



## **CODE OF CONDUCT INVOLVING INTERACTIONS WITH MINORS IN THE DIOCESE OF OAKLAND**

### **PREAMBLE**

As leaders in the Church founded by Christ, priests, deacons, and lay ministers within our parishes and institutions must always seek to uphold Christian values and conduct. In addition to following the Gospel and its mandates, all are expected to act properly at all times, especially when in contact with young people. This Code of Conduct establishes general guidelines and boundaries when ministering to minors. Many items mentioned in this document are applicable to ministry with adults, but this Code addresses explicitly proper contact with persons under 18 years of age. Further guidance and advice can be sought from the Chancellor of the Diocese of Oakland or the Coordinator of Safe Environment, as needed.

This Code is applicable to all persons who work or volunteer in any of the parishes and institutions in the Diocese of Oakland. This includes, but is not limited to: priests, religious (men and women), deacons, pastoral coordinators, school/program administrators, teachers, catechists, youth ministers, support staff, custodial staff, coaches, school, parish and diocesan volunteers, seminarians serving internships, and lay theology students. This Code is not an attempt to anticipate every situation that might arise, but to provide a set of standards and appropriate behavior to guide all those in pastoral ministry to children and young people.

This Code of Conduct is to help create a safe, appropriate, and Christian environment for minors and their relationships with adults involved in Church ministry.

### **RESPONSIBILITY FOR COMPLIANCE**

All who disregard this Code of Conduct will be subject to remedial action by the Diocese of Oakland. Corrective action may take various forms – including verbal or written warning, termination of employment, or removal from ministry – depending on the specific nature and circumstance of the offense. Those who witness or who receive reports of suspected abuse (except under the seal of Confession) are required both legally and morally to report to the appropriate civil (e.g. Child Protective Services, Local Police or Sheriff) and pastoral authorities. If you are an adult who is responsible for children, you are a mandated reporter obligated by civil law to report any suspicious abuse or neglect of a minor to Child Protective Services immediately or as soon as practically possible.

## EXPECTED BEHAVIORS WITH REGARD TO MINISTRY TO MINORS

**MINORS ARE NOT INDEPENDENT INDIVIDUALS:** Any and all involvement with minors is to be approached from the premise that minors should always be viewed – whether in a social or ministerial situation – as restricted individuals, that is, they are not independent. Minors are subject to specific civil laws in the State of California, which prohibits certain activities. They are not adults and are not permitted to make unfettered decisions.

**TRAINING AND SCREENING:** All those in contact with young people in a ministerial role must complete Safe Environment Training and be screened according to the requirements established by the chancellor and the Diocesan Safe Environment Office.

**ADULTS ARE NEVER TO BE ALONE WITH CHILDREN:** Adults (minimum 18 years of age) should avoid situations that place them in a position to be alone with a minor in the rectory, parish residence, school, or in a closed room other than a confessional.

**MEETINGS AND/OR PASTORAL COUNSELING:** In meeting and/or pastoral counseling situations involving a minor, the presence or proximity of another adult is encouraged. However, in those situations where the presence of another adult is not usual or practical (e.g. piano lessons, disciplinary meeting with an administrator, etc.) another adult should be informed that the meeting would be taking place. The meeting place must be accessible and visible with the door left open where the meeting is taking place unless there is a clear window built into the door.

**SACRAMENT OF PENANCE/RECONCILIATION:** The Sacrament of Penance/Reconciliation is normally to be celebrated in a place identified for that purpose, e.g. reconciliation chapel, confessional, or other areas with visibility: The location should be acceptable to the confessor and confessee.

**RECTORY RESTRICTIONS:** An unaccompanied minor is allowed only in the professional area of the rectory or parish residence, never in the living quarters.

Minors age 16 and over are permitted to work in the professional area of the rectory, when there are two adults over 18 years of age present.

**THE SACRISTY DOOR:** The sacristy door is always to be unlocked whenever minors are present within the sacristy.

**SUPERVISION AT SPORTS EVENTS AND GAMES:** At least two adults, one of whom is to be the same gender as the participants, are to be present when a group of minors engages in organized games or sports activities. At the High School level (nine-twelve), one adult is sufficient. Sports leagues sponsored by parishes or Catholic schools 8<sup>th</sup> grade and under must be under the supervision of the CYO Office.

**BATHROOMS AND DRESSING FACILITIES WITH CHILDREN PRESENT:** Adults must avoid being the only adult in a bathroom, shower room, locker room or other dressing areas whenever minors are using such facilities.

**TRANSPORTATION IN PRIVATE VEHICLES:** Adults are prohibited from taking youth home or to another location, unless another adult is present in the vehicle.

**UNACCEPTABLE TOPICS AND LANGUAGE:** Comments of a sexual nature are not to be made to any minor except in response to a specific classroom or otherwise legitimate questions from a minor. Topics

or vocabulary such as profanity, cursing and vulgar humor must not be used in the presence of a minor/minors.

