

Diocese of Brooklyn

Code of Pastoral Conduct

For Priests, Deacons, and Pastoral Ministers

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I. Introduction

The documents, which follow this introduction, are legal and cautionary. When we first read the *Codes for Pastoral Conduct*, we were concerned about how individuals who consecrate their lives or dedicate their free time to the promotion of the Gospel might feel about the *Codes*, for Paul writes in 2 Corinthians 3.6: “Not that of ourselves we are qualified to take credit for anything as coming from us; rather, our qualification comes from God, who has indeed qualified us as ministers of a new covenant, not of letter but of spirit; for the letter brings death, but the Spirit gives life.”

We, like you, are concerned about “life.” Pope John Paul II writes in *Evangelium vitae*, 4:79:

We have been sent. For us, being at the service of life is not a boast but rather a duty, born of our awareness of being “God's own people, that we may declare the wonderful deeds of him who called us out of darkness into his marvelous light” (cf. 1 Pet 2:9). On our journey we are guided and sustained by the law of love: a love which has as its source and model the Son of God made man, who “by dying gave life to the world.”

We have been sent as a people. Everyone has an obligation to be at the service of life. This is a properly “ecclesial” responsibility, which requires concerted and generous action by all the members and by all sectors of the Christian community. This community commitment does not however eliminate or lessen the responsibility of each individual, called by the Lord to “become the neighbor” of everyone: “Go and do likewise” (Lk 10:37).

Together we all sense our duty to preach the Gospel of life, to celebrate it in the Liturgy and in our whole existence, and to serve it with the various programs and structures which support and promote life ([http://www.vatican.va/edocs/ENG0141/_PV.HTM#\\$2T](http://www.vatican.va/edocs/ENG0141/_PV.HTM#$2T)).

The life of our mission is well known to us. Recent events have made it necessary to facilitate civil expectations about personal conduct connected to our programs and structures and that is what the *Code of Pastoral Conduct* does. It states realities of dealing with individuals and groups and enunciates clearly and unequivocally what past practice has had to highlight, reject, and warn against. As such, the *Code* is important and to be heeded as much as we need to heed our call to be a service to the life of the Gospel and the Church.

Our concern is to have you know how much we support and encourage your pastoral work and how we feel this *Code of Pastoral Conduct* helps in your work. We endorse and pray for the success of your service to the Gospel in all sectors of our Christian community.

For the purposes of this document and in accordance with canon law, whoever habitually lacks the use of reason is considered equivalent to an infant. Therefore, when this pastoral code makes reference to a child or youth, it includes those who habitually lack the use of reason.

The Committee on Codes of Pastoral Conduct

August 2005

II. Preamble

Priests, deacons, and pastoral ministers in our parishes (hereafter referred to as clergy and pastoral ministers) must uphold Christian values and conduct. The Code of Pastoral Conduct provides a set of standards for conduct in certain pastoral situations.

III. Responsibility

The public and private conduct of clergy and pastoral ministers can inspire and motivate people, but it can also scandalize and undermine the people's faith. Clergy and pastoral ministers must, at all times, be aware of the responsibilities that accompany their work. They must also know that God's goodness and grace supports them in their ministry.

Responsibility for adherence to the Code of Pastoral Conduct rests with the individual. Clergy and pastoral ministers who disregard this Code of Pastoral Conduct will be subject to remedial action by the parish, agency and/or Diocese. Corrective action may take various forms—from a verbal reproach to removal from the ministry—depending on the specific nature and circumstances of the offense and the extent of the harm.

IV. Application

This Code of Pastoral Conduct shall apply to all clergy and pastoral ministers in the Diocese of Brooklyn. While certain sections of this Code of Pastoral Conduct are directed specifically toward Pastoral Counselors and Spiritual Directors (Section 5), it is to be noted that many of the directives found there are also applicable to others involved in pastoral service who attempt to offer assistance even outside the relationship of spiritual direction or pastoral counseling. The same standards involving competence (5.1), pre-existing relationship (5.2), audiotape or videotape (5.3), sexual intimacy (5.4 and 5.5), physical contact (5.7), and appropriate setting (5.8) apply.

