

Diocese of Brooklyn

Code of Pastoral Conduct

For Clergy

When we first issued the Code of Pastoral Conduct for Priests, Deacons, and Pastoral Ministers in 2005, 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 Code. As Paul writes in 2 Corinthians 3:5-6, “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:

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” (cf. Roman Missal).

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.

Ioannes Paulus PP. II, *Evangelium Vitae*, 4:79 (1995).

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.

I. Preamble

Clergy¹ must uphold Christian values and conduct. The Code of Pastoral Conduct provides a set of standards for conduct in certain pastoral situations.

II. Responsibility

The public and private conduct of clergy can inspire and motivate people, but it can also scandalize and undermine the people's faith. Clergy 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 who disregard this Code of Pastoral Conduct will be subject to remedial action by the Diocese, parish, and/or agency. Corrective action may take various forms, including and up to removal from ministry, as detailed in the Policy and Procedures Regarding Sexual Abuse of Minors, depending on the circumstances of the offense and the extent of the harm.

III. Application

This Code of Pastoral Conduct shall apply to all clergy 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.

IV. Pastoral Standards

1. Conduct with Minors²

Clergy working with minors shall maintain an open and trustworthy relationship between these individuals and their adult supervisors.

- 1.1. Clergy must be aware of their own and others' vulnerability when working alone with minors. Use a team approach to manage activities with minors.
- 1.2. Physical contact with minors can be misconstrued and should occur (a) only when completely nonsexual and otherwise appropriate, and (b) ordinarily not in private.
- 1.3. Clergy 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 minors. For the avoidance of doubt, clergy should never provide alcohol or drugs of any kind (other than drugs prescribed by a health care provider) to minors.

¹ The term "clergy," as used herein, is understood to be coextensive with bishops, deacons, Diocesan priests, and Order priests, who serve within the territory of the Diocese of Brooklyn.

² A minor is defined as any person who is not yet eighteen years of age, or one who habitually lacks the use of reason, in compliance with the *Charter for the Protection of Children and Young People*.

- 1.4. Clergy should not have unaccompanied minors as guests in a clergy member's private living and/or sleeping quarters, although clergy may have minors as guests in common spaces in a rectory.
- 1.5. Clergy should not take minors on a trip without either parental consent or other adults being present.
- 1.7. Clergy must refrain from giving extravagant gifts to minors and/or inappropriate gifts that reveal favoritism towards a single or small group of minors.

2. Sexual Conduct

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

- 2.1. Clergy 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 who provide pastoral counseling or spiritual direction services must avoid developing inappropriately intimate relationships with minors, other staff, or parishioners.
- 2.3. No clergy may exploit another person for sexual purposes.
- 2.4. Allegations of sexual misconduct involving a clergy member and an adult should be taken seriously and reported to the immediate superior in the Church. Diocesan procedures will be followed to protect the rights of all involved.
- 2.5. Clergy must ensure that allegations regarding sexual misconduct or abuse of a minor are reported to the Diocese's toll-free Reporting Line at 1-888-634-4499 or via the online form available at <https://dioceseofbrooklyn.org/protecting-children/report-sexual-abuse/>, either by the complainant or by the clergy member himself. Diocesan procedures, as outlined in the Policy and Procedures Regarding Sexual Abuse of Minors, will be followed to protect the rights of all involved.
- 2.6. Clergy 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/Boundaries

Clergy 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 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.
- 3.5. It is the responsibility of the clergy member to maintain appropriate emotional and sexual boundaries with those with whom they work or serve. Members of the clergy should never:
- embrace or kiss a minor;
 - make comments about physique or physical development;
 - show affection while in isolated areas;
 - hold minors on your lap; or
 - engage in physical activity such as massages, tickling, wrestling, or piggy back rides.

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 at (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 Clergy who act as Pastoral Counselors and Spiritual Directors³

³ The provisions of this section govern all persons who act as Pastoral Counselors and Spiritual Directors. Accordingly, the Clergy Code of Conduct should be provided to all such persons, including laypersons, who, in addition to the other rules governing their conduct as employees of or volunteers within the Diocese, shall also be bound by the provisions of this section in their capacity as Pastoral Counselors and Spiritual Directors.

Some Clergy act as Pastoral Counselors and Spiritual Directors. Clergy must respect the rights and advance the welfare of each person when acting in these roles as well.

- 5.1. Pastoral Counselors and Spiritual Directors shall not step beyond their competence in counseling situations and shall refer patients 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 patient—such as relatives or friends of the patient—when there is a risk of exploitation or potential harm to the patient. 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 (*e.g.*, touching, hugging, holding) between Pastoral Counselors or Spiritual Directors and persons whom 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 of their patients. They must maintain appropriate confidentiality in creating, storing, accessing and disposing of such logs.
- 5.10. 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.
 - 5.10.1. Information obtained in the course of sessions shall be confidential, except for compelling professional reasons or as required by law. The following confidentiality obligations are independent of and in addition to the confidentiality of the confessional. Under no circumstances whatsoever can there be any disclosure—even indirect disclosure—of information received through the confessional.

