Archdiocese of Newark Policies on Professional And Ministerial Conduct

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Contact Information

In general, an allegation of the violation of any of the policies contained herein regarding abuse of minors should be reported to:

Director, Office of Child and Youth Protection
Archdiocese of Newark

Phone (973) 497-4254
Fax (973) 497-4100
P.O. Box 9500
Newark, New Jersey 07104

Personnel of the Archdiocese of Newark reporting an allegation of sexual abuse against a minor pursuant to the Memorandum of Understanding, described in Section VI.D. of this Policy, should immediately contact:

Karen Clark
Liaison pursuant to the Memorandum of Understanding

Phone (973) 497-4254

Anyone with knowledge of suspected abuse of a person currently a minor is required by New Jersey State law to notify immediately the New Jersey Division of Child Protection and Permanency

New Jersey CP&P Hotline: 1-877 NJ ABUSE (652-2873)

In addition to contacting the Archdiocese, anyone with information about sexual misconduct that may constitute a crime is encouraged to contact directly the Office of the Prosecutor in the county where the conduct occurred/is occurring:

Bergen County Prosecutor – 201-646-2300
Essex County Prosecutor – 973-621-4700
Hudson County Prosecutor – 201-795-6400
Union County Prosecutor – 908-527-4500

See www.rcan.org:

- For a Spanish translation of this document

I. Principles of Ministerial Conduct: Code of Ethics

Relationships among people are a foundation of Christian ministry and are central to Catholic life. Defining healthy and safe relationships is not meant, in any way, to undermine the strength and importance of personal contact or the ministerial role. Rather, it is to assist all who fulfill the many roles that create the living Church to demonstrate their love and compassion for children and adults in the most sincere and genuine relationships.

It is with the intention that relationships in ministry be experienced at all times as charitable and without intention to do harm or allow harm to occur, that the following Code of Ethics has been adopted by the Archdiocese of Newark. All Church personnel are asked to carefully consider each standard in the Code and within the Policies on Professional and Ministerial Conduct before agreeing to adhere to the standards and continue in service to the Archdiocese.

- Church personnel shall exhibit the highest Christian ethical standards and personal integrity.
- Church personnel shall conduct themselves in a manner that is consistent with the discipline, norms and teachings of the Catholic Church.
- Church personnel shall not take advantage of a counseling, supervisory and/or authoritative relationship for their own benefit.
- Church personnel shall not abuse or neglect a minor.
- Church personnel shall share concerns about suspicious or inappropriate behavior with their supervisor or superiors.
- Church personnel shall adhere to the requirements of the law of the State of New Jersey and the Memorandum of Understanding, described in Section VI.D. of this Policy, regarding the reporting of any suspected abuse of a minor.
- Church personnel shall accept their personal responsibility in the protection of minors and adults from all forms of abuse.

All Church personnel are required to read and sign the agreement to abide by these policies and the Archdiocesan Code of Ethics (see Appendix B).

II. General Definitions

A. Church Personnel

For the purposes of this policy, the following are included in the definition of Church personnel:

1. Priests and Deacons (Clerics)
    a. Clerics incardinated in the Archdiocese of Newark.
    b. Clerics who are members of religious institutes or in other forms of consecrated life, and who are assigned to pastoral work in the Archdiocese or who are otherwise engaged in the care of souls, the public exercise of divine worship, and other works of the apostolate (c. 678).
    c. Clerics of other jurisdictions who are assigned to pastoral work in this Archdiocese, whether seeking incardination within the Archdiocese or not.
    d. Clerics who are otherwise legitimately residing within the territory of the Archdiocese, including retired clerics and those engaged in part-time or supply ministry.
    e. In addition to the provisions of these Policies, the above-mentioned clerics are also bound by the Supplemental Norms for Clergy.
2. Seminarians and Religious
    a. All seminarians legitimately enrolled in the seminary programs of the Archdiocese: Immaculate Conception Seminary, Redemptoris Mater Archdiocesan Missionary Seminary and the College Seminary of the Immaculate Conception (St. Andrew's Hall).
    b. Those who are enrolled in the permanent diaconate formation program.
    c. Members of religious institutes or societies of apostolic life who are working for the Archdiocese, its parishes, schools or agencies, or who are otherwise engaged in the care of souls, the public exercise of divine worship, and other works of the apostolate (c. 678).
    d. Hermits and consecrated virgins legitimately residing within the Archdiocese.
3. The Lay Faithful
    a. All paid personnel whether employed in areas of ministry or other kinds of services by the Archdiocese, its parishes, schools or other agencies; also, those who contract their services to Catholic Church agencies.
    b. All volunteers. This includes any person who enters into or offers himself/herself for a Catholic Church related service of his/her own free will.