V. Pastoral Standards

1. Conduct with Children and Young People

Clergy and pastoral ministers working with youth shall maintain an open and trustworthy relationship between youth and adult supervisors.

- 1.1. Clergy and pastoral ministers must be aware of their own and others' vulnerability when working alone with youth. Use a team approach to managing youth activities.
- 1.2. Physical contact with youth can be misconstrued and should occur (a) only when completely nonsexual and otherwise appropriate, and (b) ordinarily not in private.
- 1.3. Clergy and pastoral ministers should refrain from (a) the illegal possession and/or illegal use of drugs and/or alcohol at all times, and (b) the use of alcohol when working with youth.
- 1.4. Clergy should not allow individual young people to stay overnight in the cleric's private accommodations or residence.

1.5. Staff and volunteers should not provide shared, private, overnight accommodation for individual young people including, but not limited to, accommodations in any Church owned facility, private residence, hotel room, or any other place where there is no other adult supervision present.

1.5.1. In rare, emergency situations, when accommodation is necessary for the health and well being of the youth, the clergy, staff, or volunteer should take extraordinary care to protect all parties from the appearance of impropriety and from all risk of harm.

1.5.2. Use a team approach to managing emergency situations.

2. Sexual Conduct

Clergy and pastoral ministers must not, for sexual gain or intimacy, exploit the trust placed in them by the faith community.

2.1. Clergy and pastoral ministers are called to be examples of the virtue of chastity, as appropriate to their state of life, in all relationships at all times, which for celibate clerics and those in consecrated life includes the observance of “perfect and perpetual continence for the sake of the kingdom of heaven.” (cf. canons 277, 599).

2.2. Clergy and pastoral ministers who provide pastoral counseling or spiritual direction services must avoid developing inappropriately intimate relationships with minors, other staff, or parishioners.

2.3. No clergy or pastoral minister may exploit another person for sexual purposes.

2.4. Allegations of sexual misconduct should be taken seriously and reported to the immediate superior in the Church and to civil authorities if the situation involves a minor. Diocesan procedures will be followed to protect the rights of all involved.

2.5. Allegations regarding sexual misconduct of a priest with someone who is a child or who is now an adult should be advised to call the Brooklyn Diocesan reporting line at 1-888-634-4499.

2.6. Clergy and pastoral ministers should review and know the contents of the child abuse regulations and reporting requirements for the State of New York and should follow those mandates.

3. Harassment

Clergy and pastoral ministers must not engage in physical, psychological, written, or verbal harassment of staff, volunteers, or parishioners and must not tolerate such harassment by other Church staff or volunteers.

3.1. Clergy and pastoral ministers shall provide a professional work environment that is free from physical, psychological, written, or verbal intimidation or harassment.

3.2. Harassment encompasses a broad range of physical, written, or verbal behavior, including, without limitation, the following:

- Physical or mental abuse.
- Racial insults.
- Derogatory ethnic slurs.

- Unwelcome sexual advances or touching.
- Sexual comments or sexual jokes.
- Requests for sexual favors used as: a condition of employment, or to affect other personnel decisions, such as promotion or compensation.
- Display of offensive materials.

3.3. Harassment can be a single severe incident or a persistent pattern of behavior where the purpose or the effect is to create a hostile, offensive, or intimidating work environment.

3.4. Allegations of harassment should be taken seriously and reported immediately to the appropriate supervisor. Diocesan procedures will be followed to protect the rights of all involved.

4. Parish, Agency and Diocesan Records and Information

Confidentiality will be maintained in creating, storing, accessing, transferring, and disposing of parish, religious community/institute, or organizational records.

4.1. Sacramental records shall be regarded as confidential. When compiling and publishing parish, religious community/institute, or organization statistical information from these records, great care must be taken to preserve the anonymity of individuals.

