



DIOCESE OF AMARILLO

Office of the Bishop

THE AMARILLO DIOCESE SAFE ENVIRONMENT POLICY

To my brother Priests, Deacons, Religious and all the Lay Faithful of the Diocese of Amarillo

Dear Friends in Christ,

Everyone, especially our children, have the right to be safe, secure, and protected from harm, whether sexually, physically, spiritually and/or emotionally, in any and all environments – home, school, neighborhood, community, and for the purposes of this policy – most particularly, in our religious institutions.

As the Bishop of the Diocese of Amarillo, I am committed to “Protect the vulnerable and guard the integrity of ministerial relationships”. I further declare: “Sexual misconduct by clergy, church personnel, church leaders and volunteers is contrary to the Christian morals, doctrine, and canon law. It is never acceptable!”

The Diocese of Amarillo will comply fully, with the requirements as promulgated by the United States Catholic Conference of Bishops under the: “Charter for the Protection of Children and Young People” which is made part hereto.

These policies are designed to direct the administration in the implementation of the Safe Environment Program in all the parishes, schools, agencies and programs in the Diocese of Amarillo. Procedurally, this Policy will include citations of each article (one at a time) from the “Charter for the Protection of Children and Young People” followed by the Amarillo Diocesan Policy as it addresses each article.

Our mission is to create a safe environment for all minors, and anyone, who is entrusted to our Church by:

1. Thoroughly screening (Designated Personnel) and supervising all Church ministers, employees and volunteers who work with minors as part of their ministry.
2. Providing appropriate Safe Environment Training in preventing and recognizing child sexual abuse.
3. Holding all those who work with minors to Christ-centered and professional codes of conduct.
4. Providing age based training for minors in the recognition of what constitutes appropriate and moral behavior.
5. Reporting such sexually inappropriate and/or criminal conduct to appropriate Civil and Church authorities.

Sincerely yours in Christ Jesus,

+ *Patrick J. Zurek*

✠ Most Reverend Patrick J. Zurek, STL, DD
Bishop of Amarillo

Date: *June 9, 2009*

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Safe Environment Structure and Definitions

Minor:

A “Minor” is any person under 18 years of age who participates in a program or programs under the authority of the Roman Catholic Diocese of Amarillo. A minor may also be referred to as a “child” or “young person”.

United States Conference of Catholic Bishops:

The “United States Conference of Catholic Bishops” (“USCCB”) developed and approved the revised *Charter for the Protection of Children and Young People* at its June 2005 General Meeting. Each Diocesan Bishop will oversee its implementation in their respective diocese.

Charter for the Protection of Children and Young People:

The “Charter for the Protection of Children and Young People” (“Charter”) provides an outline of practical and pastoral steps to develop a safe environment within the Church for children and young people and of preventing sexual abuse of minors.

Designated Personnel:

“Designated Personnel” shall mean all persons, (clergy, religious and laity) who are employed by, under contract of employment with, or volunteer in any Diocesan Institution or Parish that provides ministry to children and youth. Such personnel will be required to undergo the full screening and training process. See Appendix A, B, F, G, I, J, and K.

Institution:

“Institution” shall mean all parishes, Catholic schools, diocesan offices, retreat facilities, programs, agencies, civil corporations, and organizations whose ecclesiastical superior is the Bishop of Amarillo.

It is the obligation of every “Institution” in the Diocese of Amarillo to ensure that all Designated Personnel, whose position or duties place them in contact with minors, comply fully with the Safe Environment Requirements by October 15th of each year and update as required. See Appendix C & D.

Institution Administrator:

The “Administrator” is the pastor, principal, or agency head of an Institution. This person is responsible for ensuring that all Designated Personnel have complied with the Safe Environment Requirements, all children have received Safe Environment Training, and for accurate records relevant to the program’s operation are maintained. See Appendix A – K.

Bishop of Amarillo:

The “Bishop of Amarillo”, through his appointed Safe Environment Personnel, is accountable for the full compliance of the USCCB “Charter for the Protection of Children and Young People”.

Vicar General:

The “Vicar General”, with the assistance of the Charter Compliance Officer, will ensure the efficient operation of the Safe Environment Program and serve as liaison between the Bishop and the Charter Review Board, and all Safe Environment components.

Diocesan Charter Review Board:

The “Diocesan Charter Review Board” will serve as a confidential consultative body to the Bishop. The majority of its members are to be laypersons not in the employ of the diocese. This Board will advise the bishop in his assessment of allegations of sexual abuse of minors and in his determination of a cleric’s suitability for ministry. It is regularly to review diocesan policies and procedures for dealing with sexual abuse of minors. See Charter Article 2.

Diocesan Attorney:

The “Diocesan Attorney” will serve as legal consultant for any and all issues of legality as they pertain to Safe Environment Issues, in conjunction with the Review Board, Bishop and his designee, Investigator, the Safe Environment Office, Victim Assistance, etc.

Victim Assistance Coordinator/Office:

The “Victim Assistance Coordinator/Office” will be available to reach out to victims/survivors and their families to assist them in healing and reconciliation. This service may include provision of counseling, spiritual assistance, support groups, and other social services agreed upon by the victim and diocese.

This office shall be independent from but in union with all other components of the Diocesan Safe Environment Program. See Charter Article 1.

Investigator of Allegations:

The “Investigator” will review all allegations and accusations of sexual misconduct. Such allegations will be taken seriously and will be thoroughly investigated in accord with the norms set forth in the document titled: Sexual Misconduct with Minors...” The Vicar General and/or the Vicar of Clergy with approval of the Charter Review Board and Bishop, will oversee, appoint, and direct the Investigator. See Charter Articles 2, 4, 5.

Diocesan Co-Directors of the Safe Environment Curriculum & Training:

The “Diocesan Co-Directors of Safe Environment Curriculum & Training” will be coordinated by the Superintendent of Catholic Education and Director of Faith Formation and are accountable to ensure that:

1. Designated Personnel, other volunteers, and especially minors are provided with quality Safe Environment curriculum. Parents are highly encouraged to participate;
2. The Co-Directors will constantly review and/or develop programs that are age appropriate and position suitable;

3. The Co-Directors will develop a team approach wherein all institutions have either in-house certified Safe Environment Trainer or such Trainer at the cluster level. The ideal is to have at least two such Trainers in all diocesan institutions;
4. At each training session, “Amarillo Safe Environment Questionnaires” if not previously submitted, will be filled out by the attendee, collected by the Trainer, sent to the appropriate Director of Safe Environment Curriculum & Training, who will then forward them to the Background and Statistics Coordinator; and
5. The Co-Directors of Safe Environment Curriculum & Training together with the Diocesan Safe Environment Background and Statistics Coordinator will be responsible for statistics regarding all Safe Environment Training matters to include Designated Personnel, Minors, Parents, Continuing Education, etc. See Charter Article 12 and Appendix G & H.

Institution Safe Environment Coordinator:

The “Institution Safe Environment Coordinator” may be a DRE or assistant principal, assistant agency head, etc., or who actually oversees the Safe Environment Program at an Institution under the Institution’s Administrator. See Charter Article 12 and Appendix G, H, & K.

Institution Safe Environment Trainer for Adults:

Each Institution should have (or access to) an “Institution Safe Environment Trainer”. The Trainer shall be trained and certified by the Director of Safe Environment Curriculum & Training and/or designee. He/she will be able to offer Safe Environment Training to Designated Personnel as well as distribution, collection and the inspection of the “Questionnaires” for legibility and completeness. See Charter Article 12, 13 and Appendix A, B, D, G, H, I, J, & K.

Institution Safe Environment Trainers of Children and Youth:

Those designated and cleared personnel, as further approved by the Administrator (Pastor, Principal) may train Children and Youth during regularly scheduled Faith Formation Classes and/or as needed. See Charter Article 12, Appendix H.

Diocesan Safe Environment Background & Statistics Coordinator:

The “Diocesan Safe Environment Background & Statistics Coordinator” will ensure that all “questionnaires” are processed and applicants are properly screened:

- 1) Criminal History check is conducted with the an approved processing center;
- 2) All data is entered into the database;
- 3) The database is current and necessary Charter Audit figures are readily available for review;
- 4) Each parish and diocesan institution administrator will be provided with a Diocesan Roster of the names, trained and cleared Designated Personnel along with those who have not been cleared (criminal history) or attended Safe Environment Training to determine suitability for ministry;
- 5). The Administrator has thirty days to resolve the above matter and return the corrected printout to Background & Statistics Coordinator;

6) The Background & Statistics Coordinator will also maintain the statistics as to the number of minors who are registered in parish programs, the number who received training, the number who opted out, and the number absent, and the number without training.

7) The Background & Statistics Coordinator will keep the Diocesan Safe Environment Compliance Officer apprised as to the compliance and non-compliance matters. See Charter Articles 12 & 13 and Appendix D.

Diocesan Safe Environment Charter Compliance Officer:

The “Diocesan Charter Compliance Officer” (referred to as Compliance Officer) will be significantly involved in the preparation for the Charter Compliance Audit. He will report to and coordinate all Safe Environment Matters with the Vicar General.

The Compliance Officer, as appointed by the Bishop, will ensure the efficient operation of the Safe Environment Program, he also will serve as liaison between the all Safe Environment components, and in particular in those areas involving Charter Audit statistics. He will oversee and ensure a timely review and response to matters involving “Designated Personnel” who have negative (red flag matters) criminal history report. See Charter Articles 1-7, 12-17, Appendix A-K

Safe Environment Month - October:

The Month of October has been designated “Safe Environment Month”. As such the bulk of Safe Environment Training of Minors must be conducted during October and reported to the Diocesan Safe Environment Office no later than November 15th. It should be noted that catch-up Safe Environment Training should be conducted as needed for those newly enrolled or who have missed regularly scheduled training. See Appendix H

PREAMBLE – “Charter for the Protection of Children and Young People”:

Since 2002, the Church in the United States has experienced a crisis without precedent in our times. The sexual abuse of children and young people by some deacons, priests, and bishops, and the ways in which these crimes and sins were addressed, have caused enormous pain, anger, and confusion. As bishops, we have acknowledged our mistakes and our roles in that suffering, and we apologize and take responsibility again for too often failing victims and the Catholic people in the past. From the depths of our hearts, we bishops express great sorrow and profound regret for what the Catholic people have endured.

With this revision of the *Charter for the Protection of Children and Young People*, we reaffirm our deep commitment to creating a safe environment within the Church for children and youth. We have listened to the profound pain and suffering of those victimized by sexual abuse and will continue to respond to their cries. We have agonized over the sinfulness, the criminality, and the breach of trust perpetrated by some members of the clergy. We have determined as best we can the extent of the problem of this abuse of minors by clergy in our country, and we await the results of a study of the causes and context of this problem.

