

Code & Policy

EFFECTIVE DATE: MAY 1, 2015

PROMISE TO
PROTECT



PLEDGE TO
HEAL

**Serving Christ,
Serving Others**

Code of Ministerial Conduct

**Promise to Protect,
Pledge to Heal**

*Policy for the Protection of Children
and Young People*

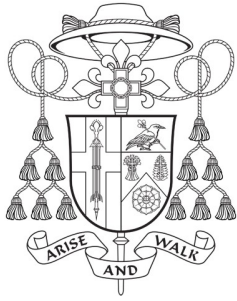
Diocese of Manchester

Serving Christ, Serving Others

Code of Ministerial Conduct

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OFFICE OF THE BISHOP
DIOCESE OF MANCHESTER

May 2015

Dear Brothers and Sisters in Christ,

The time has come once again to update our *Serving Christ, Serving Others: Code of Ministerial Conduct* and *Promise to Protect, Pledge to Heal: Policy for the Protection of Children and Young People*. A comprehensive review of these documents is completed every four years, not only because our Policy requires it, but because we strive to be continually vigilant about the protection of children, vulnerable persons, and all those whom we serve in our Church. The Code describes behavior that is expected of those who serve in ministry and reminds us that those who minister in the Church must endeavor to lead a Christ-like life in words and actions. The Policy for the Protection of Children and Young People outlines preventive measures that have been put in place to protect minors and vulnerable persons from sexual abuse as well as procedures that will be followed in the event that a cleric or lay minister is accused of sexually abusing a minor. These documents also clearly outline the obligation of Church personnel to report suspected abuse or misconduct to the proper authorities.

The Code and Policy are updated regularly in order to ensure that they remain current and relevant. Over time, these documents have come to represent not only “rules to be followed,” but the accepted, the expected, and the ordinary way of providing a safe and supportive environment for our youth, for the vulnerable, and for all God’s people.

I wish to thank the Diocesan Review Board, the Safe Environment Council, the Pastoral Council, the Presbyteral Council, and the Deans for their thoughtful and thorough review of these documents and for their suggestions. I am pleased to approve the revised texts.

I ask that you continue to pray for all who have been harmed by sexual abuse in our Church, for the children and the vulnerable now in our care, and for the strength and dedication to continue our protective and preventive efforts.

Sincerely in Christ,

+Most Reverend Peter A. Libasci, D.D.
Bishop of Manchester

Diocese of Manchester

Mission Statement

We are the Catholic Church of New Hampshire, a portion of God's people rich in our tradition and in our diversity, striving in faith for fullness of life.

In communion with the Bishop of Rome and the Church throughout the world, our mission is to witness to the Good News of Our Lord Jesus Christ in the power of the Holy Spirit by

*Worshiping God in Word and Sacrament,
Proclaiming and sharing our Faith,
Promoting holiness of life through continuing conversion,
Serving human needs, especially those of the poor and the oppressed,
Forming Christian communities on the family, parish and diocesan levels,
Fostering reconciliation and harmony among the people of our diocese, our state, our nation,
and our planet.*

Faithful to the constant teaching of the Church, we also pledge to collaborate with all peoples, especially with other Christian Churches and with Jewish communities, as we devote ourselves to being thankful, responsible stewards of God's gracious and bountiful gifts. While we journey in Faith, we anticipate with joy the day when Christ will come again and everything will be complete in God's love.

APPLICABILITY AND GENERAL DEFINITIONS

I. Applicability

This Code of Ministerial Conduct applies to all Church personnel employed or engaged in ministry for the Diocese of Manchester, its parishes, schools, institutions, and agencies. Because of the grave responsibilities associated with their work and positions, **bishops, priests, and deacons are held to higher standards of behavior than other Church personnel.** Thus, bishops, priests, and deacons not only are required to comply with the standards of behavior included in this Code, they are also expected to avoid even the appearance of impropriety both inside and outside the scope of their ministry.

In addition to this *Serving Christ, Serving Others: Code of Ministerial Conduct* (“Code”), the Diocese requires that Church personnel comply with the diocesan *Promise to Protect, Pledge to Heal: Policy for the Protection of Children and Young People* (“Policy”). The Code is intended to provide a broader context in which to view ministerial relationships by Church personnel in the Diocese of Manchester, while the Policy is solely focused on preventing, investigating, and remedying sexual abuse of minors.

Responsibility for adhering to this Code rests with the individual. Church personnel who disregard this Code will be subject to appropriate disciplinary action.

II. General Definitions for the Purposes of This Code

A. Church Personnel: The following are included in the definition of “Church personnel”:

1. Clerics (bishops, priests, and deacons) who are incardinated in the Diocese of Manchester or who are granted authority (faculties) to exercise ministry therein. Some faculties are granted by Church law itself and others are granted by the Bishop of Manchester.
2. Members of religious institutes (women and men religious) assigned to ministry in the Diocese, its parishes, Catholic schools, institutions, or agencies.
3. Lay employees and volunteers, including
 - a. Seminarians assigned to pastoral work in the Diocese of Manchester; seminarians seeking incardination in this Diocese; and those men enrolled in the Permanent Diaconate Formation Program;
 - b. All paid personnel, whether employed in areas of ministry or other kinds of services by the Diocese, its parishes, Catholic schools, institutions, or other agencies;
 - c. All volunteers. A volunteer is any person who performs a Church-related service without promise or expectation of monetary compensation on a regular

and continual basis, including but not limited to catechists, coaches, youth ministers, lectors, ushers, Boy Scout leaders, Catholic Youth Organization volunteers, day care volunteers, volunteer camp counselors, members of a parish pastoral council, members of a parish finance council, children or youth choir directors, and parish outreach workers. A regular and continual basis means at least two times per month for three months or six times per year.

B. Code: The term “Code” refers to this *Serving Christ, Serving Others: Code of Ministerial Conduct*.

C. Heads of Church Institutions: “Heads of Church Institutions” are individuals who are responsible for the pastoral administration of diocesan parishes, Catholic schools, or institutions. Examples of Heads of Church Institutions are bishops (and their delegates), pastors, and principals.

GENERAL PRINCIPLES OF ETHICS AND INTEGRITY IN MINISTRY

I. Standards for Ethical and Moral Behavior

Fundamental to the pastoral mission of the Diocese of Manchester for all Church personnel is to exhibit the highest ethical standards and personal integrity at all times.

Beyond the obvious standards for correct moral behavior in Sacred Scripture and the Tradition of the Church (i.e., the Ten Commandments, the Beatitudes, the Catechism of the Catholic Church), Church personnel are required to

- A. act or behave in a manner consistent with accepted Catholic standards of moral or ethical conduct;
- B. act in a manner consistent with civil law and Church law;
- C. comply with diocesan standards, policies, and instructions, including this Code;
- D. avoid situations that might be perceived as formally rejecting the teachings of the Catholic Church and the Christian way of life or promoting causes in direct conflict with the teachings of the Catholic Church;
- E. act in a manner consistent with a commitment to maintain a celibate and/or chaste lifestyle;¹
- F. refrain from abusing alcohol or drugs; and
- G. engage in conduct that has a positive impact on the reputation of the Diocese and its parishes, schools, institutions, and agencies.

¹ As Roman Catholics, each of us is called to live a life of faithful chastity that views human sexuality in light of the Gospel. Faithful married life, consecrated religious life, and celibacy for some deacons and all priests and bishops are each examples of a commitment to chastity that reflect the understanding that human sexuality is a gift from God. Human sexuality is exclusively oriented to the communion of a husband and wife that reflects the unity of the life of God and results in the creation of new life in the procreation of children.

II. Standards for Integrity in Ministry

A. Prevention of Harassment including Sexual Harassment²

Every human person is created in the image and likeness of God. The dignity of the human person is such that we ought to treat others as children of God and as we would want to be treated ourselves. Harassment of any type obviously violates the dignity of the person who is harassed, but it also contributes to the overall deterioration of the human dignity owed to every person in society.

