ Date _____

All employees/Clergy of parishes and/or schools must submit a signed copy of this acknowledgement to your supervisor to place on file.