We continue to have a special care for and a commitment to reaching out to the victims of sexual abuse and their families. The damage caused by sexual abuse of minors is devastating and long-lasting. We apologize to them for the grave harm that has been inflicted on them, and we offer our help for the future. The loss of trust that is often the consequence of such abuse becomes even more tragic when it leads to a loss of the faith that we have a sacred duty to foster. We make our own the words of His Holiness, Pope John Paul II: that the sexual abuse of young people is “by every standard wrong and rightly considered a crime by society; it is also an appalling sin in the eyes of God” (Address to the Cardinals of the United States and Conference Officers, April 23, 2002).

Along with the victims and their families, the entire Catholic community in this country has suffered because of this scandal. In the last three years, the intense public scrutiny of the minority of the ordained who have betrayed their calling has caused the vast majority of faithful priests and deacons to experience enormous vulnerability to being misunderstood in their ministry and even to the possibility of false accusations. We share with them a firm commitment to renewing the image of the vocation to Holy Orders so that it will continue to be perceived as a life of service to others after the example of Christ our Lord.

We, who have been given the responsibility of shepherding God’s people, will, with his help and in full collaboration with all the faithful, continue to work to restore the bonds of trust that unite us. Words alone cannot accomplish this goal. It will begin with the actions we take in our General Assembly and at home in our dioceses and eparchies.

We feel a particular responsibility for the “the ministry of reconciliation” (2 Cor 5:18) which God, who reconciled us to himself through Christ, has given us. The love of Christ impels us to ask forgiveness for our own faults but also to appeal to all—to those who have been victimized, to those who have offended, and to all who have felt the wound of this scandal—to be reconciled to God and one another.

Perhaps in a way never before experienced, we have felt the power of sin touch our entire Church family in this country; but as St. Paul boldly says, God made Christ “to be sin who did not know sin, so that we might become the righteousness of God in him” (2 Cor 5:21). May we who have known sin experience as well, through a spirit of reconciliation, God’s own righteousness.

We know that after such profound hurt, healing and reconciliation are beyond human capacity alone. It is God’s grace and mercy that will lead us forward, trusting Christ’s promise: “for God all things are possible” (Mt 19:26).

In working toward fulfilling this responsibility, we have relied first of all on Almighty God to sustain us in faith and in the discernment of the right course to take.

We have received fraternal guidance and support from the Holy See that has sustained us in this time of trial.

We have relied on the Catholic faithful of the United States. Nationally and in each diocese, the wisdom and expertise of clergy, religious, and laity have contributed immensely to confronting the effects of the crisis and taking steps to resolve it. We are filled with gratitude for their great faith, their generosity, and for the spiritual and moral support that we have received from them.

We acknowledge and affirm the faithful service of the vast majority of our priests and deacons and the love that their people have for them. They deservedly have our esteem and that of the Catholic people for their good work. It is regrettable that their committed ministerial witness has been overshadowed by this crisis.

In a special way, we acknowledge those victims of clergy sexual abuse and their families who have trusted us enough to share their stories and to help us appreciate more fully the consequences of this reprehensible violation of sacred trust.

Let there now be no doubt or confusion on anyone's part: For us, your bishops, our obligation to protect children and young people and to prevent sexual abuse flows from the mission and example given to us by Jesus Christ himself, in whose name we serve.

As we work to restore trust, we are reminded how Jesus showed constant care for the vulnerable. He inaugurated his ministry with these words of the Prophet Isaiah:

The Spirit of the Lord is upon me,
because he has anointed me
to bring glad tidings to the poor.
He has sent me to proclaim liberty to captives
and recovery of sight to the blind,
to let the oppressed go free,
and to proclaim a year acceptable to the Lord.(Lk 4:18-19)

In Matthew 25, the Lord, in his commission to his apostles and disciples, told them that whenever they show mercy and compassion to the least ones, they show it to him.

Jesus extended this care in a tender and urgent way to children, rebuking his disciples for keeping them away from him: "Let the children come to me" (Mt 19:14). And he uttered a grave warning that for anyone who would lead the little ones astray, it would be better for such a person "to have a great millstone hung around his neck and to be drowned in the depths of the sea" (Mt 18:6).

We hear these words of the Lord as prophetic for this moment. With a firm determination to restore the bonds of trust, we bishops recommit ourselves to a continual pastoral outreach to repair the breach with those who have suffered sexual abuse and with all the people of the Church.

In this spirit, over the last three years, the principles and procedures of the *Charter* have been integrated into church life.

The Office for Child and Youth Protection provides the focus for a consistent, ongoing, and comprehensive approach to creating a secure environment for young people throughout the Church in the United States.

The Office also provides the means for us to be accountable for achieving the goals of the *Charter*, as demonstrated by its two reports on the implementation of the *Charter* based on independent compliance audits.

The National Review Board is carrying on its responsibility to assist in the assessment of diocesan compliance with the *Charter* and to commission studies on the sexual abuse of minors, and it has issued its own *Report on the Crisis in the Catholic Church in the United States*.

The descriptive study of the nature and scope of sexual abuse of minors by Catholic clergy in the United States, commissioned by the National Review Board, has been completed. The resulting study, examining the historical period 1950-2002, by the John Jay College of

Criminal Justice provides us with a powerful tool not only to examine our past but also to secure our future against such misconduct.

Victims' assistance coordinators are in place throughout our nation to assist dioceses in responding to the pastoral needs of those who have been injured by abuse. Diocesan/eparchial bishops in every diocese are advised and greatly assisted by diocesan review boards as the bishops make the decisions needed to fulfill the *Charter*.

Safe environment programs are in place to assist parents and children—and those who work with children—in preventing harm to young people.

Through these steps and many others, we remain committed to the safety of our children and young people.

While it seems that the scope of this disturbing problem of sexual abuse of minors by clergy has been reduced over the last decade, the harmful effects of this abuse continue to be experienced both by victims and dioceses.

Thus it is with a vivid sense of the effort which is still needed to confront the effects of this crisis fully and with the wisdom gained by the experience of the last three years that we have reviewed and revised the *Charter for the Protection of Children and Young People*. We now re-affirm that we will assist in the healing of those who have been injured, will do all in our power to protect children and young people, and will work with our clergy, religious, and laity to restore trust and harmony in our faith communities, as we pray for God's kingdom to come, here on earth, as it is in heaven.

To make effective our goals of a safe environment within the Church for children and young people and of preventing sexual abuse of minors by clergy in the future, we, the members of the United States Conference of Catholic Bishops, have outlined in this *Charter* a series of practical and pastoral steps, and we commit ourselves to taking them in our dioceses and eparchies:

To Promote Healing and Reconciliation with Victims/Survivors of Sexual Abuse of Minors:

CHARTER ARTICLE 1: Dioceses/eparchies are to reach out to victims/survivors and their families and demonstrate a sincere commitment to their spiritual and emotional well-being. The first obligation of the Church with regard to the victims is for healing and reconciliation. Each diocese/eparchy is to continue its outreach to every person who has been the victim of sexual abuse* as a minor by anyone in church service, whether the abuse was recent or occurred many years in the past. This outreach may include provision of counseling, spiritual assistance, support groups, and other social services agreed upon by the victim and the diocese/eparchy.

Through pastoral outreach to victims and their families, the diocesan/eparchial bishop or his representative is to offer to meet with them, to listen with patience and compassion to their experiences and concerns, and to share the “profound sense of solidarity and concern” expressed by His Holiness, Pope John Paul II, in his Address to the Cardinals of the United States and Conference Officers (April 23, 2002).

DIOCESAN POLICY: The Victim Assistance Coordinator/Office will be available to reach out to victims/survivors and their families to assist them in healing and reconciliation. This outreach service may include provision of counseling, spiritual assistance, support groups, and other social services agreed upon by the victim and diocese. This office will be independent from but in union with all other components of the Diocesan Safe Environment Program.

The Bishop and/or his representative will meet with victims and their families with openness and compassion.

CHARTER ARTICLE 2: Dioceses/eparchies are to have policies and procedures in place to respond promptly to any allegation where there is reason to believe that sexual abuse of a minor has occurred. Dioceses/eparchies are to have a competent person or persons to coordinate assistance for the immediate pastoral care of persons who report having been sexually abused as minors by clergy or other church personnel. The procedures for those making a complaint are to be readily available in printed form in the principle languages in which the liturgy is celebrated in the diocese/eparchy and be the subject of public announcements at least annually.

Dioceses/eparchies are also to have a review board that functions as a confidential consultative body to the bishop/eparch. The majority of its members are to be lay persons not in the employ of the diocese/eparchy (see Norm 5 in *Essential Norms for Diocesan/Eparchial Policies Dealing with Allegations of Sexual Abuse of Minors by Priests or Deacons*, 2002). This board is to advise the diocesan/eparchial bishop in his assessment of allegations of sexual abuse of minors and in his determination of a cleric’s suitability for ministry. It is regularly to review diocesan/eparchial policies and procedures for dealing with sexual abuse of minors. Also, the board can review these matters both retrospectively and prospectively and give advice on all aspects of responses in connection with these cases.

DIOCESAN POLICY: The Diocese of Amarillo has a policy in place to respond to allegations of sexual abuse for a number of years with the most recent effective June 9, 2009 titled “Sexual Misconduct with Minors.”

The Diocese of Amarillo will maintain an updated and current “Diocesan Website” where information of Safe Environment Matters can be viewed. The West Texas Catholic newspaper shall regularly publish the name of the Victim Assistance

Coordinator and be open to articles regarding safe environment issues including the results of Compliance Audits.

The Diocesan Charter Review Board will serve as a confidential consultative body to the Bishop. The majority of its members are to be laypersons not in the employ of the diocese. This Board will advise the bishop in his assessment of allegations of sexual abuse of minors and in his determination of a cleric's suitability for ministry. It is to regularly review diocesan policies and procedures for dealing with sexual abuse of minors.

This document serves as the Diocese of Amarillo, Policy and Procedure regarding "Safe Environment/ Charter" matters.

CHARTER ARTICLE 3: Dioceses/eparchies are not to enter into settlements, which bind the parties to confidentiality unless the victim/survivor requests confidentiality, and this request is noted in the text of the agreement.

DIOCESAN POLICY: Confidentiality matters will be handled by the Diocesan Attorney, Review Board, coordinated with the Bishop and/or his designee. The Diocese recognizes transparency is important regarding these matters therefore the diocese will comply accordingly.