B. Types of Misconduct

For the purpose of this policy, misconduct includes but is not limited to the three types of behavior listed below:

1. Immoral conduct: Conduct that is contrary to the discipline and teachings of the Catholic Church and/or which may result in scandal to the faithful or harm to the ministry of the Catholic Church.

2. Exploitation: Taking advantage of a pastoral counseling relationship for the benefit of the pastoral counselor.

3. Abuse of minors: The definition of abuse of minors is further defined in Section V.A. and in the Supplemental Norms for Clergy.

III. Prevention of Immoral Conduct: Guidelines for Ethical Behavior

A. Definitions

1. Immoral conduct is conduct contrary to the discipline and teachings of the Catholic Church and may result in scandal to the faithful or harm to the ministry of the Catholic Church.

2. Scandal is an attitude or behavior which leads another to do evil. Scandal damages virtue and integrity. It is a grave offense if by deed or omission another is deliberately led into a grave offense (*Catechism of the Catholic Church*, No. 2284).

B. Standards of the Archdiocese as to Prevention of Immoral Conduct

1. Church personnel enjoy a public trust and confidence. It is essential that Church personnel view their own actions and intentions objectively to assure that no observer would have grounds to believe that irregularity in conduct exists. All Church personnel have a responsibility to strive to uphold the standards of the Catholic Church in their day-to-day work and personal lives.
2. Further, it is fundamental to the mission of the Archdiocese that Church personnel exhibit the highest ethical standards and personal integrity. The purpose of this policy is to insure that all Church personnel follow the ethical standards of the Catholic Church. Therefore, Church personnel are prohibited from engaging in the following conduct:
    a. Immoral conduct.
    b. Procurement or participation in the procurement of abortion, or committing homicide or euthanasia.
    c. Possession or distribution of pornographic material.
    d. Adultery, flagrant promiscuity or illicit co-habitation.
    e. Abuse of alcohol, drugs or gambling.
    f. Theft, fraud, or any other form of misappropriation or misuse of Church funds or property.
    g. Sexual exploitation or abuse.
    h. Physical assault and fighting.
    i. Conduct which is illegal under the laws of our country, state or local government.
3. Church personnel should not harm the reputation of others by:
    a. Disclosing without legitimate cause the faults or failings of others to persons who have no cause to know them.
    b. Making false allegations against another.

IV. Prevention of Exploitation: Guidelines for Pastoral Counseling

A. Definitions

1. Pastoral counseling occurs when Church personnel offer spiritual direction or advice concerning moral or spiritual matters. The Church personnel may or may not be a certified spiritual director or trained, licensed or degreed in professional counseling.
2. Exploitation occurs when Church personnel take advantage of the pastoral counseling relationship for the benefit of the pastoral counselor.
3. Sexual exploitation is sexual contact between Church personnel and the recipient of their pastoral counseling services, regardless of who initiates the contact.
4. Sexual intimacies are consensual sexual physical contact, forced (non-consensual) sexual physical contact or sexually explicit conversations not related to pastoral counseling issues.
5. A conflict of interest occurs when Church personnel take advantage of pastoral counseling relationships in order to further their own interest.

B. Standards of the Archdiocese in Prevention of Exploitation

1. Church personnel shall recognize their limitations in pastoral counseling situations and shall refer people to other professionals when appropriate.

2. Church personnel shall not require monetary compensation in exchange for pastoral counseling unless the fees, terms and conditions of such counseling are agreed upon in writing prior to the commencement of the counseling relationship.

3. Church personnel shall not engage in exploitation, sexual exploitation, and/or sexual intimacies with persons whom they counsel. Church personnel are also prohibited from engaging in situations or conduct that can give the appearance of exploitation, sexual exploitation, or sexual intimacies.

4. Church personnel shall not engage in exploitation, sexual exploitation, and/or sexual intimacies with relatives or friends of someone with whom they have a counseling relationship.

5. Church personnel shall set and maintain clear, appropriate boundaries in all pastoral counseling relationships.

6. Pastoral counseling should be conducted in appropriate settings at appropriate times and should not be held at places or times that would cause confusion about the nature of the relationship for the person being counseled.