Church personnel shall thus be mindful of the following:

1. Church personnel must not engage in physical, psychological, written, or verbal intimidation or harassment of any person at any time, particularly those served and other Church personnel.
2. Church personnel must not engage in sexual harassment or any inappropriate behavior of a sexual nature toward other Church personnel, parishioners, or others.
3. Church personnel must not discriminate against any individual on the basis of race, color, national origin, gender, religion, sexual orientation, age, physical or mental disability, pregnancy, or military or veteran status, except where such status is a legitimate qualification in accordance with civil and Church law.
4. While it is not possible to list all behavior that is considered to be harassment or sexually inappropriate, prohibited conduct includes, but is not limited to
 - slurs, epithets, derogatory comments;
 - unwelcomed jokes, comments, and teasing of an offensive nature;
 - inappropriate physical contact or gestures;
 - sexual advances;
 - displaying of written materials, pictures, or other items that are offensive or sexually suggestive;
 - viewing of sexually suggestive or inappropriate written materials, websites, electronic mail messages, or other items while on Church property or while performing duties or engaging in ministry for the Church;
 - other conduct that has the purpose or effect of unreasonably interfering with an individual's performance at work or creates an intimidating, hostile, or offensive working environment.
5. Harassment can occur as a result of a single severe incident or a pattern of conduct that results in the creation of a hostile, offensive, or intimidating work environment. Harassment can be indirect and can take place even when the offender does not intend to offend, intimidate, or otherwise do harm. Whether conduct is considered to be harassment is based, in part, on whether a reasonable person under the circumstances would view the conduct as creating a hostile, offensive, or intimidating work environment.

² The term "sexual harassment" means unwelcome sexual advances, requests for sexual favors, and other verbal, physical, and nonphysical conduct of a sexual nature between adults when (1) submission to such conduct is made explicitly or implicitly a term or condition of employment; (2) submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting that individual or for awarding or withholding a favorable employment opportunity, evaluation, or assistance; or (3) such conduct has the purpose or effect of unreasonably interfering with an individual's performance at work, or creates an intimidating, hostile, or offensive work environment.

6. Church personnel are required to report harassment, including sexual harassment, in accordance with the reporting policy contained in this Code. Church personnel are prohibited from retaliating against individuals who make good faith reports of harassment.

B. Prevention of Sexual Exploitation

Persons who serve the Lord in the Church must not take advantage of those whom they serve. The expression of human sexual attraction through sexual intimacy between persons who minister in the Diocese of Manchester and those whom they serve is never appropriate.

Church personnel shall thus be mindful of the following:

1. Church personnel must not engage in sexual exploitation. The term "sexual exploitation" means any contact of a sexual nature between an adult and another receiving pastoral care and sexual intimacies between adults with unequal power or perceived power (e.g., a priest and parishioner; a principal and a teacher). Sexual exploitation also includes sexual activity and intimacies between an adult and a "vulnerable individual," defined as a person who has reached eighteen years of age and who is particularly susceptible to manipulation because of a mental or physical disability.
2. This prohibition would include, but not be limited to, anyone to whom Church personnel are ministering or supervising; anyone who is particularly vulnerable to manipulation because of a physical or mental disability; and anyone who does not have equal power or perceived power in the relationship. For example, a principal may not have a sexual relationship with a teacher in that school if the two are not married to one another.
3. For the purpose of this policy, the term "sexual intimacies" means sexual contact of any kind (consensual or otherwise) as well as sexually explicit conversations not related to the legitimate duties of Church personnel, such as the transmission of the teachings of the Church in a legitimate catechetical ministry. An example of legitimate discussions that refer to sexual intimacies is the preparation of couples engaged to be married that is administered by Church personnel.

C. Prevention of Conflicts of Interest

Persons who seek the service of the Lord in the Church ought to be able to do so without any doubt of whose interests Church personnel serve. Even the appearance of a conflict of interest by Church personnel must be avoided so that persons who seek the Lord in our midst know that in addition to Christ, they are the ones whom Church personnel seek to serve.

Church personnel shall thus be mindful of the following:

1. Church personnel should avoid placing themselves in a position that might present a conflict of interest because the existence or the appearance of a conflict of interest can call into question one's integrity and professional conduct.
2. The potential for a conflict of interest exists in many circumstances. Examples of such situations and behavior by Church personnel include, but are not limited to, accepting substantial (non-token) gifts for services or favors; employing or engaging in transactions with one's friends or relatives; soliciting personal loans or requests for financial assistance from parish members, vendors, or employees; or violating a confidence of another for personal gain.
3. A conflict of interest may exist when Church personnel give family and/or friends unlimited access to Church facilities or resources when they are not available to others. Parish employees and the family members or friends of a priest shall not be provided a residence on parish property without the explicit written permission of the bishop. This blanket prohibition does not apply to a visit or a brief stay.
4. A conflict of interest may also exist in ministerial relationships. Church personnel must establish clear, appropriate boundaries with anyone with whom they have a business, professional, personal, familial, or social relationship.
3. In accordance with Church law, the sacramental seal of confession is inviolable, and it is absolutely forbidden for a confessor to betray the confidence of a penitent in any way, for any reason. This is applicable whether the penitent is living or dead. Violation of the sacramental seal of confession is considered to be a grave delict (a serious crime) against Church law.³
4. Information obtained in the course of counseling sessions shall be confidential, except for compelling professional reasons, as required by law, or as required by the reporting requirements for sexual abuse contained in the *Promise to Protect, Pledge to Heal* Policy. Church personnel are also bound to safeguard the confidentiality of any notes, files, or electronic records pertaining to professional contact with individuals to the extent consistent with the obligation to report abuse or prevent harm.
5. If, during the course of counseling, Church personnel become aware that there is clear and imminent danger to the counselee or to others, Church personnel must disclose the information necessary to protect the parties involved and to prevent harm. If feasible, Church personnel should inform the counselee about the disclosure and the potential consequences.
6. With the exception of knowledge gained during 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 safeguard both the individual's identity and the confidentiality of the disclosures. Good pastoral judgment is of the utmost importance.

D. Confidentiality

Persons who seek the service of the Lord in the Church expect Church personnel to do so with a desire to serve the truth and their needs. Confidentiality in the discourse of ministry must serve the truth. Ministerial confidentiality requires Church personnel to be vigilant in keeping confidences while, at the same time, not digressing to keeping secrets that might allow harm to come to anyone.

Church personnel shall thus be mindful of the following:

1. Many people who come to the Church for help expect that Church personnel will refrain from disclosing personal and sensitive information they share with Church personnel. Church personnel therefore should maintain their confidentiality, except as required by law or as set forth in the paragraphs below.
2. Church personnel must comply with all reporting requirements mandated by New Hampshire law and the Diocese of Manchester *Promise to Protect, Pledge to Heal* Policy regarding the reporting of sexual abuse of a minor.

III. Standards for Working with Minors⁴

A. Appropriate Conduct with Minors

1. Church personnel must be aware of their own vulnerability and that of any minor with whom they are working. Church personnel should avoid situations where they are alone with a minor. When it is not feasible to have another individual present, such as when counseling or teaching a minor, Church personnel must meet with the minor in as public a place as possible, such as a room with the door open or with a clear window in the door.
2. Church personnel are prohibited from speaking to minors in a way that is or could be construed by any observer as being harsh, threatening, intimidating, shaming, derogatory, demeaning, or humiliating. Church personnel are expected to refrain from using profane language in the presence of minors and must never use any discipline that frightens or humiliates children and youth. Church personnel are prohibited from using physical discipline

³ 1983 Code of Canon Law, c. 1388. The inviolability of the sacramental secrecy also extends to those who deliberately, accidentally, or in any other way come to a knowledge of sins from confession, and individuals who violate the sacramental seal may be "punished with a just penalty, not excluding excommunication." 1983 Code of Canon Law, cc. 984, 1388.

⁴ "Minors" are individuals who have not yet reached their eighteenth birthday.

including but not limited to spanking, slapping, hitting, or any other physical force. If a minor exhibits uncontrollable or unusual behavior, the Church worker should notify the appropriate supervisor and a parent or guardian of the minor.

3. Church personnel must not use or supply alcohol (excepting sacramental wine in Mass) and/or illegal drugs when working with minors or while participating in a youth activity. Moreover, Church personnel must not be under the influence of alcohol or impairing drugs (including prescription medication not used as directed) while working with minors.
4. Church personnel must not provide any sexually explicit, inappropriate, or offensive material to minors. Church personnel are prohibited from possessing or viewing any sexually-oriented or morally inappropriate printed materials (magazines, cards, videos, films, clothing, etc.) on Church property or in the presence of minors. Church personnel are also prohibited from viewing sexually-oriented or morally inappropriate websites or viewing or sending such electronic mail messages on Church property or in the presence of minors.
5. It is expected that from time to time youth ministry and educational lessons and discussions for teenagers may address human sexuality issues related to dating and sex. Moreover, it is expected that minors may raise issues relating to sexuality during counseling sessions. Lessons and counseling must convey to youth the Church's teaching on these topics. If youth have further questions not answered or addressed, they should be referred to their parents or guardians for clarification or counseling. In addition, Church personnel are prohibited from discussing their own sexual orientation, activities, practices, or history with minors, and Church personnel are prohibited from initiating any sexually-oriented conversations with minors whether orally, in writing, or electronically.