To Guarantee an Effective Response to Allegations of Sexual Abuse of Minors:

CHARTER ARTICLE 4: Dioceses/eparchies are to report an allegation of sexual abuse of a person who is a minor to the public authorities. Dioceses/eparchies are to comply with all applicable civil laws with respect to the reporting of allegations of sexual abuse of minors to civil authorities and cooperate in their investigation in accord with the law of the jurisdiction in question.

Dioceses/eparchies are to cooperate with public authorities about reporting cases even when the person is no longer a minor.

In every instance, dioceses/eparchies are to advise victims of their right to make a report to public authorities and support this right.

DIOCESAN POLICY: All reports of alleged sexual abuse or misconduct by Diocesan personnel will be handled in accordance with the appropriate provisions of civil, canon, and particular law relating to Sexual Misconduct. Each reported incident will be handled with a high level of pastoral care, concern and confidentiality for the alleged victim, the family of the alleged victim, the person reporting the incident, and the alleged perpetrator. See Appendix E.

CHARTER ARTICLE 5: We affirm the words of His Holiness, Pope John Paul II, in his Address to the Cardinals of the United States and Conference Officers: "There is no place in the priesthood or religious life for those who would harm the young."

Sexual abuse of a minor by a cleric is a crime in the universal law of the Church (CIC, c. 1395 §2; CCEO, c. 1453 §1). Because of the seriousness of this matter, jurisdiction has been reserved to the

Congregation for the Doctrine of the Faith (Motu proprio, *Sacramentorum sanctitatis tutela*, AAS, 93, 2001). Sexual abuse of a minor is also a crime in all civil jurisdictions in the United States.

Diocesan/eparchial policy is to provide that for even a single act of sexual abuse of a minor*—whenever it occurred—which is admitted or established after an appropriate process in accord with canon law, the offending priest or deacon is to be permanently removed from ministry and, if warranted, dismissed from the clerical state. In keeping with the stated purpose of this *Charter*, an offending priest or deacon is to be offered therapeutic professional assistance both for the purpose of prevention and also for his own healing and well-being.

The diocesan/eparchial bishop is to exercise his power of governance, within the parameters of the universal law of the Church, to ensure that any priest or deacon subject to his governance who has committed even one act of sexual abuse of a minor as described below will not continue in ministry.

A priest or deacon who is accused of sexual abuse of a minor is to be accorded the presumption of innocence during the investigation of the allegation and all appropriate steps are to be taken to protect his reputation. He is to be encouraged to retain the assistance of civil and canonical counsel. If the allegation is not proven, every step possible is to be taken to restore his good name, should it have been harmed.

In fulfilling this article, dioceses/eparchies are to follow the requirements of the universal law of the Church and of the *Essential Norms* approved for the United States.

DIOCESAN POLICY: The Investigator, as appointed by the Vicar of Clergy and/or the Vicar General, will be accountable to investigate credible allegations made against clergy or other church personnel. When a credible accusation is brought forward a preliminary investigation will be initiated in accordance with Canon Law.

Those who had received allegations against them will be informed of their rights to obtain legal civil and/or canonical representation. They will be offered therapeutic professional assistance for prevention and for healing.

CHARTER ARTICLE 6: There are to be clear and well-publicized diocesan/eparchial standards of ministerial behavior and appropriate boundaries for clergy and for any other paid personnel and volunteers of the church in positions of trust who have regular contact with children and young people.

DIOCESAN POLICY: The Diocese of Amarillo has adopted a Code of Conduct for both clergy and laity. This Code is intended to establish guidelines in an effort to recognize and prevent sexual misconduct by personnel of the Diocese.

All Designated Personnel and applicants for positions with Institutions shall be provided a copy of the appropriate Code of Conduct prior to beginning their ministry. See Appendix “F”.

CHARTER ARTICLE 7: Dioceses/eparchies are to be open and transparent in communicating with the public about sexual abuse of minors by clergy within the confines of respect for the privacy and the reputation of the individuals involved. This is especially so with regard to informing parish and other church communities directly affected by ministerial misconduct involving minors.

DIOCESAN POLICY: The Diocese of Amarillo will insure that it operates in an open and transparent manner with the public regarding sexual abuse of minors while protecting the privacy of those involved. See Article 2.

To Ensure the Accountability of Our Procedures:

CHARTER ARTICLE 8: By the authority of the United States Conference of Catholic Bishops, the mandate of the Ad Hoc Committee on Sexual Abuse is renewed, and it is now constituted the Committee for the Protection of Children and Young People. It becomes a standing committee of the Conference. Its membership is to include representation from all the episcopal regions of the country, with new appointments staggered to maintain continuity in the effort to protect children and youth.

The Committee is to advise the USCCB on all matters related to child and youth protection and is to oversee the development of the plans, programs, and budget of the Office of Child and Youth Protection. It is to provide the USCCB with comprehensive planning and recommendations concerning child and youth protection by coordinating the efforts of the Office and the National Review Board.

DIOCESAN POLICY: The Diocese of Amarillo will be open to full participation and compliance with the U.S. Conference of Catholic Bishops and its Committee for the Protection of Children and Young People.

CHARTER ARTICLE 9: The Office for Child and Youth Protection, established by the Conference of Catholic Bishops, is to staff the Committee for the Protection of Children and Young People and be a resource for dioceses/eparchies for the implementation of “safe environment” programs and for suggested training and development of diocesan personnel responsible for child and youth protection programs, taking into account the financial and other resources, as well as the population, area, and demographics of the diocese/eparchy.

The Office is to produce an annual public report on the progress made in implementing and maintaining the standards in this *Charter*. The report is to be based on an annual audit process whose method, scope, and cost are to be approved by the Administrative Committee on the recommendation of the Committee for the Protection of Children and Young People. This public report is to include the names of those dioceses/eparchies which the audit shows are not in compliance with the provisions and expectations of the Charter.

As a member of the Conference staff, the Executive Director of the Office is appointed by and reports to the General Secretary. The Executive Director is to provide the Committee for the Protection of Children and Young People and the National Review Board with regular reports of the Office’s activities.

DIOCESAN POLICY: The Diocese of Amarillo will be open to full participation and compliance with the U.S. Conference of Catholic Bishops and its Office for the Protection of Children and Young People.

CHARTER ARTICLE 10: The whole Church, especially the laity, at both the diocesan and national levels, needs to be engaged in maintaining safe environments in the Church for children and young people.

The Committee for the Protection of Children and Young People is to be assisted by the National Review Board, a consultative body established in 2002 by the USCCB. The Board will review the annual report of the Office of Child and Youth Protection on the implementation of this *Charter* in each diocese/eparchy and any recommendations that emerge from it, and offer its own assessment regarding its approval and publication to the Conference President.

The Board will also advise the Conference President on future members. The Board members are appointed by the Conference President in consultation with the Administrative Committee and are accountable to him and to the USCCB Executive Committee. Before a candidate is contacted, the Conference President is to seek and obtain, in writing, the endorsement of the candidate's diocesan bishop. The Board is to operate in accord with the statutes and bylaws of the USCCB and within procedural guidelines to be developed by the Board in consultation with the Committee for the Protection of Children and Young People and approved by the USCCB Administrative Committee. These guidelines are to set forth such matters as the Board's purpose and responsibility, officers, terms of office, and frequency of reports to the Conference President on its activities. The Board will offer its advice as it collaborates with the Committee for the Protection of Children and Young People on matters of child and youth protection, specifically on policies and best practices. The Board and Committee for the Protection of Children and Young People will meet jointly several times a year.

The Board will review the work of the Office of Child and Youth Protection and make recommendations to the Director. It will assist the Director in the development of resources for dioceses.

The Board is to oversee the completion of the study of the causes and context of the recent crisis. The Board will offer its assessment of the data gathered and preliminary results to the Committee for the Protection of Children and Young People as the study moves forward.

DIOCESAN POLICY: The Diocese of Amarillo will be open to full participation and compliance with the U.S. Conference of Catholic Bishops and its Committee for the Protection of Children and Young People.

CHARTER ARTICLE 11: The President of the Conference is to inform the Holy See of this revised *Charter* to indicate the manner in which we, the Catholic bishops, together with the entire Church in the United States, intend to continue our commitment to the protection of children and young people. The President is also to share with the Holy See the annual reports on the implementation of the *Charter*.

DIOCESAN POLICY: The Bishop of the Diocese of Amarillo will continue his commitment to the protection of children and young people.

To Protect the Faithful:

CHARTER ARTICLE 12: Dioceses/eparchies are to maintain "safe environment" programs which the diocesan/eparchial bishop deems to be in accord with Catholic moral principles. They are to be conducted cooperatively with parents, civil authorities, educators, and community organizations to provide education and training for children, youth, parents, ministers, educators, volunteers, and others about ways to make and maintain a safe environment for children and young people. Dioceses/eparchies are to make clear to clergy and all members of the community the standards of conduct for clergy and other persons in positions of trust with regard to children.

DIOCESAN POLICY: The Diocese of Amarillo is fully committed to preventing the sexual abuse and/or exploitation of minors, and to identifying any instance in which it does occur. To this end, all Designated Personnel with regular contact with minors must receive specific training in identifying and responding to potential incidents of sexual misconduct within 45 days of position commencement. Although education alone cannot prevent or change inappropriate sexual behavior, it is essential to help each person to

grow and mature in understanding their own sexuality, and thereby reducing risks to minors. See Appendix “A” – “K”.

The Co-Directors of Safe Environment Curriculum & Training of the Diocese have approved certain curriculum for minors in our parishes and schools, which provides age-appropriate instruction in child sexual abuse. The lessons in this curriculum will be given annually to all minors in Kindergarten through Twelfth Grade in all Diocesan elementary and high schools and parish religious education programs, youth programs, etc. In order to ensure all institutions participate, the month of October has been designated as the “Safe Environment Month” during which time such training will be provided. See Appendix H.

Should a Parish or Catholic School utilize another safe environment program, the appropriate Director of Safe Environment Curriculum must approve it.

Those designated and cleared personnel and further approved by the Administrator (Pastor, Principal) may train Children and Youth, as is usually done in the context of Faith Formation.

If parents choose not to have their children participate in the safe environment training, they must sign an opt-out form, and be offered safe environment training materials that they can use with their children. These materials and forms will be available from the appropriate Co-Directors of Safe Environment Curriculum, and from the Diocesan Safe Environment website. If the parents decline to sign such a form, a notation of this should be made in the record maintained by the school or religious education program. See Appendix H.

Parishes and Catholic Schools must make every effort to ensure any and all minors attending any programs involving children and youth will receive Safe Environment Training. Such training must be offered as many times as is needed to reasonably ensure every minor has attended.