7. No pastoral counseling should be conducted in the counselor's private living quarters. Pastoral counseling should be conducted in the private living quarters of the individual being assisted only when the physical condition of the individual so requires. In the latter case, an effort should be made for the individuals to be visible (but not audible) to others.

C. Reporting of Pastoral Counseling Exploitation

Exploitation of pastoral counseling involving religious violates canon law. Therefore pastoral counseling exploitation shall be reported as follows:

1. Pastoral counseling exploitation involving Deacons should be reported to the Director of Deacon Personnel.

2. Pastoral counseling exploitation involving a priest, brother or nun should be reported to the Director of Clergy Personnel.

D. Standards of the Archdiocese as to Confidentiality

1. In accordance with the norm of canon law (c.983), the sacramental seal is inviolable by divine mandate; therefore, it is absolutely forbidden for a confessor to betray the confidence of a penitent in any way and for any reason. This is applicable both while the penitent is living and, if applicable, after he or she has died.

2. Information disclosed to Church personnel during the course of counseling, advising, or spiritual direction shall be held in the strictest confidence possible, with due regard for the norm of civil and/or canon law.

3. Church personnel should discuss the nature of confidentiality, including its limitations, with each person who seeks pastoral counseling.

4. If there is clear and imminent danger, the Church personnel is to disclose the information necessary to protect the parties involved and to prevent harm.

5. If disclosure must be made, if feasible, the Church personnel should inform the person being counseled about the disclosure.

6. With the exception of knowledge gained in the Sacrament of Penance, knowledge that arises from professional contact may be used in teaching, delivering homilies, or other public presentations only when effective measures have been taken to absolutely safeguard both the individual's identity and the confidentiality of the disclosures. In the rare event that such disclosures are used, good pastoral judgment is of the utmost importance when making decisions about the use of information in public ministry.

7. If Church personnel discover, while counseling a minor, 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, safety and well-being, the Church personnel should disclose only the information necessary to protect the health, safety and well-being of the minor.

E. Standards of the Archdiocese as to Conflicts of Interest

1. Church personnel shall avoid pastoral counseling that might present or appear to present a conflict of interest. Even the appearance of a conflict of interest can call into question integrity and professional conduct.

2. If a conflict of interest exists or arises, Church personnel should inform all parties. Resolution of the issues must protect the person being counseled.

3. Church personnel shall establish clear, appropriate boundaries with anyone with whom they have a business, professional, or social relationship.

V. Prevention of Abuse of Minors: Guidelines for Working with Minors

A. Definitions

1. A minor is anyone under the age of 18.

2. Abuse is physical abuse, sexual abuse and/or emotional abuse.

3. Physical abuse is non-accidental injury that is intentionally inflicted upon a minor.

4. Sexual abuse is any contact of a sexual nature that occurs between a minor and an adult. This includes any activity that is meant to arouse or gratify the sexual desires of the adult.

5. Emotional abuse is mental or emotional injury to a minor that results in an observable and material impairment in the minor's growth, development or psychological functioning.

6. Neglect is the failure to provide for a minor's basic needs or the failure to protect a minor from harm.

B. Standards of the Archdiocese as to Abuse and/or Neglect of Minors

The following standards are intended to assist Church personnel in making decisions about interactions with minors in Church sponsored and affiliated programs. They are not designed or intended to address interactions within the family. For clarification of any policies or regarding behaviors not addressed here, contact your pastor, agency director, principal or the Director of the Office of Child and Youth Protection. (Contact information for the Director is on page 2 of these policies.)

1. Abuse and neglect of minors are contrary to the teachings of the Church and are prohibited. Church personnel have a responsibility to protect minors from all forms of abuse and neglect. Church personnel are prohibited from:

    a. Using, possessing, or being under the influence of alcohol or illegal drugs while in the presence of minors. This prohibition does not exclude the consumption of alcoholic beverages at Archdiocesan social functions and parish-wide social functions approved by the pastor.

    b. Swearing in the presence of minors.

    c. Speaking to minors in a way that is or could be construed by any reasonable observer as harsh, threatening, intimidating, shaming, derogatory, demeaning, or humiliating.

    d. Discussing their own sexual activities with minors.

e. Engaging in any sexually oriented conversations with minors unless the conversations are part of a legitimate lesson and discussion for teenagers regarding human sexuality issues. On such occasions, the lessons will convey to youth the Church's teachings on these topics. If youth have further questions not answered or addressed by their individual teachers they should be referred to their parents or guardians for clarification or counseling.

f. Being nude in the presence of minors.

g. Possessing sexually oriented or morally inappropriate printed materials (magazines, cards, videos, films, clothing, etc.).

h. Sleeping in the same beds, sleeping bags or small tents with minors unless the adult is an immediate family member of the minor.