B. Appropriate Boundaries

1. Physical contact with minors beyond a handshake or a "high-five" can be misconstrued both by minors and adults, and should not occur except under appropriate public circumstances. The following are examples (not an exclusive list) of behavior in which Church personnel should never engage with minors: inappropriate or lengthy embraces; kisses on the mouth; holding minors over five years old on the lap; intentionally touching bottoms, chests, legs, or genital areas; showing affection while in an isolated location; wrestling or giving piggyback rides; giving massages; or paying compliments that relate to physique or body development.
2. Church personnel must not go on overnight trips with minors other than their own relatives unless another adult is present. They must not share beds with minors other than their own children nor share sleeping quarters with

minors except when necessary and when at least one other adult is present. Church personnel must not provide overnight accommodations in rectories or other personal residences for minors other than minors with a close familial relationship or when minors are accompanied by a parent or legal guardian. This does not include situations that a reasonable person would view as acceptable, such as sleepovers between friends who are minors.

3. Church personnel should never be nude in the presence of minors in their care and should avoid situations where minors are nude while in their care. If monitoring of showering or changing facilities is necessary, two or more adults should be present at all times. Changing and showering facilities or arrangements for adults should be separate from facilities or arrangements for minors.
4. Church personnel should be familiar with the diocesan Electronic Communications Policy and must abide by it.
5. Church personnel should be aware of the signs of "grooming" (the process by which sexual predators attempt to manipulate their potential victims) and must not engage in practices with youth that could be perceived by a reasonable person to be "grooming." Some examples of grooming behaviors are: giving non-token gifts to minors; contacting minors outside of the Church setting; showing favoritism to select minors; overstepping appropriate boundaries of adult-minor relationships by acting as a friend or peer; allowing minors to break established rules; and establishing separate, private relationships with minors.

C. Supervision of Programs Involving Minors

1. Parents are encouraged to be a part of any and all services and programs in which their children are involved in the Diocese of Manchester. Parents may contact their child's school or parish in order to make arrangements to observe programs or activities in which their children are involved.
2. At the close of services or activities, Church personnel should release minors in their care only to parents, legal guardians, or other persons designated by parents or legal guardians. In the event that Church personnel are uncertain of the propriety of releasing a minor, they should immediately locate or contact their supervisor before releasing the child.
3. In order to provide transportation to minors, Church personnel must be properly insured and meet the eligibility requirements established by the Diocese of Manchester Office of Insurance and Risk Management. Minors should never be transported by Church personnel without written permission from a parent or guardian. Church personnel should transport minors directly to their destination, and no unauthorized stops should be made. Church personnel must require all minors to wear seatbelts or, when appropriate, be strapped into car seats.

IV. Standards for Spiritual and Pastoral Counseling Relationships⁵

A. Respecting the Rights and Welfare of Those Counseled

Persons who seek the Lord in the Church ought to be confident that the spiritual and pastoral counseling that is offered to them is presented in a manner that conforms to Sacred Scripture and the teaching tradition of the Church. Church personnel must be committed to transmitting the truth in a manner that respects the rights and welfare of those served.

Church personnel shall thus be mindful of the following:

1. Church personnel who conduct counseling for families, individuals, or groups must respect their individual rights and work to advance the welfare of each person.
2. Church personnel are expected to avoid situations and conduct in which they do in fact or appearance take advantage of anyone to whom they are providing services in order to further their personal, religious, political, or business interests.
3. Church personnel shall not overstep their competence in counseling situations and shall refer to other professionals when appropriate. The professional boundaries for Church personnel are dictated by their training and/or certification from a recognized professional association of peers or licensure from the State of New Hampshire.

B. Maintaining Appropriate Boundaries

Persons who seek the Lord in the Church ought to be confident that the Church personnel who serve them know the appropriate boundaries in a ministerial relationship. Sometimes, Church personnel need to explain and even articulate these boundaries to persons who seek help from the Church but who may not themselves know what constitutes an appropriate boundary.

Church personnel shall thus be mindful of the following:

1. Church personnel shall set, communicate, and maintain clear, appropriate boundaries in all counseling and counseling-related relationships.
2. Church personnel must never engage in sexual intimacies with those they counsel. This includes consensual sexual contact, forced sexual contact, and sexually explicit conversations not related to counseling issues.
3. Church personnel shall not engage in sexual intimacies with counselee's relatives, friends, or other individuals close to the counselee. Church personnel should presume that a potential for exploitation or harm exists in such intimate relationships.

4. Physical contact with the counselee can be misconstrued. Great care should be taken in any physical contact beyond a handshake.
5. Sessions should be conducted in appropriate settings at appropriate times and should not be held at places or times that would tend to cause confusion about the nature of the relationship for the counselee. No sessions should be conducted in private living quarters. Church personnel should keep a log of the times and places of sessions with each counselee.

VIOLATIONS OF THE CODE OF MINISTERIAL CONDUCT

I. Reporting Incidents, Allegations, and Concerns

An environment of personal integrity in ministry requires that a culture of accountability among Church personnel be established and maintained in a spirit of understanding that our individual conduct reflects the intention of the entire Church.

Some reporting requirements are required by civil and Church law, especially when Church personnel believe that a minor is at risk of abuse. Other reporting requirements are required by this Code and seek to build a culture of accountability.

A culture of accountability also requires that reports of inappropriate behavior be investigated in a manner in which the dignity of the person who makes the report, the person who is accused of inappropriate behavior, and the person who may have been harmed are all treated fairly and justly. The administration of discipline for violations of this Code are oriented to care for the person(s) who may have been harmed, to repair any damage done to any person or the Church herself, and to correct the behavior of the person who may have violated the Code. Some violations can only be adequately corrected by the removal of a person found to have so harmed another person or the Church that their presence in ministry is harmful to the common good and the good of the Church.

A. Reporting Requirements of Church Personnel. The Diocese is dedicated to taking steps to ensure that the Church is a safe and welcoming environment for all people and that it is free from harassment and intimidation. Every member of the Church community must participate actively in the protection of minors as well as others who minister or worship in our Church. Church personnel therefore have an affirmative duty to report observations of violations of this Code. **If Church personnel suspect that a minor has been subjected to abuse, they must comply with the reporting requirements under New Hampshire law and the Diocese of Manchester Promise to Protect, Pledge to Heal Policy.**⁶

⁵ The standards set forth in this Code are minimum requirements for Church personnel. Some professional counselors and therapists may be required to comply with additional behavioral directives and codes of ethics.

⁶ The Diocese of Manchester *Promise to Protect, Pledge to Heal: Policy for the Protection of Children and Young People* can be found on the Child Safety page of the Diocese of Manchester website: www.catholicnh.org.

B. Reporting Procedures. Reports of unethical behavior or other violations of the Code may be made to any one of the following:

1. the Head of the Church Institution where the conduct took place;
2. the Delegate for Ministerial Conduct at (603) 669-3100; or
3. the Delegate for Ministerial Conduct or the Bishop at 153 Ash Street, P.O. Box 310, Manchester, NH 03105-0310. All written reports should state specifics.

C. Requirements of Heads of Church Institutions. If a violation of the Code by a cleric is reported to the Head of a Church Institution, this individual must promptly gather additional information about the nature of the concern and immediately contact the Delegate for Ministerial Conduct for consultation. If the Head of a Church Institution becomes aware of an allegation of sexual exploitation, sexual harassment, harassment, or inappropriate conduct of a sexual nature involving a minor by Church personnel,⁷ the institution head must make a report to the Delegate for Ministerial Conduct for consultation.⁸

II. Retaliation

A. Retaliation Prohibited. The policy of the Diocese is to encourage individuals to make reports in accordance with this Code. As a result, individuals who make reports in accordance with this Code will not be subjected to retaliation for making the reports.

B. Reporting Retaliation. Church personnel who believe that they have been subjected to retaliation for making reports under this Code should report the matter to the Delegate for Ministerial Conduct by telephone at (603) 669-3100 or should submit a specific letter to the Delegate for Ministerial Conduct or the Bishop at 153 Ash Street, P.O. Box 310, Manchester, NH 03105.

III. Investigating Concerns

A. Conducting the Investigation. All reports of violations of this Code will be taken seriously whether or not complaints are submitted in accordance with the reporting procedures contained in this Code. Investigations into allegations of unethical behavior or violations of this Code will be conducted thoroughly and expeditiously, with objectivity, fairness, and justice as well as with due regard for the privacy and reputations of all involved. Canon law and any protocols developed by the diocese for addressing allegations of Code violations against Church personnel will be followed in every case that they are applicable.