4.1.1. Subject to pertinent law or court order, information regarding adoption and legitimacy remains confidential, regardless of age.

4.1.2. Only staff members who are authorized to access the records and supervise their use shall handle requests for more recent records.

4.1.3. Pastors and Administrators should designate the specific persons who have access to sacramental records and other records of the parish or agency.

4.2. Parish, religious community/institute, or organization financial records are confidential unless review is required by the Diocese or by an appropriate government agency. Contact the Finance Department (718-965-7300) upon receipt of any request for release of financial records.

4.3. Individual contribution records of the parish, religious community/institute, or organization shall be regarded as private and shall be maintained in strictest confidence.

5. Conduct for Pastoral Counselors and Spiritual Directors

Pastoral Counselors and Spiritual Directors must respect the rights and advance the welfare of each person.

5.1. Pastoral Counselors and Spiritual Directors shall not step beyond their competence in counseling situations and shall refer clients to other professionals when appropriate.

5.2. Pastoral Counselors and Spiritual Directors should carefully consider the possible consequences before entering into a counseling or spiritual direction relationship with someone with whom they have a pre-existing relationship or over whom they have supervisory or evaluative control (i.e., employee, professional colleague, friend, or other pre-existing relationship). [See Section 7.2.2]

- 5.3. Pastoral Counselors and Spiritual Directors should not audiotape or videotape sessions.
- 5.4. Pastoral Counselors and Spiritual Directors must never engage in sexual intimacies with the persons they counsel or direct. This includes consensual and nonconsensual contact, forced physical contact, and inappropriate sexual comments.
- 5.5. Pastoral Counselors and Spiritual Directors shall not engage in sexual intimacies with individuals who are close to the client—such as relatives or friends of the client—when there is a risk of exploitation or potential harm to the client. Pastoral Counselors and Spiritual Directors should presume that the potential for exploitation or harm exists in such intimate relationships.
- 5.6. Pastoral Counselors and Spiritual Directors assume the full burden of responsibility for establishing and maintaining clear, appropriate boundaries in all counseling and counseling-related relationships.
- 5.7. Physical contact of any kind (i.e., touching, hugging, holding) between Pastoral Counselors or Spiritual Directors and the persons they counsel or direct can be misconstrued and should be avoided.
- 5.8. Sessions should be conducted in appropriate settings at appropriate times.
 - 5.8.1. No sessions should be conducted in private living quarters.
 - 5.8.2. Sessions should not be held at places or times that would tend to cause confusion about the nature of the relationship for the person being counseled.
- 5.9. Pastoral Counselors and Spiritual Directors shall maintain a log of the times and places of sessions with each person being counseled or directed. They must maintain appropriate confidentiality in creating, storing, accessing and disposing of such logs.

6. Confidentiality

Information disclosed to a Pastoral Counselor or Spiritual Director during the course of counseling, advising, or spiritual direction shall be held in the strictest confidence possible.

- 6.1. Information obtained in the course of sessions shall be confidential, except for compelling professional reasons or as required by law.
 - 6.1.1. If there is clear and imminent danger to the client or to others, the Pastoral Counselor or Spiritual Director may disclose only the information necessary to protect the parties affected and to prevent harm.
 - 6.1.2. Before disclosure is made, if feasible, the Pastoral Counselor or Spiritual Director should inform the person being counseled about the disclosure and the potential consequences.
- 6.2. Pastoral Counselors and Spiritual Directors should discuss the nature of confidentiality and its limitations with each person in counseling or direction.
- 6.3. Pastoral Counselors and Spiritual Directors should keep minimal confidential records of the content of sessions.

- 6.4. Knowledge that arises from professional contact may be used in teaching, writing, homilies, or other public presentations only when effective measures are taken to absolutely safeguard both the individual's identity and the confidentiality of the disclosures.
- 6.5. While counseling a minor, if a Pastoral Counselor or Spiritual Director discovers that there is a serious threat to the welfare of the minor and that communication of confidential information to a parent or legal guardian is essential to the child's health and well-being, the Counselor or Spiritual Director should:
 - Attempt to secure written consent from the minor for the specific disclosure.
 - If consent is not given, disclose only the information necessary to protect the health and well being of the minor.
 - Consultation with the appropriate Church supervisory personnel is required before disclosure.