**YOUTH TRIPS AWAY FROM PARISH FACILITIES:** At the elementary level student group trips of any kind must have a minimum of two adult chaperones, at least one of whom should be of the same gender as the young people. (For larger groups a ratio of one adult to 10 students is recommended). At the High School level one adult chaperone or driver per group is sufficient. Depending on the activity and the age of the participants, there must be sufficient adult chaperones present to adequately supervise the group at all times.

While on youth trips the adults as well as the minors may not use alcohol or controlled substances and anyone under the influence of these substances may not participate in the event.

One adult alone shall never engage in an overnight trip with a minor or minors. While on youth group trips, adults are never to stay alone overnight in the same motel/hotel room with a minor or minors. Any overnight trip for children or youth must include supervision around the clock. If adults are not rooming with the youth, there **MUST** be an adult (over the age of 18) on duty, in the hallways or outside of cabins at all times when youth/children are present in the rooms/cabins. This can be accomplished with live scanned and cleared volunteers, employees of the Diocese, or someone who is hired specifically for security.

**PROHIBITED SUBSTANCES:** It is absolutely prohibited that adults serve or supply alcohol, cigarettes, inappropriate reading material, or controlled and illegal substances to minors. Alcoholic beverages will not be served or consumed at parish or school social activities intended primarily for minors. Minors may not serve alcohol at events. Event leaders should take all necessary action to ensure that no one working with youth is either in possession of illegal drugs or under the influence of alcohol or illegal drugs.

**AGE-APPROPRIATE MEDIA:** Audiovisuals, music lyrics, and print resources used in programs must be screened prior to use to ensure their appropriateness for the participants. It is never appropriate to use an "R" rated movie or movies that have been rated with an even stronger designation.

The Diocese of Oakland absolutely prohibits the acquisition, possession and distribution of Child pornography.

**BOUNDARIES OF PHYSICAL CONTACT:** Careful boundaries concerning physical contact with a minor (beyond a handshake) must be observed at all times and should only occur under public circumstances. Prudent discretion and respect must be shown before touching another person in any way.

**SOCIAL MEDIA:** The Diocese of Oakland prohibits any irresponsible use of technology both at work sites and at home. All users will be held responsible for their published words. If they negatively affect the Diocese or any parish/school site in ways that are contrary to our mission, users will face disciplinary action up to and including termination. Employees and volunteers will be held accountable for use policies that are in place at their local parish or school site.

**GUIDELINES AS APPLIES TO RELATIVES OF THE MINOR:** Some adaptation in applying these guidelines when the minor is a relative ought to be the norm, but appearances in public nevertheless need to be maintained.

## EXPECTED BEHAVIORS IN PASTORAL COUNSELING OF MINORS

**SETTING:** Pastoral counseling of a minor must only take place in the professional area of a rectory, never in the living quarters.

Offices or classrooms used for pastoral counseling of a minor must have a window in the door, or the door is to be left open during the counseling session.

**SUPERVISION:** Another adult should be in close proximity during any counseling session.

**PARENTAL NOTIFICATION:** Unless the subject matter precludes their presence or knowledge, parents or guardians of minors must be made aware of the counseling session. If counseling is expected to extend beyond one session, evaluation of the situation should be made with the parents or guardians.

**INAPPROPRIATE ATTRACTION:** The adult is responsible to recognize any personal and/or physical attraction to or from a minor. In such a situation, the minor must be immediately referred to another qualified adult or licensed professional. If the attraction is acted upon, the parents/guardians must be notified and appropriate action taken.

## ENFORCEMENT / REPORTING

Violations of the Code will be dealt with by the appropriate employing/appointing organization (e.g. the parish, the religious order, the diocesan bishop) in accordance with Civil Law and this Diocesan policy. Penalties may take various forms ranging from counseling to removal from ministry.

Violations of this Code must be reported immediately to the appropriate parish, diocesan or civil authority.

Allegations of sexual misconduct by priests, church employees, or volunteers must be reported to the local authority (e/g. Police or Sheriff Department, County Child Protective Services). In the cases involving priests or religious, the Office of the Chancellor of the diocese (510-267-8334) will be notified. In cases involving other employees or volunteers, the Office of Human Resources (510-267-8359) will be notified.

The Diocese of Oakland is committed to addressing allegations of sexual misconduct by priests, church employees and all in ministry, observing the prescriptions of civil and canon law. The diocese has made a commitment to assist victims of sexual misconduct and to cooperate fully with public authorities investigating such allegations.

## IMPLEMENTATION

Additional policies and procedures may be adopted and enforced by the various ministries, parishes, institutions and departments within the diocese. Such policies must be congruent with the spirit and policies contained within this Code, and must be approved in advance by the Chancellor of the diocese or designee.