B. Administrative or Precautionary Leave. In certain instances, a person accused of violating the Code may be placed on administrative or precautionary leave while the investigation is pending. The fact that an accused has been placed on administrative or precautionary leave should in no way be interpreted as a presumption of guilt or wrongdoing.

IV. Disciplinary Action

Church personnel who engage in unethical behavior or otherwise fail to abide by the standards contained in this Code will be subjected to appropriate remedial and/or disciplinary action, up to and including appropriate canonical penalties for clergy and termination of employment or volunteer ministry with the Church. The action taken will be just and in proportion to the seriousness of the violation and will depend upon a number of factors, including but not limited to disciplinary record, the type, circumstances, and severity of the offense, and position with the Church. If the offense does not include sexual abuse of a minor, the action taken could include return to ministry under certain conditions, including compliance with a treatment and/or monitoring plan, or reassignment to ministry other than ministry at a parish or ministry involving family life. Records regarding sexual exploitation by clerics will be maintained for the longest period of time permitted by Church law and will be considered by the bishop and his advisors in making ministerial assignments.

V. Pastoral Care and Support

A. Individuals Subjected to Unethical Behavior. The Diocese will extend appropriate pastoral care to those directly affected by allegations of unethical behavior or other violations of the standards in this Code by Church personnel. Where appropriate, the Director of the Office for Healing and Pastoral Care will coordinate pastoral care and counseling, spiritual assistance, and other social services for those subjected to unethical behavior by Church personnel and will listen with patience and compassion to their experiences and concerns.

B. Individuals Accused of Unethical Behavior. The Delegate for Ministerial Conduct will coordinate any appropriate pastoral care and counseling, spiritual assistance, and other social services for Church personnel accused of unethical behavior.

C. Communities Affected by Allegations. The Diocese will extend appropriate pastoral care to the parishes, schools, or institutions directly affected by allegations of unethical behavior by Church personnel. When an individual is placed on or requests administrative or precautionary leave as a result of an allegation, the Delegate will consult the leadership of the parish, school, or institution to determine what the appropriate pastoral response of the Diocese should be and whether additional public notification is appropriate. The response and any notification must protect the rights of the accused and the confidentiality of the complainant.

⁷ "Inappropriate conduct of a sexual nature involving a minor" means inappropriate sexual conduct or violations of this Code that relate to interactions with minors and that do not rise to the level of suspected abuse. Examples of such inappropriate behavior include, but are not limited to, discussing one's own sexual orientation, sexual activities, or sexual history with minors and showing minors sexually explicit, inappropriate, or offensive printed materials.

⁸ As stated above, if Church personnel (including Heads of Church Institutions) suspect that a minor has been subjected to abuse, they must comply with the reporting requirements under New Hampshire law and the *Promise to Protect, Pledge to Heal* Policy.

Diocese of Manchester

Promise to Protect, Pledge to Heal

Policy for the Protection of Children and Young People

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PREAMBLE

Child sexual abuse is a horrible sin and crime in our Church and society. It is a matter of the gravest concern for our Diocese. The objectives of this policy are to prevent child sexual abuse in our Church before it occurs, respond with compassion and respect to those who report that they have been abused by Church personnel, ensure due process and respect for the rights of those who have been accused of sexual abuse, provide for cooperation with the civil authorities, and address allegations of child sexual abuse openly.

In addition to this *Promise to Protect, Pledge to Heal: Policy for the Protection of Children and Young People* (“Policy”), the Diocese requires that Church personnel comply with the diocesan *Serving Christ, Serving Others: Code of Ministerial Conduct* (“Code”) which sets forth additional standards of behavior for all who minister in the Church. The Code is intended to provide a broader context in which to view ministerial relationships by Church personnel in the Diocese of Manchester, while the Policy is solely focused on preventing, investigating, and remedying sexual abuse of minors.

Responsibility for adhering to this Policy rests with the individual. Church personnel who disregard this Policy will be subject to appropriate disciplinary action.

APPLICABILITY AND GENERAL DEFINITIONS

I. Applicability

This Policy applies to all who are engaged in ministry either by assignment, employment, or as a volunteer for the Diocese of Manchester or its parishes, schools, institutions, and agencies. The Policy applies to “Church personnel,” and where appropriate, applicants to become “Church personnel” and independent contractors of the diocese.

II. General Definitions for the Purposes of This Policy

A. Accused: The term “accused” means anyone accused of sexual abuse of a minor.

B. Adult: “Adults” are individuals who have reached their eighteenth birthday.

C. Church Law: The term “Church law” means the 1983 *Code of Canon Law*,¹ the *motu proprio* of Pope John Paul II, *Sacramentorum Sanctitatis Tutela* (“SST”),² the *Essential Norms for Diocesan and Eparchial Policies Dealing with Allegations of Sexual Abuse of Minors by Priests or Deacons* (“Essential Norms”),³ as well as other particular law of dioceses in the United States, and particular law of the Diocese of Manchester.

D. Church Personnel: The following are included in the definition of “Church personnel”:

1. Clerics (bishops, priests, and deacons) who are either incardinated in the Diocese of Manchester or granted authority (faculties) to exercise ministry therein. Some faculties are granted by Church law itself and others are granted by the Bishop of Manchester.
2. Members of religious institutes, including all women and men religious assigned to ministry in the Diocese, its parishes, Catholic schools, institutions, or agencies.
3. Lay employees and volunteers who are adults, including
 - a. Seminarians assigned to pastoral work in the Diocese of Manchester; seminarians seeking incardination in this Diocese; and those men enrolled in the Permanent Diaconate Formation Program;
 - b. All paid personnel, whether employed in areas of ministry or other kinds of services by the Diocese, its parishes, Catholic schools, institutions, or other agencies.
 - c. All volunteers. A volunteer is any person who performs a Church-related service without promise or expectation of monetary compensation on a regular and continual basis, including but not limited to catechists, coaches, youth ministers, lectors, ushers, Boy Scout leaders, Catholic Youth Organization volunteers, day care volunteers, volunteer camp counselors, members of a parish pastoral council, members of a parish finance council, children and youth choir directors, and parish outreach workers. A “regular and continual basis” means at least two times per month for three months or at least six times per year.

E. Complainant: The term “complainant” refers to an individual who reports having been sexually abused as a minor. The term also includes a person who has registered a complaint on behalf of the complainant.

F. Heads of Church Institutions: “Heads of Church Institutions” are individuals who are responsible for the pastoral administration of diocesan parishes, Catholic schools, or institutions. Examples of Heads of Church Institutions are bishops (and their delegates), pastors, and principals.

G. Minors: “Minors” are individuals who have not yet reached their eighteenth birthday.

¹ The 1983 *Code of Canon Law* is the codification of Church law for the Latin Rite of the Roman Catholic Church.

² Pope John Paul II, *Sacramentorum Sanctitatis Tutela* (“SST”), April 30, 2001. See also Circular Letter from the Congregation for the Doctrine of the Faith dated May 3, 2011 (calls for “[m]aking allowance for the legislation of the country where the Conference is located”).

³ The *Essential Norms* initially were first approved by the United States Conference of Catholic Bishops on December 8, 2002. Revisions to the *Essential Norms* were granted *recognitio* by the Holy See and promulgated as particular law for the United States on May 5, 2006.

H. Policy: The term “Policy” refers to this *Promise to Protect, Pledge to Heal: Policy for the Protection of Children and Young People*.

I. Regularly: Church personnel are considered to “regularly” work with minors or serve in supply ministry when they work with minors or do ministry at least two times per month for three months or at least six times per year.

J. Work with Minors: The following are considered to work with minors: catechetical leaders (facilitators, coordinators, directors); catechists and religious education aides; pastoral associates and ministers; youth ministers; day care/after school care employees and volunteers; chaperones for overnight trips; youth or family choir directors; Catholic Youth Organization volunteers (including coaches); altar server coordinators/trainers; leaders and volunteers of Scout troops and other youth organizations sponsored by the parish; all employees in Catholic schools, regardless of responsibility (including substitute and student teachers); volunteers in Catholic schools who serve as *in loco parentis* caregivers (such as coaches and chaperones on overnight trips) or who regularly volunteer (but not including school board members unless the members also regularly work with minors at the school); all employees and volunteers in the diocesan camps, regardless of responsibility (but not including the members of the board of directors for the camps unless the members also regularly work with minors at the camp).