2. Church personnel are responsible for releasing minors in their care only to parents, legal guardians, or other persons designated by parents or legal guardians at the close of services or activities. In the event that Church personnel are uncertain of the propriety of releasing a minor, they should immediately contact their immediate supervisor before releasing the child.

3. Church personnel should report uncontrollable or unusual behavior of minors immediately to parents.

4. Ordinarily a confirmation candidate should select his or her own sponsor. If the parish assigns or assists in the selection of sponsors, they are considered volunteers and must abide by these Archdiocesan policies.

5. Church personnel must be aware of their own and others' vulnerability when working alone with minors. A team approach should be used to manage child and youth activities and other contacts with minors. For example:

   - Two adults should be present if altar servers require assistance putting on their robes in preparation for Mass.
   - If a youth requires a ride home after working in the rectory, the parent should be encouraged to send a family member to pick up the youth, or another adult should accompany the driver.

C. Standards of the Archdiocese as to Offsite and/or Overnight Events

1. The following standards shall be observed when Church personnel are involved in the transportation of minors:
    a. Church personnel are prohibited from transporting minors without written permission of their parent or guardian.
    b. Church personnel are prohibited from unnecessary and/or inappropriate physical contact with minors while in vehicles.
    c. Minors should be transported directly to their destination. No stops should be made unless approved by the director of the program.
    d. Church personnel assigned to transport minors must be at least 24 years old and have a valid driver's license.
2. Church personnel are prohibited from having minors stay overnight at their residence.
3. Changing and showering facilities or arrangements for adults must be separate from facilities or arrangements for minors.

D. Standards of the Archdiocese as to Physical Contact with Minors

1. Church personnel are prohibited from using physical discipline in any way for behavior management of minors. No form of physical discipline is acceptable. This prohibition includes spanking, slapping, pinching, hitting, or any other physical force as retaliation or correction for inappropriate behavior by minors.

2. Appropriate affection between Church personnel and minors is important for a child's development. It also constitutes a positive part of Church life and ministry. However, Church personnel should always be aware that physical contact with minors can be misconstrued and should occur (a) only when completely nonsexual, when there is no possibility of others perceiving it as sexual, and when such contact is otherwise appropriate, and (b) <u>never</u> in private.

3. The following forms of affection are regarded as appropriate examples of affection for most Church sponsored and affiliated programs:
    - Hugs.
    - Pats on the shoulder or back.
    - Hand-shakes.
    - "High-fives" and hand slapping.
    - Verbal praise.
    - Touching hands, faces, shoulders and arms of minors.
    - Arms around shoulders.
    - Holding hands while walking with small children.
    - Sitting beside small children.
    - Kneeling or bending down for hugs with small children.
    - Holding hands during prayer.

- Pats on the head when culturally appropriate. (For example, this gesture should typically be avoided in some Asian communities.)

4. Some forms of physical affection have been used by adults to initiate inappropriate contact with minors. In order to maintain the safest possible environment for minors, the following are examples of affection that are **not** to be used in Church sponsored and affiliated programs:

    - Inappropriate or lengthy embraces.
    - Kisses on the mouth.
    - Holding minors on the lap**.**
    - Touching buttocks, chests or genital areas.
    - Showing affection in isolated areas such as bedrooms, closets, staff-only areas or other private rooms.
    - Being in bed with a minor.
    - Touching knees or legs of minors.
    - Wrestling with minors.
    - Tickling minors.
    - Piggyback rides.
    - Any type of massage given by minor to adult.
    - Any type of massage given by adult to minor.
    - Any form of unwanted affection.
    - Compliments that relate to physique or body development.