CHARTER ARTICLE 13: Dioceses/eparchies are to evaluate the background of all incardinated and non-incardinated priests and deacons who are engaged in ecclesiastical ministry in the diocese/eparchy and of all diocesan/eparchial and parish/school or other paid personnel and volunteers whose duties include ongoing, unsupervised contact with minors. Specifically, they are to utilize the resources of law enforcement and other community agencies. In addition, they are to employ adequate screening and evaluative techniques in deciding the fitness of candidates for ordination (cf. National Conference of Catholic Bishops, *Program of Priestly Formation*, 1993, no. 513).

DIOCESAN POLICY: All Designated Personnel and Applicants of the Diocese whose position or duties place them in regular contact with minors must submit to a background (criminal history) check, administered by the Safe Environment Office and must be so cleared prior to beginning their service. See Appendix A, B, C, I, J, & K.

Conducting background checks is an indispensable tool for creating a safe environment. These checks can identify those whose background poses a substantial risk

to minors. They can also ensure that the identity of all personnel of the Diocese has been fully verified. Background checks and their results must be handled with the highest degree of discretion, in order to protect the privacy of all personnel, and to ensure that negative information is not improperly revealed. At the same time, any information that suggests a risk to minors must be treated very seriously.

The Compliance Officer will review all negative (criminal history) reports on all Designated Personnel, in consultation with the following “Administrators” (if applicable):

- a. Clergy members -- the Vicar of Clergy.
- b. Members of Religious Communities -- the Major Superior.
- c. Department of Education staff and teachers -- the Principal.
- d. Parish Employees/Volunteers - Pastor
- d. Other Departments - the Executive Director or related position.

The Compliance Officer will evaluate whether the nature of the negative report warrants possible action, and verify that the report does indeed relate to the applicant. Any action taken with regard to any negative report will comply with state and federal law, and the Safe Environment Diocesan Policy. See Appendix J.

CHARTER ARTICLE 14: Transfers of clergy who have committed an act of sexual abuse against a minor for residence, including retirement, shall be as in accord with Norm 12 of the *Essential Norms*. (Cf. Proposed Guidelines on the Transfer or Assignment of Clergy and Religious, adopted by the USCCB, the Conference of Major Superiors of Men, the Leadership Conference of Women Religious, and the Council of Major Superiors of Women Religious in 1993.)

DIOCESAN POLICY: The Diocese of Amarillo will insure that no cleric who has committed an act of sexual abuse of a minor will be transferred to another diocese/eparchy for ministerial assignment. Should such a priest and/or deacon relocate his residence to another diocese/eparchy, the Bishop will provide such information, in a confidential manner, to appropriate diocese/eparchy personnel. In case a priest and/or deacon relocates to the Diocese of Amarillo, the suitability for ministry will be addressed under the direction of the Bishop and/or his designee.

CHARTER ARTICLE 15: To ensure continuing collaboration and mutuality of effort in the protection of children and young people on the part of the bishops and religious ordinaries, two representatives of the Conference of Major Superiors of Men are to serve as consultants to the Committee for the Protection of Children and Young People. At the invitation of the Major Superiors, the Committee will designate two of its members to consult with its counterpart at CMSM. Diocesan/eparchial bishops and major superiors of clerical institutes or their delegates are to meet periodically to coordinate their roles concerning the issue of allegations made against a cleric member of a religious institute ministering in a diocese/eparchy.

DIOCESAN POLICY: The Bishop of Amarillo will meet or communicate in some manner periodically with major superiors of clerical institutions to coordinate their roles concerning issues of allegations made against a cleric member of a religious institution ministering in the diocese.

CHARTER ARTICLE 16: Given the extent of the problem of the sexual abuse of minors in our society, we are willing to cooperate with other churches and ecclesial communities, other religious bodies, institutions of learning, and other interested organizations in conducting research in this area.

DIOCESAN POLICY: The Diocese of Amarillo will cooperate with other churches and ecclesial communities, other religious bodies, institutions of learning, and other interested organizations in conducting research in the area of Safe Environment and Sexual Abuse of Minors.

CHARTER ARTICLE 17: We pledge our complete cooperation with the Apostolic Visitation of our diocesan/eparchial seminaries and religious houses of formation recommended in the Interdicasterial Meeting with the Cardinals of the United States and the Conference Officers in April 2002.

We commit ourselves to work individually in our dioceses/eparchies and together as a Conference, through the appropriate committees, to strengthen our programs both for initial priestly formation and for the ongoing formation of priests. With new urgency, we will promote programs of human formation for chastity and celibacy for both seminarians and priests based upon the criteria found in *Pastores Dabo Vobis*, the *Program of Priestly Formation*, and the *Basic Plan for the Ongoing Formation of Priests*. We will continue to assist priests, deacons, and seminarians in living out their vocation in faithful and integral ways.

We bishops and eparchs commit ourselves to work as one with our brother priests and deacons to foster reconciliation among all people in our dioceses/eparchies, especially with those individuals who were themselves abused and the communities that have suffered because of the sexual abuse of minors that occurred in their midst.

DIOCESAN POLICY: The Diocese of Amarillo will ensure that all seminarians receive appropriate human formation in regards to chastity and celibacy, and continued human formation for priests. Deacon formation programs and Deacon continuing education will provide related Safe Environment Training in conjunction with on-going human formation.

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APPENDIX A – Designated Personnel

A-1 Personnel “who have regular contact with minors” will hereafter be referred to as “Designated Personnel”:

The “Charter for the Protection of Children and Young People” article 13 states: “Diocese are to evaluate the background of all incardinated and non-incardinated priests and deacons who are engaged in ecclesiastical ministry in the diocese and of all diocesan and parish/school or other paid personnel and volunteers whose duties include ongoing, regular, scheduled, and/or unsupervised contact with children.”

Therefore all personnel (Designated Personnel) in every Institution who have regular contact with minors must comply fully with the Safe Environment Requirements. A person will be considered to have “regular contact with minors” if they participate in activities directly with minors on a routine, planned, scheduled, or regular on-going basis, particularly if their involvement would permit them to be alone with a minor.

Certain job descriptions should always be deemed to have “regular contact with minors” such as school administrators and administrative staff, teachers, teacher aides, substitute teachers, school or classroom volunteers, guidance counselors, catechists, catechist aides, youth ministers, athletic coaches and volunteers, youth choir directors, trainers of altar servers, and all priests and deacons.

All persons who are involved in overnight activities with minors in any institution or program, even if only on one occasion, will be deemed to have “regular contact with minors”. This includes all chaperones involved in any activity.

A-2 Factors to consider in determining if a person has “regular contact with minors”:

To determine whether a person’s contact with minors is “regular”, the following factors should be considered. If the answer to one of these questions is “yes”, then the person should be considered to have “regular contact with minors” and classified as “Designated Personnel”.

- a. Is the person’s contact with minors direct, usual, planned, scheduled, or frequent (as opposed to incidental, irregular, occasional or infrequent)?
- b. Does the person’s duties frequently bring them into a school, or the location of a religious education program or youth program?
- c. Does the person’s duties permit them to have private face-to-face dealings with minors?
- d. Does the person’s duties enable them to come into physical contact with minors?

- e. Does the person have the opportunity to be with minors in private?
- f. Does the person ever have direct supervisory responsibility over minors?
- g. Do minors typically come into the person's private workspace?

If there is any doubt about whether a person's contact with minors is "regular", the question should be resolved in favor of requiring them to comply with the Safe Environment requirements.

A-3 Personnel "who do not have regular contact with minors":

People are deemed "not to have regular contact with minors" if:

- a. They participate in activities with minors only on an isolated, unplanned, occasional or irregular basis;
- b. Their involvement in the activity would not ordinarily permit them to be alone with a minor; and
- c. They are under the direct supervision of Designated Personnel who are in full compliance with the Safe Environment requirements and who are actually present at the activity.

Personnel whose only contact with minors is in the course of the Sacred Liturgy, should not, in the absence of other factors, be deemed to have "regular contact with minors", such as: lectors, Eucharistic ministers, ushers, choir members, music ministers and leaders of song.

The Diocese of Amarillo recognizes the inherent danger of establishing lists of those ministries which are more inclined to have regular contact with minors versus those ministries which are less inclined and whose only (minimal and highly visible) contact is in the course of the Sacred Liturgy or related activity. The bottom line is the Administrator knows his facility and personnel best, thus "common sense" must be used in determining who requires and who does not require Safe Environment Screening and Training.

Every person serving in those positions must be made aware, during their particular ministry's training, of the necessity to maintain proper respect for the position/ ministry and the understanding of appropriate boundaries. The Safe Environment Training is available to everyone and all are encouraged to so attend. Furthermore, the Administrator may, if deemed appropriate, require the full Safe Environment Training and/or Background for any and all persons in those positions.

(For additional information see Appendixes B, I, K.)

A-4 Diocesan Employees:

All diocesan employees to include part time, full-time, and contract, regardless as to job assignment are to conform to the standards required of Designated Personnel.

A-5 Requirement for all “Designated Personnel”:

All new "Designated Personnel" of the Diocese whose position or duties would place them in regular contact with minors must complete the Personnel Screening Process.

The Safe Environment Requirements consist of the following components:

- a. Completion of a Safe Environment Questionnaire, including providing “personal references” to be forwarded to the Safe Environment Office at least three (3) working days prior to appointment; and
- b. Submitting to a background (criminal history) check along with appropriate clearance prior to position commencement.
- c. Acknowledgment of receipt of the Diocesan Policy Relating to Sexual Misconduct and the Code of Conduct and
- d. Attendance at a Diocesan approved Safe Environment Training Program within 45 days.

A-6 Five-year renewal of background checks, resubmission of questionnaire, and attendance at a Safe Environment refresher course:

Designated Personnel will periodically (approximately 5-year intervals) be required to renew their background checks. At that time, designated personnel will be required to submit a new authorization and questionnaire for a background check, and attend a Safe Environment refresher course.

A-7 Institution Safe Environment Trainers of Children and Youth:

Those designated and cleared personnel as per the procedures listed herein, and with the approval by the Administrator (Pastor, Principal) may train Children and Youth during regularly scheduled Faith Formation Classes and/or as needed.

APPENDIX B

Other Personnel

B-1 Principle:

The Diocese of Amarillo is fully committed to implementing the Bishops' "Charter for the Protection of Minors and Young Persons". To do so effectively, it is necessary to determine which of our personnel have "regular and or scheduled contact with minors". In most cases, this determination is very easy, but in others, it will be necessary to examine the person's job requirements and the degree to which they actually come in contact with minors.