- 5.10.2. If there is clear and imminent danger to the patient or to others, the Pastoral Counselor or Spiritual Director may disclose only the information necessary to protect the parties affected and to prevent harm.
- 5.10.3. 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.
- 5.10.4. Pastoral Counselors and Spiritual Directors should discuss the nature of confidentiality and its limitations with each person in counseling or direction.
- 5.10.5. Pastoral Counselors and Spiritual Directors should keep minimal confidential records of the content of sessions.
- 5.10.6. 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.

While counseling a minor, if a Pastoral Counselor or Spiritual Director discovers that there is a serious threat to the welfare of the patient and that communication of confidential information to a parent or legal guardian is essential to the patient's health and well-being, the Pastoral Counselor or Spiritual Director should attempt to secure written consent from the patient for the specific disclosure.

If consent is not given, disclose only the information necessary to protect the health and well-being of the patient.

Consultation with the appropriate Church supervisory personnel is required before disclosure.

6. Conflicts of Interest

Clergy 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.

- 6.1. Clergy should disclose all relevant factors that potentially could create a conflict of interest.
- 6.2. Clergy should inform all parties when a real or potential conflict of interest arises. Resolution of the issues must protect the person receiving ministry services.
 - 6.2.1. No clergy should take advantage of anyone to whom they are providing services in order to further their personal, religious, political, or business interests.
 - 6.2.2. Clergy who act as Pastoral Counselors or Spiritual Directors should not provide counseling services to anyone with whom they have a business, professional, or social relationship. When this is unavoidable, the patient must be protected. The counselor must establish and maintain clear, appropriate boundaries.
 - 6.2.3. When a clergy member provides pastoral counseling or spiritual direction services 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 written consent from all parties to continue services.

6.2.4. 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 can no longer provide services and refer them to another Pastoral Counselor or Spiritual Director.

7. Reporting Ethical or Professional Misconduct

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

- 7.1. Clergy must hold each other accountable for maintaining the highest ethical and professional standards.
- 7.2. 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, clergy may consult with their peers. Alternatively, clergy may consult others knowledgeable about ethical issues: a Canon Lawyer, Chancellor, Vicar for Clergy, or the Director of the Office for the Protection of Children and Young People ("OPCYP").
- 7.3. When it appears that a member of the clergy has violated this Code of Pastoral Conduct or other religious, moral, or ethical principles related to improper conduct involving minors or other vulnerable persons, report the issue to the Director of the OPCYP, as well as the Diocese's Reporting Line. All such reports will be documented and maintained consistent with the Record-Keeping Policies.
- 7.4. Clergy must also abide by the requirements set forth in the Policy and Procedures Regarding Sexual Abuse of Minors.

8. Administration

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

- 8.1. 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.
- 8.2. No clergy shall use his position to wield unreasonable or inappropriate power and authority.
- 8.3. Each member of the clergy must participate in training sessions required by the Diocese, parish or agency to foster a safe environment and to prevent sexual abuse of minors.
- 8.4. Each member of the clergy must read this Code of Pastoral Conduct, sign the hard copy Acknowledgment Form or the electronic acknowledgment, and, if signed in hard copy, return the Acknowledgment Form to the designated office, before providing services.

9. Computers and Internet Usage, Pornography, Photography, and Social Media

Social media represents a broad group of digital technologies whose content is driven entirely by its members. Individuals are generally allowed flexibility in privacy settings, in posting text, texting, photos, video, links and other information, and in level of interaction with other members. Examples include blogging, Wikis, Facebook, Twitter, LinkedIn, Myspace, YouTube, Instagram, etc.

All social media usage by Brooklyn Diocese clergy must adhere to the religious standards of the Catechism of the Catholic Church and the policies of the Diocese of Brooklyn. Mobile apps and Social Networking Sites are to be used according to the same standards.

- 9.1. No member of the clergy will interact with minors through e-mail, social network sites, or other electronic communications except for delivering information about a bona fide parish program. Clergy must ensure that use of web pages and social media maintain proper professional/ministerial relationships, especially with minors.
- 9.2. No member of the clergy will possess, distribute, or acquire, pornography in any form; nor will they view pornographic materials on any Diocesan property, or show to or share with minors pornographic materials, or assist minors in accessing pornography.
- 9.3. 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.
- 9.4. No member of the clergy will photograph minors or post said photographs without the explicit verifiable consent of the parents or legal guardians. No member of the clergy, under any circumstance, is permitted to use dating apps (*e.g.*, eharmony) whose primary purpose is in contrary to their ordination promises.
- 9.5. No member of the clergy will deny or hinder the Diocese's ability to inspect, review, and access all matters on any systems maintained or provided by the Diocese, including email and computer systems.