K. Sexual Abuse: The term “sexual abuse” is contact of a sexual nature that occurs between a minor and an adult.⁴ This term includes contact, activity, or interactions with a minor that is meant to arouse or gratify the sexual desires of the adult. “Sexual abuse” can occur whether or not this sexual activity involves explicit force, whether or not it involves genital or physical contact, whether or not it is initiated by the minor, and whether or not there is discernible harmful outcome. “Sexual abuse” includes any act constituting sexual abuse under New Hampshire law⁵ and is a grave delict (a serious crime) against the Sixth Commandment under the 1983 *Code of Canon Law* and *the Essential Norms*⁶ and includes the acquisition, possession, or distribution of pornographic images of minors by whatever means or using whatever technology.

L. Sexual Exploitation: The term “sexual exploitation” means any contact of a sexual nature between an adult and another receiving pastoral care and sexual activity between adults with unequal power or perceived power (e.g., a priest and parishioner; a principal and a teacher). Sexual exploitation also includes sexual activity between an adult and a

“vulnerable individual,” defined as a person who has reached eighteen years of age and who is particularly susceptible to manipulation because of a mental or physical disability.

PREVENTION

I. Screening of Church Personnel

Church personnel who regularly work with minors and clerics assigned to ministry by the diocesan bishop and clerics who serve in supply ministry in the Diocese of Manchester must undergo background checks, based on the levels of risk for child abuse in the Church positions they fill. The standards for screening of Church personnel are contained in the *Diocese of Manchester Screening and Training Protocol for Church Personnel*.⁷

II. Assignments of Priests and Deacons

A. Ministerial Assignments. All assignments of priests and deacons by the Bishop of Manchester are subject to a recommendation process that will consider, among other things, how confident the Christian faithful would be in each assignment. The Bishop of Manchester relies upon the advice of the Priest Personnel Board, the Vicar for Priest Personnel, and the Vicar for Clergy in making pastoral assignments of priests. A Permanent Deacon Personnel Board advises the Bishop on the assignment of permanent deacons.

In addition to the advice noted above, the Bishop of Manchester considers the complete records of priests and deacons, including but not limited to records of formational assessment, psychological evaluations, and other information regarding his suitability for a particular ministerial assignment.

The Delegate for Ministerial Conduct shall notify the Vicar for Priest Personnel and the Vicar for Clergy when a priest or deacon has been accused of sexual abuse, and if applicable, provide them with information regarding any recommendation of the Diocesan Review Board to the Bishop of Manchester that pertains to the priest or deacon.

B. Transfers for Residence. Before a priest or deacon can be transferred for a ministerial assignment or supply ministry to the Diocese from another diocese or religious province, the Diocese shall seek from that diocese or religious province any and all information concerning any accusations of sexual abuse of a minor and any other information indicating that the priest or deacon has been or may be a danger to children or young people.

⁴ The term “sexual abuse” would not include contact of a sexual nature between a minor and an adult who are married to one another. Under canon law, the term “sexual abuse” may include contact of a sexual nature between an adult and a “person who habitually lacks the use of reason.” SST, article 6 § 1.

⁵ The New Hampshire Child Protection Act, RSA 169-C:3, provides that “sexual abuse” “means the following activities under circumstances which indicate that the child’s health or welfare is harmed or threatened with harm: the employment, use, persuasion, inducement, enticement, or coercion of any child to engage in, or having a child assist any other person to engage in, any sexually explicit conduct or any simulation of such conduct for the purpose of producing any visual depiction of such conduct; or the rape, molestation, prostitution, or other form of sexual exploitation of children, or incest with children. With respect to the definition of sexual abuse, the term ‘child’ or ‘children’ means any individual who is under the age of 18 years.”

⁶ See footnotes 2 and 3; 1983 *Code of Canon Law*, c. 1395; *Essential Norms*, norm 9.

⁷ The *Diocese of Manchester Screening and Training Protocol for Church Personnel* can be found on the website for the Diocese of Manchester under child safety: www.catholicnh.org.

III. Training of Church Personnel

A. Instruction on Mandatory Reporting Requirements.

Church personnel who regularly work with minors and clerics assigned to ministry by the diocesan bishop and clerics who regularly serve in supply ministry⁸ must receive instruction on the mandatory reporting requirements for Church personnel and must sign an acknowledgement that they have received such instruction and agree to abide by the requirements.

B. Initial Training. Clerics and members of religious institutes assigned to parish, school, or institutional ministry and employees and volunteers who regularly work with minors are required to undergo training that addresses appropriate boundaries in ministry; signs and symptoms of sexual abuse in minors; policies and practices for the prevention of sexual abuse by Church personnel; policies and procedures for reporting allegations of sexual abuse; and methods of responding appropriately to disclosures of abuse. Employees are required to undergo training as part of their orientation process. Employees and volunteers are required to undergo training as set forth in the Diocese of Manchester Screening and Training Protocol for Church Personnel. Training must be conducted by qualified, knowledgeable professionals or through an approved online program.

C. Ongoing Training. All Church personnel who regularly work with minors must undergo ongoing or refresher training on child sexual abuse at least once every three years. Such training may include a self-test or assessment component.

IV. Independent Contractors

Diocesan parishes, schools, or institutions that retain independent contractors who regularly work with minors (cafeteria workers, instructors, and maintenance personnel in schools) must obtain written assurance that the independent contractors have undergone background screening and will comply with the reporting obligations for sexual abuse of minors under New Hampshire law and diocesan policy or must require that the independent contractors undergo the same screening as would be required of an employee in the parish, school, or institution.

V. Roles and Responsibilities

A. Role of the Diocesan Bishop

1. General. The diocesan bishop is responsible for teaching, sanctifying, and governing the Roman Catholic Church in New Hampshire. The bishop shall be responsible for enforcing the Policy and other related policies as particular law of the Diocese of Manchester.
2. Matters Involving Sexual Abuse of Minors. The Bishop shall reach out to those who have been sexually abused as minors by anyone serving the Church in ministry,

employment, or a volunteer position, whether the sexual abuse was recent or occurred many years ago. The Bishop will be as open as possible with the people in parishes and communities about instances of sexual abuse of minors, with respect always for the privacy and the reputation of the individuals involved. The Bishop shall be personally committed to the pastoral and spiritual care and emotional well-being of those who have been sexually abused and of their families. The Bishop shall work with parents, civil authorities, educators, and various organizations in the community to make and maintain the safest environment for minors.

3. Revisions to the Policy. Before adopting revisions to the Policy, the Bishop will consult with the Presbyteral Council and the Diocesan Pastoral Council. When appropriate, the Bishop or his designee may also consult with the Safe Environment Council, the Diocesan Review Board, and the Safe Environment Coordinators.

B. Role of the Diocesan Review Board

1. Composition of the Diocesan Review Board. The Diocesan Review Board shall be constituted in accordance with Church law. The Review Board shall be composed of persons of outstanding integrity and good judgment. The majority of the Review Board members shall be lay persons who are in full communion with the Church and are not in the employ of the Diocese; but at least one member must be a priest who is an experienced and respected pastor of the Diocese, and at least one member should have particular expertise in the treatment of sexual abuse of minors. The members are appointed for a term of five years, which can be renewed. The Promoter of Justice for the Diocese shall be invited to attend and participate in the meetings of the Diocesan Review Board.⁹ The Diocesan Review Board shall meet as often as necessary to carry out its responsibilities.
2. Responsibilities. The Diocesan Review Board makes recommendations for the Bishop's consideration in discharging his responsibilities with respect to matters involving allegations of sexual abuse of minors by Church personnel. The functions of the Diocesan Review Board are these:
 - a. to advise the Bishop in his assessment of the findings of preliminary investigations into allegations of sexual abuse of a minor; that is, the portion of the penal process in which the Bishop determines the probable nature of the allegation;¹⁰
 - b. to advise the Bishop in his assessment of allegations of sexual abuse and when asked to do so, sexual exploitation by clerics, lay employees, and volunteers, up to and including recommending appropriate disciplinary action;

⁸ "Supply ministry" means ministry as a substitute or fill-in where the priest is not assigned by the bishop. For example, a retired priest who celebrates Mass at a parish for a pastor who is ill or on vacation serves in "supply ministry."

⁹ The *Promoter of Justice* is a canon lawyer appointed by the diocesan bishop who acts as a protector of Church law and safeguards canonical procedures prescribed in canon law by recommending to the diocesan bishop the prosecution of infractions against Church law.

¹⁰ 1983 *Code of Canon Law*, c. 1718.