B-2 Personnel who are in regular contact with minors - under the age of 18:

Personnel who are under the age of 18 may be in regular contact with minors only if they are under the direct supervision of an adult who is in full compliance with the Safe Environment Requirements and who is actually present with them at the time and place of their service.

B-3 Youth retreats, rallies and other events:

Any and all adults who assist at Diocesan sponsored events involving youth and young people must conform to the Safe Environment Policy of the Diocese of Amarillo. Such "Designated Personnel" include but are not limited to: sponsors, chaperons, prayer partners, teachers, speakers, retreat masters, etc. (See Appendix "A" for further information.)

B-4 Guest Speakers at Parish/School/Diocesan events involving children or youth:

Any and all persons who function at Church sponsored events in the Diocese of Amarillo involving children or minors must have a "letter of clearance" from their home diocese. This letter from the Bishop and/or his representative must state that the person is in good standing, has a current criminal background check, has received Safe Environment Training, and complies with the USCCB Charter. The sponsor of the event is responsible for notifying the guest of the diocesan requirements and complying with them. Upon receipt of the compliance letter, it should be forwarded to the Amarillo Diocese Safe Environment Office.

B-5 Personnel in "Institutions" who are employed by non-Diocesan agencies:

Personnel who are in regular contact with minors in Diocesan programs, but are employed by an outside agency (such as a cleaning contractor) or a public agency (such as a local school district), must comply with the Safe Environment requirements.

B-6 Personnel in programs that use Diocesan facilities:

Personnel who work with minors in programs or activities that are not sponsored or conducted by an Institution, but that use or rent diocesan facilities are not required to comply with the Safe Environment Requirements. For example, volunteers and leaders of community sports programs that merely hold games at a parish's gym are covered by the child protection requirements of those programs, and are not required to complete the Diocesan Safe Environment Requirements.

B-7 Boy Scouts:

In the case of volunteers with Boy Scout and Cub Scout troops that are sponsored by an Institution, the Safe Environment Requirements will be satisfied if they have:

- a. Taken the Boy Scout Youth Protection Training Course;
- b. Are up to date with their Boy Scout Youth Protection certification; and
- c. Have had a background check (including criminal record and state sexual offender registry checks) within the previous three years.

Troop leaders will be Accountable for ensuring the compliance of their volunteers. They will keep appropriate records regarding all their volunteers, and will report on their compliance to the Administrator of the Institution that sponsors their troop.

APPENDIX C

Administrator/Shared Facility

C-1 Designation of “Administrator” for “Institutions”:

Each Institution will have an “Administrator” for the Safe Environment Program, as follows:

- a. The Pastor of each parish will be the “Administrator” for the Safe Environment Program for all parish programs and activities.
- b. The Principal (or equivalent officer) of each Catholic school will be the “Administrator” for that school.
- c. The Director or Chief Executive Officer of other Diocesan Institutions will be the designated “Administrator” for that particular Institution.
- d. The Diocesan Youth Director will be the “Administrator” for Diocesan Youth Events. He/She will ensure that any and all adults, who assist at Diocesan Youth Events, have complied fully with the Safe Environment Policy.
- e. While individual tasks in connection with the Safe Environment program can be delegated to other personnel (i.e. the Director of Religious Education/DRE) to serve as the Institution “Safe Environment Coordinator”, the “Administrator” still bears the ultimate responsibility for the implementation of the program in their Institutions and maintaining a viable roster.

C-2 The duties of the Administrator of each Institution:

The Administrator of each Institution will ensure that all Designated Personnel who are in regular contact with minors have completed the Safe Environment Requirements.

The Administrator of each Institution, or a person designated by him/her (Safe Environment Coordinator and/or Safe Environment Facilitator), should thoroughly review the Safe Environment Questionnaire of all new personnel to insure the Questionnaire is complete and legible.

C-3 Shared Facilities:

Concerns arise when Institutions (e.g., schools and religious education buildings) are being shared with a non-Diocesan program (e.g., an adult education class, AA Meetings, etc.). In this case, great care must be taken to ensure that minors are protected from any contact with members of the general public.

C-4 General Policy:

Institutions in which programs with minors are being held are not public places. The only people who are permitted to be in these areas are those who are directly involved in the

program, or who are otherwise authorized to be present (e.g., parents, maintenance workers, etc).

Members of the general public are never permitted to have unsupervised access to any facility or area in which minors are taking part in any Diocesan program.

APPENDIX D

Record Keeping – Designated Personnel

D-1 Rosters to be periodically sent to every Institution:

Periodically during each year, the Safe Environment Office will provide to the Administrator and the Safe Environment Coordinator of each Institution a color-coded “Diocesan Roster” that will list all Designated Personnel from that Institution, and whether they have completed the basic Safe Environment Requirements. The Diocesan Roster will also include statistics regarding the Safe Environment Training for minors.

When they receive the Diocesan Roster, the Administrators will ensure that:

- a. All personnel whose position or duties places them in regular contact with minors are listed, along with appropriate identifying information (name, address, position at the Institution, etc.);
- b. All such personnel have fully complied with the Safe Environment requirements (Background Check, Training);
- c. Statistics of Children’s Training should be compared to the Diocesan Roster.
- d. The “Administrator” has 30 days to return the updated and corrected report to the Safe Environment Office.

D-2 Regular updating of the Institutional Records and Diocesan Rosters:

Each Administrator will ensure that their Institution maintains accurate records of all staff (paid and volunteer) that are in regular contact with minors. The Administrator of every Institution will maintain an Institutional Record, which reflects all “Designated Personnel” and their compliance with Safe Environment Requirements. These records should consist of the following items:

- a. An “Institutional Record” (or similar registry) of all personnel in the Institution who are in regular contact with minors.
 - i. Each Institution should keep an updated Record, as well: Changes in staff should be noted on this Record, so that there is a current list of staff.
 - ii. The Institutional Record should be updated whenever there is a change in the personnel who are in regular contact with minors (e.g., an employee joins or leaves the staff). The Administrator should use the updated Record and compare and verify it with the Diocesan Roster received from the Safe Environment Office (see “c” below).
 - iii. It is not necessary to send an updated Record to the Safe Environment Office every time there is a change in staff. The Safe Environment Office will obtain information about new personnel from the Background Check Questionnaire and training classes, to update its database accordingly, and

include these changes in the rosters that are periodically sent back to the Institution.

- b. A “Diocesan Roster” will be forwarded to every Institution by the Safe Environment Office twice annually (November and April) for review and comparison.

It should be noted that information contained in the Diocesan Rosters are based solely upon the Questionnaires submitted to Safe Environment Office, the completed Background Check, as well as the Training for minors as provided by the Diocesan Director of Curriculum & Training.

- c. Each Administrator will be provided with a color-coded Diocesan Roster (printout) as to all names, trained, and cleared "Designated Personnel" along with statistics for minors who have received training. "Designated Personnel" who have not been cleared (criminal history) or attended Safe Environment Training will be duly noted.

- i. The Administrator has thirty (30) days, to resolve the above matter and return the Diocesan Roster (printout) to Background & Statistics Coordinator.
- ii. The Diocesan Roster will contain the names of Designated Personnel, along with information about whether they have had a background check and the necessary training.
- iii. This Roster should be checked for accuracy, personnel should be added or deleted as necessary, and the corrections should be submitted to the Safe Environment Office so that a current and accurate database can be maintained. The Changes and corrections can be made directly on the Diocesan Roster.

D-3 Request for Parish Statistics on Minors Trained

On or before November 15th, the Parish/School will forward to the Safe Environment Office their statistics of compliance. The facsimile form to be forwarded includes information of the number of minors enrolled, opted out, absent, the number remaining to be trained, and the explanation as to why a disparity, if any, between trained and not trained, and the expected future attempts to train all minors. Only the completed facsimile should be faxed to the Safe Environment Office.

D-4 On-Site audits:

Periodically, the Safe Environment Office, or persons designated by them, will conduct on-site audits of “Institutions”, to determine the degree of compliance with the Safe Environment Requirements. Prior notice of these audits will be given to the Institutions to be reviewed. It should be noted that these “Audits” are a prelude to possible U.S.C.C.B. Charter Compliance Audits.

APPENDIX E

Reporting Sexual Abuse

E-1 Principle:

All reports of alleged sexual abuse or misconduct by Diocesan personnel will be handled in accordance with the appropriate provisions of civil and Canon Law relating to sexual misconduct. Each reported incident will be handled with a high level of Christian care, concern and confidentiality for the alleged victim, the family of the alleged victim, the person reporting the incident, and the alleged perpetrator. See Article # 4.

E-2 Reports to Diocesan personnel:

If Diocesan Personnel receive a report of alleged sexual abuse of a minor by any Institution employee or volunteer, they will:

- a. Advise the person (or their parent or guardian) to immediately report the incident to the appropriate District Attorney's Office or Law Enforcement Agency,
- b. The Victim Assistance Coordinator, and
- c. The "Texas 24-Hour Child Abuse Hotline.
- d. The employee will notify the Safe Environment Office immediately (see E-4 below) or if not available
- e. The Vicar of Clergy or The Vicar General

If the report is received from an alleged victim or family member, they will also refer the person directly to the Diocesan Victim's Assistance Coordinator.

If Diocesan personnel receive a report of a violation of the Code of Conduct or any other alleged sexual misconduct by any Diocesan personnel, they will:

- a. Immediately notify their supervisor;
- b. Make sure that their supervisor has notified the Safe Environment Office or the Vicar General;
- c. If the report is received from an alleged victim or family member, he will also refer the person directly to the Diocesan Victim's Assistance Coordinator.

If Diocesan personnel receive a report of alleged child abuse that occurred outside of a Diocesan program, they will:

- a. Advise the person to immediately report the incident to:
The appropriate law enforcement agency,
The "Texas 24-Hour Child Abuse Hotline.
- b. It would also be advisable for the person or their supervisor to notify
The Safe Environment Office and/or
The Vicar General.

E-3 How reports are to be handled by the Safe Environment Office:

If the Safe Environment Office receives a report of alleged sexual abuse of a minor, or any other alleged sexual misconduct by any Diocesan personnel, the Compliance Officer will immediately notify the Vicar General, or as directed to the Bishop, and/or the Diocesan Attorney. If this report comes from an alleged victim or their family, the Safe Environment Office representative will also immediately refer the person to the Diocesan Victim's Assistance Coordinator.

E-4 Record-keeping:

The Compliance Officer will forward a written report of the predicate of any such allegations, contact information, action taken, and any other relevant information to the Vicar of Safe Environment.