These obligations are independent of the confidentiality of the confessional. Under no circumstances whatsoever can there be any disclosure—even indirect disclosure—of information received through the confessional.

7. Conflicts of Interest

Clergy and pastoral ministers should avoid situations that might present a conflict of interest. Even the appearance of a conflict of interest can call integrity and professional conduct into question.

- 7.1. Clergy and pastoral ministers should disclose all relevant factors that potentially could create a conflict of interest.
- 7.2. Clergy and pastoral ministers should inform all parties when a real or potential conflict of interest arises. Resolution of the issues must protect the person receiving ministry services.
 - 7.2.1. No clergy or pastoral minister should take advantage of anyone to whom they are providing services in order to further their personal, religious, political, or business interests.
 - 7.2.2. Pastoral counselors should not provide counseling services to anyone with whom they have a business, professional, or social relationship. When this is unavoidable, the client must be protected. The counselor must establish and maintain clear, appropriate boundaries.
 - 7.2.3. When pastoral counseling or spiritual direction services are provided to two or more people who have a relationship with each other, the Pastoral Counselor or Spiritual Director must:
 - Clarify with all parties the nature of each relationship
 - Anticipate any conflict of interest;
 - Take appropriate actions to eliminate the conflict; and
 - Obtain from all parties written consent to continue services.
 - 7.2.4. Conflicts of interest may also arise when a Pastoral Counselor's or Spiritual Director's independent judgment is impaired by:

- Prior dealings;
- Becoming personally involved; or
- Becoming an advocate for one (person) against another.

In these circumstances, the Pastoral Counselor or Spiritual Director shall advise the parties that he or she can no longer provide services and refer them to another Pastoral Counselor or Spiritual Director.

8. Reporting Ethical or Professional Misconduct

Clergy and pastoral ministers have a duty to report their own ethical or professional misconduct and the misconduct of others.

- 8.1. Clergy and pastoral ministers must hold each other accountable for maintaining the highest ethical and professional standards.
- 8.2. When an uncertainty exists about whether a situation or course of conduct violates this Code of Pastoral Conduct or other religious, moral, or ethical principles, consult with:
 - Peers,
 - Others knowledgeable about ethical issues
- 8.3. When it appears that a member clergy or pastoral minister has violated this Code of Pastoral Conduct or other religious, moral, or ethical principles, report the issue to a supervisor or next higher authority.

9. Administration

Clergy and pastoral ministers shall be treated justly in the day-to-day administrative operations of their ministries.

- 9.1. Personnel and other administrative decisions made by clergy and pastoral ministers shall meet civil and canon law obligations and reflect Catholic social teachings and this Code of Pastoral Conduct.
- 9.2. No clergy or pastoral minister shall use his or her position to exercise unreasonable or inappropriate power and authority.
- 9.3. Each priest, deacon and pastoral minister providing service to children and youth must read this Code of Pastoral Conduct, sign the Acknowledgment Form, and return it to the designated office, before providing services.

10. Internet

All members of the clergy and pastoral ministers will use internet and on-line services in an appropriate manner consistent with the mission of the Catholic Church and their ministry in particular.

- 10.1. No member of the clergy will interact with children or young people through E-mail, social network sites, or other electronic communications except for delivering information about a bona fide parish program.

- 10.1. No member of the clergy will possess, distribute, or acquire, in any form images of child/youth pornography or assist children/ young people to access pornography or other sexual material online or influence their exploration of pornography through any media outlet.
- 10.2. No member of the clergy will use parish, school, or any agency computers or other electronic communications to participate in chat rooms or social network sites except for bona fide parish or agency purposes.
- 10.3. No member of the clergy will photograph children or young people or post said photographs without the explicit permission of the parents or legal guardians.