E. Standards of the Archdiocese as to Screening of Church Personnel Who Come Into Contact With Minors.

1. Without exception, all applicants for Church personnel positions that will involve coming into contact with minors must comply with the following procedures

    a. Reading and signing an agreement to abide by these **Policies and the Archdiocesan Code of Ethics** (See Appendix B).

    b. Cooperating, as necessary, with a **criminal records check** in accordance with Archdiocesan policy. This criminal records check shall be conducted after the hire but prior to the start of employment and prior to the start of ministry or volunteer work.

    c. Attending the Protecting God's Children program.

    d. The above procedures apply to all church personnel who may come into contact with minors where the church personnel could be alone with a minor, *i.e.*, not in the company of other church personnel who have met the applicable procedures above. For instance, the mother of a school age child who volunteers to read for an hour to the children in class would not be subject to these provisions because the school teacher, who has achieved compliance with these procedures, would always be present in the class and the parent would never be alone in class

with the children. On the other hand, all school employees and all parish employees must comply with these procedures since they could conceivably be alone with a child on school or church property. Furthermore, all volunteers who are expected to be alone or could be alone with minors must also comply with these procedures, for instance unpaid youth program leaders, catechetical teachers, field trip or retreat chaperones, church ushers and the like.

2. Before being placed in a volunteer position that involves work with or ministry to minors, volunteers should be registered members of the parish for at least six months. After consultation with the Director of Child and Youth Protection, exceptions in extraordinary circumstances may be made by the pastor or principal.

3. Church personnel who transfer from one parish or school within the Archdiocese to another parish or school within the Archdiocese may request that their Church personnel application be transferred to the new parish or school. The six-month wait will not apply to these transfers.

F. Standards of the Archdiocese as to Training for Church Personnel who Work with Minors

1. Church personnel, as noted in V.E.1.c. above, who are involved with minors must participate in training by attending the Protecting God's Children program as soon as possible, but no later than 30 days after they assume their position. Failure to participate in such training as provided by the Archdiocese may lead to termination of employment or expulsion as a volunteer.

G. Standards of the Archdiocese as to Supervision of Programs that Involve Minors

1. Parents have a right to observe programs and activities in which their children are involved. However, parents who desire to participate in or have continuous, ongoing contact with their child's programs in the Church shall fulfill the requirements of the volunteer application process as stated in this Section.

2. Programs for minors shall be sponsored or administered by at least two adults.

3. Church personnel under the age of 21 shall work under the direction of an adult supervisor who is age 21 or older.

4. Church personnel in leadership roles shall be aware of all programs for minors that are sponsored by their parish or school. A list of these programs shall be maintained in the central office and include activities, purpose, sponsors or coordinators of the programs, meeting times and locations. Leaders shall regularly examine these programs and consider whether they have adequate supervision.

5. All new programs for minors must be approved in writing by the pastor and/or principal.

VI. Reporting of Violations of the Policies on Professional and Ministerial Conduct

A. The Reporting of Violations of the Policies on Professional and Ministerial Conduct Shall be as Follows:

1. Regarding pastoral exploitation by clergy – as set forth in Section IV. C above.

2. Regarding crimes and matters set forth in the Memorandum of Understanding (MOU) between the Prosecutors' Office and the Archdiocese – as set forth in Section VI. D below.

3. All matters regarding minors – as set forth in Section VI. B&C below.

4. Regarding crimes or other illegal actions by church personnel, which do not fall into one of the foregoing categories, as follows:

   A. Report crimes to the police and also report: (a) in accordance with the whistleblower policies of the organization; and (b) to Archdiocesan Risk Management.

   B. Report illegal activities other than crimes as follows: (a) to the organization in accordance with its whistleblower policies; and (b) to Archdiocesan Risk Management.

   - If there are questions about the applicability of these policies, consult your supervisor or superior.

   - If infractions are confirmed, Church personnel will be subject to disciplinary action up to and including termination.

B. Reporting of Suspicious or Inappropriate Behavior Involving Minors

1. If Church personnel observe any suspicious or inappropriate behaviors with minors on the part of other Church personnel, they shall immediately report their observations to their supervisor. If the supervisor is engaging in the inappropriate behavior, the supervisor may be by-passed and the behavior reported to any supervisor.
2. If at any point in gathering information about suspicious or inappropriate behavior, a concern arises that there is a possibility of abuse of a minor, the New Jersey Division of Child Protection and Permanency (CP&P) shall be contacted immediately. CP&P maintains a 24-hour child abuse hotline at 1-877-NJ ABUSE (652-2873). See Section VI. C. below for additional procedures in the event that there is a suspicion of abuse of minors.