APPENDIX F

Code of Conduct

F-1 Principle:

Sexual misconduct of any kind is gravely contrary to the will of God. In keeping with this bedrock belief, the Diocese has adopted a Code of Conduct for both clergy and laity. These policies are intended to establish guidelines in an effort to prevent sexual misconduct by personnel of the Diocese. They are also intended to provide guidance to the personnel of the Diocese on how to respond to allegations of sexual misconduct if any do occur.

F-2 Distribution of the Code of Conduct to all personnel:

All Designated Personnel will be given a complete copy of the appropriate Code of Conduct prior to beginning their ministry/position. {See attached pages 31 – 41}

F-3 Certification of receipt of the Code of Conduct:

All Designated Personnel of the Diocese will certify on the “Safe Environment Training Checklist” that they have received training and understand the provisions of the Code of Conduct.

F-4 How the Policy and the Code of Conduct should be enforced:

All Diocesan Personnel should be attentive to any violations of the Code of Conduct in their program. Any violation should be brought to the attention of their supervisor immediately. Personnel may also report violations to the Diocesan Safe Environment Office or the Vicar General.

Supervisors of Diocesan programs are accountable for ensuring that all personnel observe the “Code of Conduct”. Supervisors must immediately address any violation as soon as it comes to their attention, and take appropriate corrective and disciplinary action.

Any violation of the Code of Conduct that represents a risk to minors, or violations that are repeated after having been corrected, will be the basis for termination of a person's employment or volunteer service.

CODE OF PASTORAL CONDUCT
for Priests, Deacons, Pastoral Ministers, Administrators, Staff and Volunteers
for the Roman Catholic Diocese of Amarillo

I. Preamble

As leaders in the Church founded by Christ, those who minister within our parishes and institutions must always seek to uphold Christian values and conduct. In addition to following the Gospel and its mandates, they will want to act properly at all times in the light of contemporary society and its needs. This Code of Ethics does not presume to provide the answers to all the ethical questions facing Church leaders. What it does establish is a set of general ethical standards for their lives and ministry. These standards will help to delineate boundaries by which ethical questions can be evaluated.

It is intended that this Code also will stimulate discussion within the Church community in order to broaden consensus on standards of practice and further refine them. This Code is not intended to supersede canon or civil law. This Code will also aid in the training and education of new Church leaders. Lastly, it will demand accountability from Church leaders who may fail to live within the ethical standards of the Code.

Priests, deacons, pastoral ministers, administrators, staff and volunteers in our parishes, religious communities/institutes and organizations must uphold Christian values and conduct. The *Model Code of Pastoral Conduct for Priests, Deacons, Pastoral Ministers, Administrators, and Volunteers (Code of Pastoral Conduct)* provides a set of standards for conduct in certain pastoral situations.

“Code of Pastoral Conduct” adopted June 18, 2009 by Most Reverend Patrick James Zurek and the Charter Review Committee.

Most Reverend Patrick J. Zurek
Bishop of Amarillo

Louise Ross, Chairperson
Charter Review Board

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II. Responsibility

The public and private conduct of clergy, staff, and volunteers can inspire and motivate people, but it can also scandalize and undermine the people's faith. Clergy, staff, and volunteers 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, staff, and volunteers who disregard this *Code of Pastoral Conduct* will be subject to remedial action by the Bishop of the Roman Catholic Diocese of Amarillo or his designated official. 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.

III. Pastoral Standards

1. Conduct for Pastoral Counselors and Spiritual Directors¹

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

- 1.1 Pastoral Counselors and Spiritual Directors shall not step beyond their competence in counseling situations and shall refer clients to other professionals when appropriate.
- 1.2 Pastoral Counselors and Spiritual Directors should carefully consider the possible consequences before entering into a counseling relationship with someone with whom they have a pre-existing relationship (i.e., employees, professional colleague, friend, or other pre-existing relationship). [See Section 7.2.2]
- 1.3 Pastoral Counselors and Spiritual Directors should not audiotape or videotape sessions without expressed consent.
- 1.4 Pastoral Counselors and Spiritual Directors must never engage in sexual intimacies with the persons they counsel. This includes consensual and nonconsensual contact, forced physical contact, and inappropriate sexual comments.
- 1.5 Pastoral Counselors and Spiritual Directors shall not engage in sexual intimacies with individuals who are close to the client such as

¹ Pastoral Counselors and Spiritual Directors: Clergy, staff and volunteers who provide pastoral, spiritual, and/or therapeutic counseling services to individuals, families, or other groups.

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.

1.6 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.

1.7 Physical contact of any kind (i.e., touching, hugging, holding) between Pastoral Counselors or Spiritual Directors and the persons they counsel can be misconstrued and should be avoided.

1.8 Sessions should be conducted in appropriate settings at appropriate times.

1.8.1 No sessions should be conducted in private living quarters.

1.8.2 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.

1.9 Pastoral Counselors and Spiritual Directors shall maintain a log of the times and places of sessions with each person being counseled.

2. 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.

2.1 Information obtained in the course of sessions shall be confidential, except for compelling professional reasons or as required by law.

2.1.1 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.

2.1.2 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.

2.1.3 Pastoral Counselors and Spiritual Directors must discuss the nature of confidentiality and its limitations with each person in counseling.

2.2 Pastoral Counselors and Spiritual Directors should keep minimal records of the content of sessions.

2.3 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.

2.4 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 must:

- 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.

2.5 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.

3. Conduct with Minors²

Clergy, staff, and volunteers working with minors shall maintain an open and trustworthy relationship between minors and adult supervisors.

3.1 Clergy, staff, and volunteers must be aware of their own and others' vulnerability when working alone with minors. Use a team approach to managing minors' activities.

3.2 Physical contact with a minor can be misconstrued and should occur
(a) only when completely nonsexual and otherwise appropriate, and
(b) never in private.

² A minor is any person under the age of 18 years. For purposes of Canon Law and these policies and proceedings, minor has the same meaning.

- 3.3 Clergy, staff, and volunteers must 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.
- 3.4 Clergy must not allow any minor to stay overnight in the cleric's private accommodations or residence with the exception of a blood relative who is accompanied by a parent.
- 3.5 Clergy, staff, and volunteers must not provide shared, private, overnight accommodation for minors, 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.
- 3.5.1 In rare, emergency situations, when accommodation is necessary for the health and well-being of the minor, the clergy, staff, or volunteer should take extraordinary care to protect all parties from the appearance of impropriety and from all risk of harm.
- 3.5.2 Use a team approach to managing emergency situations.

4. Sexual Conduct

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

- 4.1 Clergy, religious, staff, and volunteers who are committed to a celibate lifestyle are called to be an example of celibate chastity in all relationships at all times.
- 4.2 Clergy, staff, and volunteer who provide pastoral counseling or spiritual direction services must avoid developing inappropriately intimate relationships with minors, other staff, or parishioners. Staff and volunteers must behave in a professional manner at all times.
- 4.3 No clergy, staff, or volunteer may exploit another person for sexual purposes.
- 4.4 Allegations of sexual misconduct must be taken seriously and reported to the Bishop's office or Vicar of Clergy at the Pastoral center and to civil authorities if the situation involves a minor.

- 4.4 Clergy, staff, and volunteers will review and know the contents of the child abuse regulations and reporting requirements for the State of Texas and must follow those mandates.

5. Harassment

Clergy, staff, and volunteers 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.

- 5.1 Clergy, staff, and volunteers shall provide a professional work environment that is free from physical, psychological, written, or verbal intimidation or harassment.
- 5.2 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
- 5.3 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.
- 5.4 Allegations of harassment should be taken seriously and reported immediately to the Bishop's office or the Vicar of Clergy of the Diocese of Amarillo.

6. Parish, Religious Community/Institute, and Organizational Records and Information

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

- 6.1 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.

6.2 Most sacramental records older than 70 years are open to the public.

6.2.1 Information regarding adoption and legitimacy remains confidential, regardless of age.

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

6.3 Parish, religious community/institute, or organization financial records are confidential unless review is required by the Diocese or an appropriate government agency. Contact the Chief Financial Officer of the Diocese upon receipt of any request for release of financial records.

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

7. Conflicts of Interest

Clergy, staff, and volunteers 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, staff, and volunteers should disclose all relevant factors that potentially could create a conflict of interest.

7.2 Clergy, staff, and volunteers 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, staff, or volunteer 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.

7.3 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, staff, and volunteers have a duty to report their own ethical or professional misconduct and the misconduct of others.

8.1 Clergy, staff, and volunteers must hold each other accountable for maintaining the highest ethical and professional standards. When there is an indication of illegal actions by clergy, staff, or volunteers, the Bishop's office or the Vicar of Clergy and the proper civil authorities must be notified immediately.

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, or
- The Bishop's office or the Vicar of Clergy of the Diocese of Amarillo.

8.3 When it appears that a member of clergy, a staff member, or a Volunteer has violated this *Code of Pastoral Conduct* or other religious, moral, or ethical principles:

- Report the issue to a supervisor or next higher authority, or
- Refer the matter directly to the Bishop's office or the Vicar of Clergy of the Diocese of Amarillo.

- 8.4 The obligation of Pastoral Counselors and Spiritual Directors to Report client misconduct is subject to the duty of confidentiality. However, any agreement or duty to maintain confidentiality must yield to the need to report misconduct that threatens the safety, health, or well-being of any of the persons involved except as provided for in Section 2.6.

9. Administration

Employers and supervisors shall treat clergy, staff, and volunteers justly in the day-to-day administrative operations of their ministries.

- 9.1 Personnel and other administrative decisions made by clergy, staff, and volunteers shall meet civil and canon law obligations and also reflect Catholic social teachings and this *Code of Pastoral Conduct*.
- 9.2 No clergy, staff or volunteer shall use his or her position to exercise unreasonable or inappropriate power and authority.
- 9.3 Clergy, staff, and volunteers must read and sign this Code of Conduct before providing services (see Part IV).

10. Staff or Volunteer Wellbeing

Clergy, staff, and volunteers have the duty to be responsible for their own spiritual, physical, mental, and emotional health.

- 10.1 Clergy, staff, and volunteers should be aware of warning signs that indicate potential problems with their own spiritual, physical, mental, and/or emotional health.
- 10.2 Clergy, staff, and volunteers should seek help immediately whenever they notice behavioral or emotional warning signs in their own professional and/or personal lives.
- 10.3 Clergy, staff, and volunteers must address their own spiritual needs. Support from a Spiritual Director is highly recommended.
- 10.4 Inappropriate or illegal use of alcohol and drugs is prohibited.

