

DIOCESE OF SAINT THOMAS  
IN THE VIRGIN ISLANDS

# CODE OF CONDUCT

AND

# PROCEDURES CONCERNING THE PROTECTION OF MINORS

JULY 2021

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## I. PREFACE

1. The *Code of Conduct for Priests, Deacons, Administrators, Pastoral Ministers, Staff and Volunteers (Code of Conduct)* and *Procedures Concerning the Protection of Minors* provide uniform guidelines for appropriate behavior by all diocesan personnel. This document is not intended to address all situations that may arise in pastoral relationships. It is intended, however, to create a structure for addressing a variety of circumstances that, if not appropriately administered, may offend or place in physical or psychological danger a person who is relying on the safety of the Church.

## II. RESPONSIBILITY

2. The public and private conduct of clergy, staff and volunteers can inspire and motivate. It can also scandalize and undermine the faith of the people. Diocesan personnel must be aware at all times of the responsibilities that accompany their work.

3. Responsibility for adherence to the *Code of Conduct* rests with the individual. Diocesan personnel who disregard this *Code of Conduct* will be subject to remedial action by their superior. Corrective action may take various forms—from a verbal reproach to removal from ministry to notification of civil authorities—depending on the specific nature and circumstances of the offense and the extent of the harm.

4. A copy of this *Code of Conduct* and *Procedures Concerning the Protection of Minors* shall be sent by the bishop to all clergy, school principals, religious, seminarians, department coordinators, presidents of parish councils and school boards, and parish directors of religious education and youth ministry. They are obligated to distribute these policies and procedures to all employees and volunteers whom they supervise. Furthermore, the recipients of these policies and procedures are required to read them and sign and submit to their supervisors the attached consent form.

## III. DEFINITIONS

5. *Abuse*: Physical or mental injury, especially the exploitation of a minor for the sexual gratification of an adult. Abuse also includes the following.

5a. *Harassment*: A broad range of physical, written or verbal behavior, including physical or mental abuse; racial insults; ethnic slurs; unwelcome sexual advances or touching; sexual comments or sexual jokes; requests for sexual favors; or the display of offensive materials. Harassment can be a single incident or a persistent pattern of behavior where the purpose or the effect is to create a hostile, offensive, or intimidating work environment.

5b. *Neglect*: The failure by a caretaker to provide for a minor the proper or necessary medical care, nutrition or protection necessary for the minor's well-being.

5d. *Physical abuse*: Inflicting physical injury or endangering a person's physical, moral or emotional well-being.

5e. *Sexual misconduct* refers to sexual abuse and/or sexual harassment.

5e1. *Sexual abuse*: Acts of incest or rape, lewd or indecent acts or proposals, including exhibitionism, touching or fondling, permitting or encouraging a minor to participate in acts of prostitution or pornography.

5e2. *Sexual harassment*: Unwanted attention, ogling, words, pictures, jokes or comments of a sexual nature.

6. *Chaperon*: All adults accompanying minors on a trip or at parish, school or agency activities.

7. *Diocese or diocesan*: All parishes, missions, schools, institutions, agencies, other offices and personnel under the direction of the Diocese of St. Thomas in the Virgin Islands.

8. *Diocesan personnel*: All clergy, religious, seminarians, school personnel, directors of religious education, catechists, parish staff, youth ministers, members of school boards, and coordinators of lay organizations within the diocese, whether full time or part time, paid or non-paid.

9. *Minors*: Any person under the age of eighteen (18) years is considered a minor under the laws of the United States of America. A vulnerable individual over the age of eighteen (18) years is also covered by the territorial law when such a person is unable or unlikely to report abuse without assistance because of impairments of physical or mental function or emotional status.

10. *Pastoral counselors* and *spiritual directors* are clergy, staff and volunteers who provide pastoral, spiritual and/or therapeutic counseling services to individuals, families or other groups.

11. *Rectory* means a parish building designated as the residence for priests. A *rectory* may have *residents* and *guests*.

11a. *Residents* refers to those priests or laymen who reside in the rectory with the permission of the bishop and the pastor for a designated period of time.

11b. *Guests* refers to those invited to the rectory by one or more of the residents.