3. In addition, Church personnel shall comply with the reporting requirements under the Memorandum of Understanding (see Section VI. D. below) by immediately contacting the MOU Liaison (See contact information at page 2) if there is any indication that the crimes involving minors and listed in the MOU are being or have been committed.

4. Inappropriate behaviors or policy violations that relate to interactions with minors also shall be reported to the Director, Office of Child and Youth Protection (See contact information at page 2.)

5. If there are questions about the applicability of these policies, consult your superior, any supervisor or the Director, Office of Child and Youth Protection. (See contact information is at page 2.)

6. When suspicious or inappropriate behaviors are reported to a supervisor, he or she shall report the matter to the highest person in the organization and that person shall gather additional information about the nature of the concern and contact the Director, Office of Child and Youth Protection for consultation. Regardless of the outcome of initial information gathering, a Notice of Concern (See Appendix A) shall be completed and sent to the Director.

7. If at any point policy violations with minors are confirmed, lay Church personnel shall be subject to disciplinary action, up to and including termination. Clergy shall be subject to discipline in accordance with Church policies and Canon law.

C. Reporting Abuse of Minors

1. In accordance with New Jersey law, any citizen who has cause to believe a minor may have been or is being abused is required to report his or her suspicions to the New Jersey Division of Child Protection and Permanency. CP&P maintains a 24-hour child abuse hotline at 1-877-NJ ABUSE (652-2873). The Notice of Concern form (See Appendix A) shall be used to document the report.

2. In addition to reporting to the New Jersey Division of Child Protection and Permanency, Church personnel shall immediately report any suspected or known abuse of minors to the Liaison under the Memorandum of Understanding. (See Section VI. D. below for information about the MOU and page 2 for Liaison contact information.)

3. In addition to reporting to the New Jersey Division of Child Protection and Permanency (CP&P) and the MOU Liaison, Church personnel shall report any suspected or known abuse of minors that may have been perpetrated by Church personnel directly to the Director, Office of Child and Youth Protection. (See contact information at page 2). Reports of suspected abuse will be treated as confidential to the extent possible.

4. With regard to minors, and consistent with its obligations under the MOU, the Archdiocese will cooperate fully with investigations by all civil authorities.

5. During investigations by civil authorities or otherwise, Church personnel who is the subject of the investigation will be temporarily removed from Church responsibilities and duties in appropriate cases.

6. Investigations will be documented. Documentation will be stored in the appropriate personnel file(s).

7. If an infraction of these policies with regard to the abuse of a minor is confirmed, lay Church personnel will be subject to termination. In cases where abuse of a minor is alleged against a cleric, the provisions of universal and particular ecclesiastical law will govern the preliminary investigation and any subsequent actions or processes.

D. Reporting Obligation of Archdiocesan Personnel

1. Pursuant to a Memorandum of Understanding ("MOU") between the Archdiocese of Newark and New Jersey State's County Prosecutors, church personnel within the Archdiocese are required to report immediately certain crimes to the MOU Liaison.

2. The name of the MOU Liaison and contact information are provided at page 2 above.

3. For purposes of the MOU, Church personnel within the Archdiocese who must report include: clergy, anyone working for the Archdiocese, a Roman Catholic school or parish in the Archdiocese. It does not include employees of any health care or skilled nursing facility, college or university owned or operated under the auspices of the Archdiocese. If there is any doubt as to whether an individual is subject to the MOU reporting obligation, the individual should consult his/her supervisor or the Archdiocesan MOU Liaison (see page 2).

4. The MOU reporting obligation applies to Church personnel when they are engaged in activities as employees or acting as representatives of the Archdiocese, or Roman Catholic schools or parishes within the Archdiocese. If in doubt as to whether the policies and procedures apply in a given situation, Church personnel should err on the side of assuming that they do apply.

5. The MOU reporting obligation is in addition to any other reporting obligation noted in Sections VI. A, B and C above.

6. Crimes that must be reported against an adult or a minor under the MOU include the following:
    a. Sexual assault and aggravated sexual assault;
    b. Criminal sexual contact and aggravated criminal sexual contact;
    c. Child abuse, including any act that endangers the welfare of a child. This would include:
        i) sexual conduct that would impair or debauch the morals of the child,
        ii) the offense of photographing or filming a child engaged in a prohibited sexual act,
        iii) the offense of distribution of child pornography,
        iv) the offense of knowing possession or viewing of child pornography,
        v) the offense of luring or enticing a child into a motor vehicle, structure or isolated area, or to meet or appear at any other place, with a purpose to commit a criminal offense with or against the child, and
        vi) the offense of lewdness (the exposure of one's intimate parts for the purpose of arousing or gratifying the sexual desire of the actor or of any other person) where the offense involves a victim who at the time of the offense was less than 18 years of age.