IV. Code of Conduct

Our children are the most important gifts God has entrusted to us. I promise to strictly follow the rules and guidelines in this Code of Conduct as a condition of my providing services to the minors of our Diocese.

As Clergy, Staff, or Volunteer, I will

- Treat everyone with respect, loyalty, patience, integrity, courtesy, dignity, and consideration.
- Avoid situations where I am alone with minors at Church activities.
- Use positive reinforcement rather than criticism, competition, or comparison when working with minors.
- Refuse to accept expensive gifts from minors or their parents without prior written approval from the pastor or administration.
- Refrain from giving expensive gifts to minors without prior written approval from the parents or guardian and the pastor or administrator.
- Report suspected abuse to the pastor, administrator, or appropriate supervisor and the local Child Protection Services agency. I understand that failure to report suspected abuse to civil authorities is, according to the law, a misdemeanor.
- Cooperate fully in any investigation of abuse of minors.

I will not:

- Touch and/or exploit minors in a sexual or other inappropriate manner.
- Expose or participate with minors in pornography, cybersex, phone sex, sexting, etc. in person, nor via email, text messages, video chat, or any other form of electronic communication.
- Pose any health risk to minors (i.e., no fevers or other contagious situations.)
- Humiliate, ridicule, threaten, or degrade minors.
- Use any discipline that frightens or humiliates minors. Strike, spank, shake, or slap minors.
- Use, possess, or be under the influence of illegal drugs at any time.
- Use, possess, or be under the influence of alcohol at any time while volunteering.
- Smoke or use tobacco products in the presence of minors.
- Use profanity in the presence of minors.

APPENDIX G

Designated Personnel Training

G-1 Principle:

The Diocese of Amarillo is fully committed to preventing the sexual exploitation of minors, and to identifying any instance in which it does occur. To this end, all Designated Personnel must receive specific training in identifying and responding to potential incidents of sexual misconduct within 45 days of position commencement. Although education alone cannot prevent or change inappropriate sexual behavior, it is essential to help each person to grow and mature in understanding his or her own sexuality, and thereby reducing risk to minors.

G-2 General requirements:

The Safe Environment Training Requirement has three components:

- a. Initial training,
- b. Five-year renewal training, questionnaire, and criminal background, and
- b. Continuing education.

The Administrator of each Institution will ensure that all Designated Personnel have completed the appropriate Safe Environment training.

While not every volunteer is required to attend Safe Environment Training, everyone is encouraged to attend.

G-3 Initial training for clergy and members of religious communities:

All clergy must attend a designated Safe Environment Training class. This requirement will apply to all priests, deacons, and candidates for ordination.

Members of religious communities who are active in Institutions, may satisfy their training requirement by completing the training program prescribed by their community, provided that they:

- a. Present documentation to their Administrator of completion of the training program, and
- b. Attend a Safe Environment class to orient them to the Diocesan Code of Conduct and reporting requirements.

G-4 Safe Environment training for Professional and Supervisory Employees in Catholic Schools:

All Catholic School personnel and volunteers must attend Diocesan Safe Environment Training.

In addition, periodic continuing education classes may be required.

G-5 Initial training for parish based ministries:

All parish based Designated Personnel (whether paid or volunteer), CCD teachers, Sacramental teachers, youth workers, counselors, and youth ministers, and anyone in the parish that works with minors must undergo Diocesan Approved Safe Environment Training.

G-6 Who may facilitate a training class for adults/designated personnel:

Safe Environment Training Classes for Adults/Designated Personnel are to be conducted by a Safe Environment Trainer certified by the Co-Directors of Safe Environment Curriculum & Training.

G-7 Training for personnel under 18 years of age:

Personnel who are 14 to 17 years of age and who are in regular contact with minors may satisfy their training requirement by attending Safer Environment Training. Personnel under the age of 14 need not attend a training class.

G-8 Continuing Education:

The Diocesan Co-Directors of Safe Environment Curriculum & Training will develop and provide continuing education materials as needs dictate.

G-9 Safe Environment Training of Volunteers and Staff will be comprised of:

- a) No less than two hours
- b) Attendance sign in sheet
- c) Safe Environment Questionnaire
 - i. Each person to fill out
 - ii Ensure application is complete
- d) Review of the Code of Conduct
 - Sign Safe Environment Training Checklist
- e) Video: “Roles and Boundaries – A Sacred Trust” or “Personal Safeguards,” or as deemed appropriate by the Diocesan Director of Safe Environment Curriculum
- f) Review the “Charter for the Protection of Children”
- g) Review “Child Protective Services Kit”
- h) Review Amarillo Dioceses’ “Respecting the Boundaries” pamphlet
- i) Issue Certificate of Attendance
- j) The Diocesan Office of Safe Environment and the Diocesan Director of Safe Environment Curriculum will update the training and materials as is reasonable and is thus subject to their oversight.

APPENDIX H

Training of Minors & Parents

H-1 Principle:

The Bishops' Charter mandates that all dioceses provide education to minors about sexual abuse and its prevention. All minors enrolled in the various programs throughout the diocese must be trained during the Safe Environment Month of October, and reported to the Safe Environment Office by November 15th.

H-2 Education for Minors:

The Co-Directors of Safe Environment Curriculum & Training of the Diocese have approved certain curriculum for minors in our parishes and schools, which provides age-appropriate instruction in child sexual abuse. The lessons in this curriculum will be given annually to all minors in Kindergarten through Twelfth Grade in all Diocesan elementary and high schools and parish religious education programs. In order to ensure all institutions participate, the month of October has been designated as the “Safe Environment Month” during which time such training will be provided.

H-3 Who may facilitate Safe Environment Training for Minors:

Designated Personnel who have received Adult Safe Environment Training as listed herein, and who have been cleared for ministry may teach/facilitate Safe Environment Training to children and youth. This is usually done in the context of their assigned Christian Formation Class. The Pastor, Principal, Director, or Safe Environment Coordinator should approve those instructors as they would any other Christian Formation Instructor.

H-4 Education for parents:

The best way to deliver this kind of education for minors is by their parents, who are the primary educators. Parents are encouraged to attend the Safe Environment Training with their children. The Diocesan Co-Directors of Safe Environment Curriculum & Training have resource materials for parents and guardians which are available to the parents and/or guardians through all Catholic Schools and Parish Christian Formation programs.

H-5 Parental Choice:

If parents choose not to have their child participate in the safe environment training, the parents are to be offered safe environment training materials, and will be asked to sign an opt-out form (available on the Diocesan Website) acknowledging they opted out and that the materials were made available to them. These materials and forms will be available from the Diocesan Director of Safe Environment Curriculum and/or the Parish Faith

Formation Director. If the parents decline to sign such a form, a notation of this should be made in a record maintained by the school or religious education program.

H-6 Record keeping:

Each Catholic School and Religious Education Program (Institution) in the Diocese will keep records on the number of children and parents/guardians who have received Safe Environment Education.

All minors (Kindergarten – 12th Grade) attending Catholic Schools or parish based programs are required to be offered Safe Environment Training during October, the Safe Environment Month, unless their parents “opt-out”. Note: Preschool children are not to be included in Safe Environment Training requirements.

Every reasonable effort must be made to provide Safe Environment Education to all minors enrolled in the particular program. Thus the institution must offer the training as often as is necessary to ensure every child has had ample opportunity to attend.

The Diocesan Safe Environment Staff recognizes that some children will, for whatever reason, not attend Safe Environment Education Classes. None-the-less the institution must make every reasonable effort to offer such classes.

It is strongly urged that the CCD, Christian Formation, Youth/Teen, Sunday School programs, etc. include on their registration forms a parental notification that Safe Environment Classes will be held for all minors and a “parental opt out” clause for those parents who choose otherwise.

The parish or school Safe Environment Coordinator must use common sense as to the number of minors enrolled and the number of minors who regularly attend. If a child is registered initially, but seldom if ever attends classes, then the he or she need not be included in the statistics as either “enrolled” and/or “not trained”.

The statistics on attendance will be sent to the Diocesan Safe Environment Background & Statistics Coordinator November 15th and as needed for catch-up purposes.

While the Institution may have a Safe Environment Coordinator, the responsibility for providing accurate and current figures ultimately falls upon the Administrator.

APPENDIX I

Applicant Requirements

I-1 Safe Environment Requirements for all Applicants:

All new Applicants for positions with an “Institution”, whether paid or volunteer, whose position or duties would place them in regular contact with minors, must fully comply with the following Safe Environment requirements:

- a. Complete the Personnel Screening Process (i.e., complete the Safe Environment Questionnaire, and submit to a background check).
 - i. Questionnaires are to be submitted to the Diocesan Safe Environment Office for processing no less than three (3) working days prior to assignment begin date.
 - ii. Designated Personnel must be cleared prior to position commencement and
 - iii. Acknowledge receipt of the Diocesan Policy Relating to Sexual Misconduct, and the appropriate Code of Conduct.
- b. Complete the Safe Environment Training appropriate to their position within 45 days.

If any Designated Personnel of the Diocese/Institution fail to satisfy the Safe Environment requirements within the appropriate time period, they may not come into contact with minors in any program or activity in Institutions.

I-2 Personnel who are under the age of 18 and are in regular contact with minors:

Personnel under the age of 18 must also comply with the Safe Environment Requirements as follows:

- a. Young people between the ages of 14 and 17 may only be in regular contact with minors, if an adult directly supervises them. This adult must be in full compliance with the Safe Environment Requirements and is actually present at the time and place where they are serving.
- b. Personnel who are 14 to 17 years of age must attend Safe Environment Training.

I-3 Safe Environment Compliance for Institutions:

The Administrator is responsible to ensure that all Safe Environment Requirements are adhered to. Should, after reasonable notice and requests to comply, it is determined that the Institution/Administrator has failed to respond and/or continues to be in non-compliance, remedial action will be taken as deemed necessary by the appropriate diocesan authority.

APPENDIX J

Background Checks

J-1 Principle:

Conducting background checks is an indispensable tool for creating a safe environment. These checks can identify those whose background poses a substantial risk to minors. They can also ensure that the identity of all personnel of the Diocese has been fully verified. Background checks and their results will be handled with the highest degree of discretion, in order to protect the privacy of all personnel, and to ensure that negative information is not improperly revealed. At the same time, any information that suggests a risk to minors will be treated very seriously.

J-2 Background checks required for all personnel:

All Designated Personnel and Applicants of the Diocese whose position or duties place them in regular contact with minors must submit to a background (criminal history) check, administered by the Diocesan Safe Environment Office and must be cleared prior to beginning their service/ministry.