- c. to review the diocesan policies for dealing with sexual abuse of minors, sexual exploitation, and inappropriate conduct involving minors at least once every four years and recommend to the Bishop any changes to the policies;
 - d. on a regular basis, to conduct a compliance audit of the Office for Ministerial Conduct regarding compliance with this Policy and applicable Church law and state law and to subsequently make a regular public report to the Christian faithful regarding the compliance audit and the work of the Office for Ministerial Conduct; and
 - e. to offer advice on all aspects of cases involving sexual abuse, and when asked to do so, sexual exploitation, whether retrospectively or prospectively, including, but not limited to, providing input to the Delegate for Ministerial Conduct regarding the background screening of lay applicants, employees, or volunteers.
3. Assistance in Reviewing and Monitoring Effectiveness of Policy. The Diocesan Review Board shall have the authority to utilize consultants in reviewing and monitoring the operation and effectiveness of the policy and in conducting the compliance audit. Consultants utilized by the Diocesan Review Board should have the competence, skills, and experience that would be helpful in assisting the Diocesan Review Board in its review and monitoring.

C. Role of the Office for Ministerial Conduct

1. Composition. The Office for Ministerial Conduct shall be staffed by appropriately-trained individuals who are easily accessible and dedicated to the handling of allegations of sexual abuse, sexual exploitation, sexual harassment, and inappropriate conduct involving minors. The bishop shall appoint a Delegate for Ministerial Conduct who shall receive assistance from or shall consult with those who have competence in fields such as, but not limited to, the practice of law, law enforcement, canon law, psychiatry, psychology, counseling, human resources, and social work.
2. Responsibilities. The Office for Ministerial Conduct shall administer this Policy and all relevant diocesan policies on sexual abuse, sexual exploitation, sexual harassment, and inappropriate conduct of a sexual nature involving minors. The Delegate is responsible for ensuring that the pastors, principals, directors of diocesan institutions, clerics, and diocesan administration employees comply with the Policy. Other duties include, but are not be limited to these:
 - a. reporting suspected sexual abuse of minors to the appropriate civil authorities in accordance with the law and this Policy;
 - b. conducting investigations into allegations of sexual abuse, sexual exploitation, sexual harassment, and inappropriate conduct involving minors;

- c. coordinating the pastoral care of those who are accused of having committed sexual abuse or sexual exploitation;
- d. when appropriate, working with the Bishop to take steps to restore the reputation and the good name of an individual accused of having committed sexual abuse; and
- e. developing and coordinating programs designed to prevent sexual abuse, sexual exploitation, sexual harassment, and inappropriate conduct involving minors in the Church.

D. Role of Director, Office for Healing and Pastoral Care

1. Composition. The Bishop shall appoint a Director of the Office for Healing and Pastoral Care who must have competence in the practice of psychiatry, psychology, counseling, or social work. The Director should be a lay person, preferably a parent, and preferably in full communion with the Catholic Church.
2. Responsibilities. The Director shall be responsible for offering pastoral support, outreach, and professional assistance to persons who report having been sexually abused, to their family members, and to parishes, schools, and other diocesan institutions affected by complaints of child abuse. The pastoral support offered by the Director includes referrals for pastoral counseling, spiritual direction, parish consultation, and retreats. The Director also is responsible for reporting suspected sexual abuse of minors to the appropriate civil authorities in accordance with the law and this Policy.

E. Role of Church Personnel

Church personnel are responsible for knowing and adhering to this Policy. Church personnel with questions about whether a particular situation or course of conduct would violate this Policy are responsible for obtaining the answers by consulting this Policy, their supervisors, or the Delegate for Ministerial Conduct.

F. Roles of Heads of Church Institutions

Pastors, principals, and other Heads of Church Institutions are persons in whom others have confidence and trust. Pastors, principals, and other Heads of Church institutions ought to be the principal models for life in ministry and must promote and encourage a culture of accountability and safety in the exercise of ministry, including adherence to this Policy and the spirit of this Policy. As supervisors of Church personnel, Heads of Church Institutions are responsible for meeting the standards set forth in the Policy, ensuring that the Policy is implemented in their parish, school, or institution, and taking steps to ensure that Church personnel under their supervision comply with the Policy.

G. Role of the Safe Environment Compliance Officer

The Safe Environment Compliance Officer is responsible for assisting in the implementation and ongoing oversight of diocesan policies, including, but not limited to the *Promise to Protect*,

Pledge to Heal Policy, in the parishes, Catholic schools and other institutions of the Diocese, including the diocesan central administration.

H. Roles of the Safe Environment Council and Coordinators

1. **Safe Environment Council.** The Safe Environment Council shall consist of one representative from each deanery recommended by the Dean and appointed by the Bishop to a three-year term to assist and advise the Office for Ministerial Conduct in matters associated with the Policy. The Council shall meet as frequently as necessary to accomplish its duties.
2. **Safe Environment Coordinators.** The pastor of each parish and the principal of each school shall appoint a Safe Environment Coordinator to assist the pastor and the principal in matters associated with the Policy including, but not limited to, maintaining and updating the safe environment database, distributing information regarding training sessions on sexual abuse and sexual harassment matters, coordinating the distribution of materials for parents on child sexual abuse, and assisting in the background screening process.

INTERVENTION

I. Investigation

A. Initiating an Investigation. The Diocese takes all allegations of sexual abuse seriously, whether the Office for Ministerial Conduct becomes aware of the allegations of sexual abuse through a direct, formal complaint or by some other means. The Diocese will report allegations to the civil authorities in accordance with the reporting procedures contained in this Policy. The Diocese will also conduct a timely investigation into the allegations. When the Bishop of Manchester deems an allegation of sexual abuse of a minor to have a semblance of truth, the accused will be placed on precautionary leave pending the outcome of the investigation.¹¹

B. Trained Investigators. Internal investigations must be conducted by individuals appropriately trained to conduct such investigations.

C. Rights of the Complainant and Accused. The rights of the complainant and the accused will be protected throughout the investigation process.

D. Compliance with Church Law and the Essential Norms. In matters involving allegations of sexual abuse of minors by clerics (deacons, priests, and bishops), the definitions and processes provided for in the *1983 Code of Canon Law*, the *Essential Norms*, other particular law for the dioceses of the United States, and particular law of the Diocese of Manchester must be strictly observed. Clerics accused of sexual abuse are encouraged to retain the assistance of civil and canonical counsel and are entitled to a canonical advocate in certain canonical processes.

II. Pastoral Care and Support

A. Care of the Complainant. The primary concern of the Diocese with regard to complainants and their families is to assist them in healing and reconciliation which comes from the Lord Jesus. The Diocese will demonstrate a sincere commitment to their spiritual and emotional well-being. The Director of the Office for Healing and Pastoral Care will coordinate pastoral care and counseling, spiritual assistance, and other social services for complainants and their families, whether the alleged abuse was recent or occurred many years in the past, and will listen with patience and compassion to their experiences and concerns. When appropriate, the Director will make available counseling resources independent from the Church.

B. Care of the Accused. The Diocese will provide spiritual and pastoral care to those accused of sexual abuse of a minor and will demonstrate a sincere commitment to their spiritual and emotional well-being. The Delegate for Ministerial Conduct will coordinate pastoral care and counseling, spiritual assistance, and other social services for the accused and the family of the accused. When appropriate, the Delegate will make available counseling resources independent from the Church.

C. Support for Communities Affected by Allegations. The Diocese recognizes that entire communities are affected by allegations of sexual abuse, particularly when the accused is a priest, deacon, or member of a religious institute. The Diocese will extend particular pastoral care (as appropriate) to the parishes, schools, or institutions directly affected by allegations of sexual abuse. When an individual is placed on administrative leave as a result of an allegation of sexual abuse, the Delegate will consult the leadership of the parish, school, or institution to determine the appropriate pastoral response of the Diocese. The response must protect the rights of the accused and the confidentiality of the complainant.

REMEDIATION

I. Allegations Found to Be True¹²

The Church affords an accused person every opportunity for conversion of heart and forgiveness through the Sacrament of Penance and other pastoral means. However, the Church also acknowledges that one needs to do penance for one's sins, that consequences exist for wrongful actions, and that the safety of children requires certain measures to be taken even after there is forgiveness. If an accusation of sexual abuse of a minor is either admitted to or is established after an appropriate investigation in accordance with Church law and the protocols established by the Diocese, the following will pertain:

¹¹ This provision presumes that the accused is in active ministry, employment, or volunteer service or has faculties to do ministry in the Diocese.

¹² Allegations found to be true are those that are valid, proven with "moral certitude."