    If an employee is in doubt as to whether certain conduct is a reportable crime under the MOU, he/she should err on the side of reporting the conduct.

7. Each of these crimes is more specifically defined in New Jersey State law. If you have any question as to whether certain conduct falls under one of the above categories and must be reported, please contact the MOU Liaison. (See contact information at page 2)

8. If Church personnel has received or discovered information which causes him/her to believe that a minor has been, is, or is about to be kidnapped, the person must immediately notify the local police department by calling the 9-1-1 emergency telephone number.

9. Church personnel must report any crime listed under the MOU when he/she is notified by a victim of such a crime or notified by a person who claims to be the parent, guardian or legal custodian of an individual alleged to be the victim of such a crime.

10. Church personnel must report suspected crimes under the MOU <u>even if</u> the alleged victim, the alleged victim's parent or legal guardian (if the alleged victim is under 18 years of age) or the person providing information about the crime does <u>not</u> agree to such reporting.

11. Church personnel must try to obtain and report to the MOU Liaison all relevant information with respect to the incident or incidents at issue including, but not limited to:

    (a) the name, address and age of the victim;
    (b) in the case of a victim under 18 years of age, the name and address of the victim's parent, guardian or other person having custody and control of the victim;
    (c) the nature and extent of any injuries suffered by the victim, including information concerning any previous injuries or abuse;
    (d) the identity and present whereabouts of the person suspected of committing the offense; and
    (e) any other information that may be helpful with respect to a full and prompt investigation of the matter.

12. The parties to the MOU intend and expect that all information that is ultimately forwarded to a county prosecutor will be kept strictly confidential and will only be used for law enforcement investigative purposes.

VII. The Church's Pastoral Response to Alleged Sexual Abuse of Minors

A. Pastoral Response

The Director, Office of Child and Youth Protection shall coordinate the investigation of any allegation. When applicable, the response to an allegation shall be conducted in conformity with the Policy of the Archdiocese of Newark in Response to Complaints of Sexual Abuse (available on the internet at www.rcan.org or by contacting the Director, Office of Child and Youth Protection as indicated at page 2.)

B. Pastoral Care of a Victim

1. The Archdiocese will offer counseling services to the alleged minor victim of abuse. This assistance is provided in accordance with the Archdiocesan Counseling Assistance Policy and may vary with the circumstances of each allegation.

2. The Archdiocese shall inform the victim or other individual who made an allegation that it is responding to the allegation.

3. The Archdiocese will maintain confidentiality with respect to an allegation of a violation of these Policies to the extent possible. Information reported to the Archdiocese about inappropriate sexual behavior is kept confidential, except to the extent necessary:

    a. to inform the accused of the allegation that has been reported against him/her, including the name(s) of the person filing the report (and the victim(s), if other than the person filing the report),

    b. to comply with current laws and reporting agreements that the Archdiocese has reached with government prosecutors, and

    c. to the extent necessary in connection with canonical proceedings with respect to clergy ministry, or civil or criminal litigation, if any.

4. The Archdiocese will not retaliate against any personnel who reports in good faith an allegation of misconduct.

C. Care of Church Personnel Accused of Misconduct

1. The rights of the accused shall be taken into consideration throughout the investigation process. Effort will be made to protect the interests of an individual who may be falsely accused.

2. During investigation of allegations, the accused may be removed from contact with alleged victim(s) to insure the integrity of the investigation and the safety of the alleged victim(s) during the information-gathering process. This action should in no way be interpreted as a presumption of guilt. If the information-gathering process does not produce a basis to remove the person from

his/her position or ministry, the accused Church personnel will resume his or her position as quickly as possible.

3. In the event that an allegation is founded and the accused is not permitted to resume employment or ministry, the Archdiocese may offer pastoral care to the extent that it is appropriate to the accused.

4. Any allegation of misconduct involving a priest or deacon shall be investigated in accord with canon law and the Policy of the Archdiocese of Newark in Response to Complaints of Sexual Abuse. The Archbishop, in reaching final decisions, shall be guided by the appropriate norms of canon law.