The Administrator of each Institution will ensure that all Designated Personnel and Applicants who are in regular contact with minors have submitted to a background check. The form used as the source of the background check is the Safe Environment Questionnaire.

Failure to submit authorization for a background check, refusal to supply a valid Social Security number, and any false statement made on the authorization form, will constitute grounds for termination of position and being barred from any contact with minors in any program or activity of the Diocese.

J-3 Background checks for those without a valid Social Security number:

For Applicants who do not have a valid Social Security number, the following procedures shall be followed:

- a. The person's direct supervisor will have them complete the background check authorization form, leaving the line for Social Security number blank.
- b. The supervisor will verify their identity with some form of photo identification (e.g., a driver's license, a passport, an employer-issued ID card, etc.).
- c. The supervisor will either:
 - i. make a copy of the identification document and send it to the Diocesan Safe Environment Office, along with the completed background check authorization form; or
 - ii. sign and make a notation on the authorization form that the person's identity has been verified.

This procedure will only be available to those who, for justifiable reasons, do not have a valid Social Security number. A person who has such a number, but refuses to submit it, may not have any contact with minors in any Diocesan program.

J-4 How the background checks will be conducted:

The Diocesan Safe Environment Office (Background & Statistics Coordinator) will enter the information provided in the Questionnaire to the appropriate provider. These checks shall seek the following information:

- a. Verification of identity;
- b. Existence of a criminal record;
- c. Listing on a sex offender registry.

Under no circumstances will the Diocesan Safe Environment Background and Statistical Office seek any financial information on the person.

J-5 Renewing background checks:

All Designated Personnel will periodically (approximately 5-year intervals) be required to renew their background checks. At that time, personnel will be required to submit a new authorization and questionnaire for a background check, and attend a Safe Environment refresher course.

J-6 Background Check Fees:

The Diocesan Safe Environment Office will cover the cost of the computerized background checks.

J-7 Institutional Record-keeping:

The original Questionnaire will be submitted to the Safe Environment Office, which will be retained in diocesan files.

The Institution may have a "Safe Environment Coordinator" who compiles Safe Environment Records and Statistics; but the responsibility for providing verifiable, accurate and current figures to the Diocesan Safe Environment Office still lies with the "Administrator".

J-8 How negative results will be handled:

The Compliance Officer will review all negative (criminal history) reports for all Designated Personnel, in consultation with the following "Administrators" (as applicable):

- a. Clergy members -- the Vicar of Clergy.
- b. Members of Religious Communities -- the Major Superior
- c. Department of Education staff and teachers -- the Principal.

- d. Parish Employees/Volunteers - Pastor
- d. Other Departments - the Executive Director or related position.

The Compliance Officer will evaluate whether the nature of the negative report warrants possible action, and attempt to verify that the report relates to the applicant. Any action taken with regard to any negative report will comply with state and federal law, and the Diocesan Safe Environment Policy.

J-9 Negative results that relate to immigration status:

Information regarding a person's immigration status shall not be the basis for any adverse action in relation to the Safe Environment Program.

J-10 How negative reports regarding a "criminal record involving sexual misconduct or sex offender status" will be handled:

If the background check reveals information that falls under the Bishops' Charter (i.e., it involves the sexual abuse of minors or young people, or is listed in a sex offender registry), the Compliance Officer will notify the appropriate Administrator as soon as possible.

- a. The Administrator, along with another authority figure if deemed necessary, shall interview the person in-question.
- b. Said person will be given the opportunity to provide relevant information about the report.
- c. The Administrator, if the accusation/conviction is verified, will immediately bar the person from any contact with minors and then
- d. Notify the Compliance Officer as to the status.

The Compliance Officer will ensure that the person in-question is removed and prohibited from working at any "Institution" that serves children and young people

- a. The Compliance Officer will ensure that an appropriate notation is made in the diocesan file of the removed person to ensure it is fully noted for future reference
- b. The Compliance Officer will notify any of the following as the circumstances dictate:
 - i. Bishop and/or
 - ii. The Vicar General

J-11 How negative reports regarding "any other kind of criminal record" will be handled:

Background information that reveals negative information (criminal history) that may not fall specifically under the Bishops' Charter (i.e., it does not involve the sexual abuse of minors or young people), will be handled as follows:

- a. The Compliance Officer may:
 - i. evaluate the criminal history to determine if it may represent a risk to

- minors; or
 - ii. evaluate the criminal history to determine as to whether it is of such a serious nature that it warrants legitimate concern for the safety and welfare of the Institution and/or
 - iii. forward the criminal history to the appropriate Administrator for review for his/her determination.
- b. In making this determination, the following factors shall be considered:
- i. The duties and responsibilities held by the person;
 - ii. The bearing of the offense on their fitness to perform those duties;
 - iii. The length of time since the commission of the offense;
 - vi. The age at which the person committed the offense;
 - v. The seriousness of the offense;
 - vi. Any information provided by the person or someone else on their behalf.

If conditions warrant, the Administrator may bar the person from any contact with minors and/or reassign that person to responsibilities without contact with minors. Regardless as to the decision the Compliance Officer will be notified.

The Diocesan Safe Environment Background & Statistics Coordinator will ensure that that any person who is removed and prohibited from employment or service at any Institution that serve minors by:

- a. Making the appropriate notation in the file of the removed person to ensure it is fully noted for future reference
- b. The Compliance Officer will, as the situation requires, notify the Bishop and/or his designee
- c. If the person is employed, the Administrator will make the determination as to employment discharge or reassignment.

J-12 Criminal Histories that are disputed:

Should the person dispute the identity or the validity of the Criminal History Report they may pursue resolution as follows:

- a. Contact the law enforcement agency reporting the information and resolve accordingly.
- b. Contact a local law enforcement agency, request to be fingerprinted, and have a Criminal History Check conducted and compared to the questioned report to insure proper identity versus possible identity theft.
- c. If necessary, contact an attorney to represent them in resolving the reported conviction.
- d. All related expenses are to be incurred by the person.

If the negative report suggests that the person may have supplied a false name or Social Security Number, the Compliance Officer will notify the Administrator of appropriate Institution. The person will be asked to submit a form of identification that has been

validly issued by a government agency (e.g., a valid driver license, passport, etc.). If adequate verification is obtained, no further action will be taken.

J-13 Diocesan Record-keeping:

The Safe Environment Office will maintain secure files for the background checks, questionnaires, and reports of any action taken with regard to a negative report.

APPENDIX K

Questionnaire

K-1 The Safe Environment Questionnaire:

All Designated Personnel and new applicants for positions in Diocesan programs, whose position or duties would place them in regular contact with minors, must complete a Safe Environment Questionnaire. This requirement applies to both prospective employees and volunteers.

The Safe Environment Questionnaire shall include a request for the following information:

- a. Name, including all other names used;
- b. Social Security number;
- c. Other means of identification;
- d. Date of Birth;
- e. Current and former addresses
- f. Telephone number(s)
- g. Names of persons who can be contacted as references to include full name, telephone number, and address.
- h. Whether the person has ever been accused, investigated, or disciplined for sexual abuse or misconduct.
- i. Other Catholic facilities where they may function.
- j. Authorization of the Diocese to conduct a criminal background history.
- k. Signature

Designated Personnel and applicants must sign the Safe Environment Questionnaire, certifying that their answers are accurate and truthful, and acknowledging that they received the Summary of the Policy on Sexual Misconduct and the Code of Conduct and will comply with them. Applicants will also certify that they understand their responsibility to comply with the Safe Environment Requirements by the appropriate deadline.

Failure to complete the Safe Environment Questionnaire, and every question therein, or making any false statement made on the Questionnaire, will constitute grounds for termination of employment or volunteer service, and being barred from any contact with minors in any program or activity of the Diocese.

K-2 Questionnaire Classifications:

In as much as the Charter requires a number of “classifications” the Questionnaire offer the following categories:

PRIESTS: include any religious order or diocesan priest in active or supply ministry (including retired priests who continue to celebrate the occasional Mass, wedding, baptism, etc.) since these activities put them in a position to be around children.

DEACONS: include any religious order or diocesan deacon in active or supply ministry (including retired deacons who continue to celebrate the occasional weddings, baptisms, etc.) since these activities put them in a position to be around children.

CANDIDATES FOR ORDINATION: although not specifically mentioned in Article 12 of the Charter, this category should include seminarians and candidates for the permanent diaconate.

EDUCATORS – FULL/PART TIME: Catholic School (primary purpose to educate children in standard academic format) employee who is given payment for services (any form of compensation, whether monetary or other) rendered in which the obligation to withhold for payroll tax (FICA, Medicare, etc.) exists. Educators would be those persons who assist in some manner at a Catholic School. “Educator” does not include Christian Education Teachers, CCD Teachers or Aides, Sunday School Teachers, and Sacramental Trainers in a parish level and/or outside of a Catholic School or related sponsored event, these would be considered Volunteers as listed below.

DIOCESAN EMPLOYEES – FULL/PART TIME: are paid person (other than priests/deacons or educators) who are employed by and work directly for the diocese. This would include but not be limited to office/chancery/pastoral center/maintenance employees, retreat facility workers, youth ministers, etc.

A paid diocesan employee is one who is given payment for services (any form of compensation) rendered in which the obligation to withhold for payroll tax (FICA, Medicare, etc.) exists.

PARISH/SCHOOL EMPLOYEES – are paid persons (other than priests/deacons or educators) who are employed by and work directly for parishes/schools. This would include but not be limited to parish ministers, school support staff, rectory personnel, secretaries, coaches, maintenance personnel, etc. A paid parish/school employee is one who is given payment for services (any form of compensation) rendered in which the obligation to withhold for payroll tax (FICA, Medicare, etc.) exists.

F. VOLUNTEER: are non-paid persons who assist the diocese, including parishes and schools such as catechists, youth ministers, coaches, etc.

K-3 Incomplete, Erroneous, or Improperly Filled out Questionnaires:

Upon discovery that a Questionnaire has missing, incomplete, illegible, erroneous information, or is improperly filled out, thereby impeding processing (criminal history checks, data base entry, etc.), the Diocesan Background and Statistics Coordinator will return the Questionnaire to the Administrator for appropriate resolution.

K-4 Five-year Resubmission of Questionnaire:

Designated Personnel will periodically (approximately 5-year intervals) be required to renew their background checks. At that time, personnel will be required to submit a new authorization and questionnaire for a background check, and attend a Safe Environment refresher course.

Bibliography

United States Catholic Conference of Bishops: “Charter for the Protection of Children and Young Adults”.

USCCB 2006 Compliance Audit Instrument

Safe Environment Policies – Archdiocese of New York

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