A. Clerics¹³

1. Permanent Removal from Ministry. In the event of even a single act of sexual abuse of a minor while a cleric, the cleric found guilty will be permanently removed from ministry. The cleric will be offered appropriate professional assistance for his own healing and well-being as well as for the prevention of further abusive conduct.
2. Compliance with Church Law. In every case, the processes provided for in Church law must be observed, and the various provisions of Church law must be considered. These provisions may include a request by the cleric for dispensation from the obligations of holy orders and the loss of the clerical state, or a request by the bishop for dismissal from the clerical state even without the consent of the cleric. For the sake of due process, the accused shall be encouraged to retain the assistance of civil and canonical counsel.
3. Clerics Not Dismissed from the Clerical State. If the penalty of dismissal from the clerical state has not been applied (e.g., for reasons of advanced age or infirmity), the accused shall be required to lead a life of prayer and penance. He will not be permitted to celebrate Mass publicly, to wear clerical garb, or to present himself publicly as a priest or deacon.
4. Transfer for Ministerial Assignment to or Residence in Another Diocese. The Diocese will not permit any priest or deacon incardinated in the Diocese known to have committed an act of sexual abuse to be transferred for ministerial assignment to another diocese/eparchy, or to an institute of consecrated life, society of apostolic life, or personal prelature. The Diocese will not permit such a priest or deacon to be transferred for residence without having forwarded in a confidential manner to the local bishop/eparch and religious ordinary (if applicable) of the proposed place of residence any and all information concerning any act of sexual abuse of a minor and any and all information indicating that he has been or may be a danger to children or youth.¹⁴
5. Notifications. Notifications about the outcome of the canonical proceedings should be made to the cleric, complainant, and the communities affected by the allegations at an appropriate time and in an appropriate manner with consideration for the privacy of the complainant and the rights of the cleric found to have engaged in sexual abuse of a minor.

B. Members of Religious Institutes and Lay Employees and Volunteers

1. Permanent Removal from Ministry. In the event of even a single act of sexual abuse of a minor, the member of a

religious institute or lay employee or volunteer will be permanently removed from ministry, employment, or service in the Diocese.

2. Notifications. Notifications about the outcome of the investigation should be made to the accused, complainant, and the communities affected by the allegations at an appropriate time and in an appropriate manner with consideration for the privacy of the complainant and the rights of the member of a religious institute or lay employee or volunteer found to have engaged in sexual abuse of a minor.

II. Unfounded Allegations¹⁵

Where an accusation of sexual abuse of a minor is determined to be unfounded, the following will apply:

A. Restoration of Good Name. The Diocese will take appropriate steps to restore the good name of the accused as soon as possible.

B. Notifications. Notifications about the outcome of the investigation or canonical proceedings should be made to the accused, complainant, and the communities affected by the allegations at an appropriate time and in an appropriate manner with consideration for the privacy of the complainant and the rights of the accused. The Diocese will also continue to offer the complainant and the accused pastoral care, as appropriate.

C. Authority of Heads of Church Institutions. An allegation determined to be unfounded following the internal investigation by the Diocese does not prevent Heads of Church Institutions from exercising their administrative authority with respect to the accused, so long as the exercise of that authority is consistent with applicable employment and volunteer policies and practices.

III. Settlement Agreements with Complainants

A. Confidentiality. The Diocese will not bind complainants to a condition of confidentiality or nondisclosure or encourage or otherwise attempt to convince a complainant to request confidentiality as part of an agreement to provide services, support, or treatment, or in settlement of financial claims involving allegations of sexual abuse of minors.

B. Disclosure of Settlement Amount. The Diocese will include on financial statements to be made public the total amounts of money expended by the Diocese in connection with financial settlements entered into between the Diocese and all complainants and any amounts contributed by companies that provide insurance coverage to the Diocese. In making such financial disclosures, the Diocese will comply with provisions requested by complainants that their identities and the specific amount of the individual settlements be kept confidential.

¹³ Specific aspects of Church law apply to any report of the sexual abuse of a minor by a deacon or priest. Please refer to notes 4 and 5 above.

¹⁴ *Essential Norms*, Norm 12.

¹⁵ The term “unfounded” for the purposes of this Policy means untrue; that is, either proven to be not true or unable to be proven true.

REPORTING OF INCIDENTS, ALLEGATIONS, AND CONCERNS

I. Reporting Abuse and Neglect of Minors

A. Reporting Requirements of Adults under New Hampshire

Law. In accordance with New Hampshire law, any adult who has reason to suspect that a minor has been abused or neglected must personally report the suspicions to the Division for Children, Youth and Families (“DCYF”) at (800) 894-5533.

B. Reporting Requirements of Church Personnel.¹⁶ Church personnel who have reason to suspect that a minor has been sexually abused by other Church personnel have additional reporting obligations. When the alleged victim is a minor, in addition to reporting to DCYF, Church personnel must immediately personally report the suspicion to local law enforcement and to the Delegate for Ministerial Conduct at (603) 669-3100. When the alleged victim no longer is a minor, Church personnel must immediately personally report the suspicion to the Delegate for Ministerial Conduct at (603) 669-3100. Church personnel may seek the advice or assistance of their pastor, principal, or supervisor if doing so does not unduly delay the report.

C. Reporting Requirements of the Office for Ministerial Conduct. The Office for Ministerial Conduct will follow the reporting requirements for all Church personnel. In addition, whenever it has reason to suspect that a minor has been sexually abused by Church personnel, the Office for Ministerial Conduct immediately will make a report to the New Hampshire Attorney General’s office.

D. Reporting Allegations Involving a Bishop. In addition to the foregoing reporting requirements, if a bishop is accused of sexual abuse of a minor, the accused bishop is obliged to inform the Apostolic Nuncio of the Holy See.¹⁷ If another bishop becomes aware of an allegation of sexual abuse of a minor by a bishop, he is required to inform the Apostolic Nuncio.¹⁸

E. Notice to Complainants. The Office for Ministerial Conduct will notify those who make reports of sexual abuse to the Office for Ministerial Conduct that their allegations will be reported to DCYF (if the complainant is under the age of eighteen) and law enforcement (the Attorney General’s office).

F. Cooperation with Civil Authorities. Church personnel must cooperate with civil authorities in connection with investigations into allegations of sexual abuse.

G. Failure to Comply. Church personnel who fail to comply with the reporting procedures required by law and/or contained in this Policy will be subject to disciplinary action, up to and including appropriate canonical penalties for priests and deacons, and up to and including termination from employment or from volunteer ministry with the Church for other Church personnel.

II. Reporting Noncompliance in Policy Administration

A. Noncompliance by Heads of Church Institutions or the Delegate for Ministerial Conduct. Whenever Church personnel believe that the Head of a Church Institution or the Delegate for Ministerial Conduct has failed to enforce this Policy, Church personnel should first attempt to resolve the matter with the Head of the Church Institution or the Delegate for Ministerial Conduct. Complaints about the Head of a Church Institution that have not been resolved at the institutional level should be reported to the Delegate for Ministerial Conduct at (603) 669-3100. Complaints about the Delegate for Ministerial Conduct should be reported to the Diocesan Bishop at (603) 669-3100.

B. Noncompliance by the Diocesan Bishop. If Church personnel believe that the Diocesan Bishop may have violated or failed to enforce this Policy, Church personnel should first attempt to resolve the matter by notifying the Diocesan Bishop at (603) 669-3100. Individuals with complaints that have not been resolved after addressing the matter with the Diocesan Bishop may report the matter to the metropolitan Archbishop of Boston or the Apostolic Nuncio. This aspect of the Policy conforms to *A Statement of Episcopal Commitment* by the United States Conference of Catholic Bishops.¹⁹

III. Prohibiting Retaliation

A. Retaliation Prohibited. The policy of the Diocese is to encourage individuals to make reports in accordance with this Policy. As a result, individuals who make good faith reports in accordance with this Policy will not be subjected to retaliation for making the reports.

B. Reporting Retaliation. Church personnel who believe that they have been subjected to retaliation for making reports under this Policy should report the matter to the Delegate for Ministerial Conduct by telephone at (603) 669-3100 or should submit a specific letter to the Delegate for Ministerial Conduct or the Bishop at 153 Ash Street, P.O. Box 310, Manchester, NH 03105.

¹⁶ The reporting requirements of Church personnel are greater than those required by New Hampshire law and are consistent with the requirements contained in the December 10, 2002, agreement between the State of New Hampshire and the Diocese of Manchester.

¹⁷ The Apostolic Nuncio to the United States represents the Holy Father both to the hierarchy and the Church of a particular nation and to that nation’s civil government. The Apostolic Nuncio can be reached at the Embassy of the Holy See, 3339 Massachusetts Ave., N.W., Washington, D.C., 20008; (202) 333-7121.

¹⁸ This provision is consistent with the *Statement of Episcopal Commitment* approved by the US Bishops in June 2011.

¹⁹ A Statement of Episcopal Commitment, U.S. Conference of Catholic Bishops, June 2011.