5. The accused shall be informed of an allegation and of any disciplinary action taken.

D. Care of the Community Affected by Misconduct

1. Information about an allegation against a member of the affected faith community (Chancery, parish, school or other agency) shall be provided in a pastorally appropriate manner, while respecting the privacy and confidentiality of the victim and the accused, and/or any applicable civil and canon laws.

2. The Archdiocese may provide pastoral care to the members of the affected faith community.

E. Role of the Archdiocesan Office of Child and Youth Protection (OCYP) and the Office of Communications

1. The OCYP shall work with the Office of Communications, and with Church personnel and the public to provide information that will increase the awareness and understanding of the need for ethics and integrity in ministry, especially in regard to the prevention, identification and treatment of child abuse and neglect.

2. The OCYP shall provide information and support to parishes, schools and Archdiocesan offices on safe environment programs and on ongoing implementation of the Policies on Ethics and Integrity in Ministry.

3. The OCYP and the Office of Communications will work with an affected faith community (parish, school or other agency), the media, and the broader Archdiocesan community in a timely and clear manner. These communications shall attempt to respect the confidentiality and privacy of all involved, in a manner that promotes collaboration in the community and in accord with any applicable civil and canon laws.

4. The OCYP Director and the Office of Communications shall work with the Archbishop, the Archdiocesan Chancellor and other appropriate Archdiocesan and/or parish personnel in providing information to the staff of the affected faith community and the broader faith community when an allegation is made.

5. The Director of Communications shall be responsible for coordinating all contacts with the media. The staff of an affected faith community shall be made aware of the requirement to direct all media inquiries to the Director of Communications and be provided with essential contact information for the Director. The staff shall also contact the Communications Director if they receive any media inquiries, to facilitate communication between the Archdiocese and the media. Media personnel shall always be given professional courtesy and receive a response from the Archdiocesan Communications Office.

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Appendix A.

Confidential Notice of Concern

Date of occurrence: _____ Time of occurrence: _____

Type of Concern:

_____ Policy violation with a minor _____ Exploitation

_____ Known or suspected abuse. _____ Possible risk of abuse

Has this been reported to NJ CP&P at 1-877-652-2873 and/or police?

If yes, Report # _____ Time/Date of Report _____

Other concern: _____

Describe the situation: What happened, where it happened, when it happened, who was involved, who was present, who was notified? If reported to CP&P or police, what was their recommendation about investigating?

_____

_____

_____

_____

Has this situation ever occurred previously? _____ If yes, when _____

What action was taken? How was the situation handled, who was involved, who was questioned, were police called?

_____

_____

_____

What is the follow-up plan? Does anyone else need to be notified? Will the situation need monitoring? Would you like someone to call you to discuss this situation?

_____

_____

_____

Submitted by: _____ Home Phone: _____

Work Phone: _____ Cell Phone: _____

Location and address: _____

Signature: _____ Date: _____

Reviewed by: _____ (Director's signature)

Appendix B.

Archdiocesan Code of Ethics

Church personnel shall exhibit the highest Christian ethical standards and personal integrity.

Church personnel shall conduct themselves in a manner that is consistent with the discipline, norms and teachings of the Catholic Church.

Church personnel shall not take advantage of a counseling, supervisory and/or authoritative relationship for their own benefit.

Church personnel shall not abuse or neglect a minor.

Church personnel shall share concerns about suspicious or inappropriate behavior with their supervisor, superior, or the Director of the Office of Child & Youth Protection.

Church personnel shall adhere to the requirements of the law of the State of New Jersey and the Memorandum of Understanding, described in Section VI.D. of the Policies on Professional and Ministerial Conduct, regarding the reporting of any suspected abuse of a minor.

Church personnel shall accept their personal responsibility in the protection of minors from all forms of abuse.

Acknowledgment of Compliance with The Policies on Professional and Ministerial Conduct, including the Archdiocesan code of Ethics

My signature below indicates that I have received a copy of the Policies on Professional and Ministerial Conduct adopted by the Archdiocese of Newark; and that I have read and understand those Policies, including the Archdiocesan Code of Ethics, and agree to abide by all of the Policies and the Code of Ethics.

PLEASE PRINT

Date _____

Name _____

Position _____

Signature _____

Name of Parish, School, or Other _____

City _____

Daytime Phone _____

(Version 1/19)