DOCUMENTATION

I. Records Regarding Sexual Abuse

All records regarding sexual abuse of minors will be maintained in accordance with the Diocese of Manchester Records Retention Policy. Records regarding allegations of sexual abuse must be kept in a format that facilitates their availability to Church personnel with a legitimate need to know about the allegations subject to the discretion of the Bishop of Manchester under appropriate Church and civil law.

II. Unified Personnel Documentation Systems

A. Use of Unified Clergy Personnel Documentation Systems.

The Diocese shall continue to maintain unified clergy personnel documentation systems to enable those responsible for assigning clergy to consider the full record of each cleric in the making of ministerial assignments. The record of each cleric shall commence upon entering seminary or preparation for the diaconate and continue to be maintained for the period of time established by Church law.

B. Safe Environment Database. The Diocese shall establish and maintain a database containing certain information regarding Church personnel to enable the Diocese to audit compliance with the screening and training requirements contained in this Policy and to enable parishes to determine whether applicants previously employed by other parishes were in good standing. Access to this database shall be restricted to those parish, school, and diocesan representatives responsible for screening and only as necessary to fulfill their responsibilities.

COMMUNICATIONS

I. General Principles

A. Policies and Procedures. The Diocese of Manchester shall institute and follow communications procedures that assist the Diocese in fulfilling its mission and that foster mutually beneficial relationships among all those in the Church in New Hampshire, as well as other communities in the state, including the general media. In all communications, the Diocese shall adhere to a standard of openness, honesty, and candidness.

B. Sexual Abuse of Minors. The Diocese will deal as openly as possible with members of the community while respecting the privacy and reputation of the individuals involved. The Diocese will be sensitive in assisting and supporting parish communities directly affected by ministerial misconduct involving minors. The Diocese will follow a program of regular and ongoing communications to increase awareness and understanding of the problem of child sexual abuse. Communications will include information about the problem of child sexual abuse of minors; the means of reporting actual or suspected abuse and communicating allegations; and the services available to those who have been abused and to their families.

C. The Diocesan Website. The Diocesan website will include a section dedicated to child safety that will contain, among other things, the Policy and other information about the problem and prevention of child sexual abuse.

II. Policy Distribution

A. Distribution to Church Personnel. The Policy shall be distributed either electronically or in printed format to all Church personnel who regularly work with minors, all clerics assigned to ministry by the diocesan bishop, and all clerics who serve in supply ministry. Those Church personnel shall be required to acknowledge (either in writing or other verifiable web-based program) receipt of the Policy and their obligation to read and abide by the provisions contained in the Policy. Supervisors, managers, personnel managers, and/or directors should periodically review with Church personnel who regularly work with minors the standards, policies, and reporting procedures contained in this Policy.

B. Availability of Policy to the Christian Faithful and the Public. The Policy will be available to the communities of all diocesan parishes, schools, and institutions and to the public on the diocesan website (www.catholicnh.org).

III. Public Announcements

A. Mandatory Reporting Requirements of Church Personnel.

Pastors must periodically remind parishioners about applicable provisions contained in the Policy by including them in Church bulletins or other means deemed to be pastorally appropriate for the dissemination of such important pastoral announcements. Of particular note is the need for the regular publication of the mandatory reporting requirements under state law and this Policy. The Diocese will use a wide variety of means as part of an ongoing effort to inform clergy and laity how to report either abuse or allegations against Church personnel.

B. Informing of the Process of Making a Complaint of Sexual Abuse.

The Diocese shall develop a communications plan to remind the public about the procedures for making complaints of sexual abuse and other violations of the Policy. The procedures for making a complaint of abuse shall be readily available in the languages in which the liturgy is regularly celebrated in the diocese and shall be the subject of public announcements at least annually. Means of public announcements may include, but are not limited to, the following:

1. distributing printed materials with reporting and contact information to parishes, schools, and other institutions of the Diocese;
2. requesting that pastors publish information in weekly Church bulletins;
3. including reporting and contact information in relevant news releases;
4. posting regularly on the diocesan website reporting and contact information; and
5. distributing reporting and contact information at appropriate diocesan and parish functions.

C. Services Available to Those Who Have Been Abused and to Their Families. Through the Director, Office for Healing and Pastoral Care, the Diocese offers advocacy, access to counseling, support, and assistance to victims, survivors, and families of child sexual abuse. The means of communicating this information include, but are not limited to, the following:

1. displaying contact information prominently on the diocesan website;
2. requesting that pastors publish information in weekly Church bulletins;
3. distributing reporting and contact information at appropriate Diocesan and parish functions;
4. distributing information through members of the civil and legal communities; and
5. distributing news releases with reporting and contact information.

D. Allegations of Sexual Abuse by Church Personnel.

1. **Precautionary Leave.** If a priest or other person in the employment of the diocese is placed on precautionary leave during an investigation, the Diocese may report that the person is on administrative leave to the parish, ministry, or place of employment of the individual. The Diocese will respond to media inquiries by stating that the individual is on administrative or precautionary leave pending the conclusion of the investigation and the canonical process. The Diocese may also disclose the general nature of the investigation process and the particular restrictions that pertain to a person on precautionary leave.
2. **The Conclusion of the Investigation.** At the conclusion of an investigation, canonical trial, or administrative process, the Diocese will notify the complainant and the accused of the results of the investigative and canonical process, including any restrictions on ministry. Notifications to the complainant and to communities affected by the allegations will be made at an appropriate time and in an appropriate manner with consideration for the privacy of the complainant and the rights of the cleric accused of engaging in sexual abuse of a minor. When an individual is acquitted following an investigation and the allegation was made public, the Diocese will consult with the accused cleric before determining what announcements that it will make and what steps it will take to restore the individual to ministry, work, or service. The Diocese will assist in restoring the good reputation to the individual at an appropriate time and as soon as possible.

MEASURING PROGRESS AND ACCOUNTABILITY

I. General Principles

In order to restore the trust and confidence of victims, parishioners, Catholics, and the public at large in the Church's ability to prevent child abuse and identify and heal those who have been abused, the Diocese of Manchester will be accountable for its efforts and performance in these matters. The Diocese shall evaluate the effectiveness of its child protection efforts at regular intervals to determine whether it is meeting the needs of the Church, the faith community, and the victims and their families in the most effective and responsive ways possible.

II. Compliance Audit

The Diocesan Review Board will conduct a regular compliance audit of the Office for Ministerial Conduct regarding compliance with this Policy and will subsequently make a public report to the Christian faithful regarding the compliance audit and the work of the Office for Ministerial Conduct.

In conducting the audit, the Diocesan Review Board may consult with, among others, the members of the Diocesan Safe Environment Council. The Diocesan Review Board has the authority to use consultants in reviewing and monitoring the operation and effectiveness of the policy and in conducting the compliance audit.

III. Policy Review

At least once every four years, the Diocesan Review Board will review the *Promise to Protect, Pledge to Heal* Policy and recommend to the Bishop any changes to the policies. In conducting the review, the Diocesan Review Board may consult with, among others, the members of the Diocesan Safe Environment Council.

REQUIRED FOR CHURCH PERSONNEL WHO REGULARLY WORK
WITH MINORS AND CLERICS ASSIGNED BY THE DIOCESAN BISHOP
OR WHO SERVE IN SUPPLY MINISTRY

Submission of this document is not required by Church personnel who previously signed an acknowledgement that they have received instruction on the mandatory reporting requirements for Church personnel and agree to abide by them.

ACKNOWLEDGEMENT

Please read the following statements and sign below to indicate your receipt and acknowledgement of this *Diocese of Manchester Serving Christ, Serving Others Code of Ministerial Conduct* (the “Code”) and the *Promise to Protect, Pledge to Heal Policy for the Protection of Children and Young People* (the “Policy”). If you are an employee or volunteer, please return the signed document to your supervisor. If you are a cleric, please return the signed document to the Delegate for Ministerial Conduct.

- I have received and have reviewed a copy of the Code and Policy. I understand that it is my obligation to abide by the provisions contained in the Code and Policy.
- I understand that I am responsible for complying with the reporting requirements contained in the Policy, including, but not limited to, the reporting requirements for suspected abuse of a minor. I have received instruction on these requirements. I agree to report suspected abuse of a minor in accordance with the law and the reporting procedures contained in the Policy.
- I understand that the Diocese of Manchester may change, modify, and/or revise any part of the Code or Policy at any time but that the Diocese will notify Church personnel of any changes to the Code or Policy as soon as possible. I also understand that the Code and Policy are not contracts, and they do not grant any rights to continued employment, ministry, or volunteer service.

Signature: _____

Name (please print clearly): _____

Home Address: _____

Home Tel. No.: _____

Parish/School/Institution and Town: _____

Position: _____

Date: _____