12. *Sexual contact*: The range of *sexual contact* can be from vaginal, oral or anal intercourse, to the touching of another person for the purpose of sexual arousal or gratification of either person.

13. *Vicar General*: The duly appointed principal agent of the diocese in carrying out these policies and procedures.



## **Code of Conduct for Priests, Deacons, Pastoral Ministers, Administrators, Staff and Volunteers**

Established: October 7, 2006, Feast of Our Lady of the Rosary

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### **I. GENERAL STANDARDS OF CONDUCT**

#### **A. OVERVIEW**

14. Diocesan personnel must behave in a professional manner at all times.
15. Diocesan personnel shall treat others with justice, respect, integrity, courtesy and dignity.
16. Diocesan personnel shall make personnel and other administrative decisions that meet civil and canon law obligations and also reflect Catholic social teachings and this *Code of Conduct*.
17. Diocesan personnel must not use their positions to exercise unreasonable or inappropriate power and authority.
18. Diocesan personnel must read and sign the *Code of Conduct* before providing services. Those who refuse will not be permitted to serve in any diocesan capacity.

#### **B. PERSONAL RESPONSIBILITY**

19. Diocesan personnel are responsible for their spiritual, physical, mental and emotional health.
20. Diocesan personnel should be aware of the warning signs that indicate potential problems with their own spiritual, physical, mental and/or emotional health.
21. Diocesan personnel should seek help immediately whenever they notice behavioral or emotional warning signs in their own professional and/or personal lives.
22. Diocesan personnel should address their spiritual needs. A spiritual director may be helpful in dealing with spiritual challenges.
23. Diocesan personnel always are prohibited from inappropriate or illegal use of alcohol and drugs.

#### **C. CONFLICTS OF INTEREST**

24. Diocesan personnel must be aware of the potential for conflicts of interest, whether real or perceived, in the course of their ministries, such as divided loyalties or personal biases. They

must avoid situations that might present a conflict of interest. Even the appearance of a conflict of interest can call into question the integrity of professional conduct.

25. Diocesan personnel must inform all involved parties when a real or potential conflict of interest arises and disclose all relevant factors that potentially could create a conflict of interest. Resolution of the issues must protect the person receiving Church, school or agency-related services. The real or perceived conflict of interest must be resolved to the satisfaction of all involved parties before the services are rendered.

26. Diocesan personnel must not take advantage of anyone to whom they are providing services in order to further their personal, religious, political or business interests.

#### **D. HARASSMENT**

27. Diocesan personnel shall provide a professional work environment that is free from harassment. Diocesan personnel must not harass others and must not tolerate such harassment in the workplace.

#### **E. SEXUAL CONDUCT**

28. Diocesan personnel must avoid inappropriate relationships with minors, other staff or parishioners.

29. Diocesan personnel shall not exploit another person for sexual purposes.

30. Clergy and religious who are committed to a celibate lifestyle are called to be examples of chastity in all relationships at all times.

#### **F. INTERACTION WITH MINORS**

31. Diocesan personnel should review and know the contents of the child abuse regulations and reporting requirements for the United States Virgin Islands and should follow those mandates.

32. Diocesan personnel working with minors should use positive reinforcement rather than ridicule.

33. Diocesan personnel must not use any discipline that frightens or is intended to frighten minors.

34. Diocesan personnel must not strike, spank, shake or slap minors.

35. Diocesan personnel must not degrade, demean, humiliate, intimidate, ridicule, shame or threaten minors.
36. Diocesan personnel must not use profanity in the presence of minors.
37. Diocesan personnel must not pose any health risk to minors (i.e., contagious diseases).
38. Diocesan personnel must not smoke or use tobacco products in the presence of minors.
39. Diocesan personnel working with minors must not use, sell, possess or be under the influence of alcohol at any time in the presence of minors.
40. Diocesan personnel working with minors must not use, sell, possess or be under the influence of illegal drugs at any time.
41. Diocesan personnel must not provide or allow minors to consume alcohol or illegal drugs.
42. Diocesan personnel should avoid situations where they are alone with minors and cannot be observed.
43. Diocesan personnel must not touch a minor in any inappropriate manner. Physical contact with minors can be misconstrued and should occur (a) only when it is completely nonsexual and otherwise appropriate, and (b) never in private.
44. Diocesan personnel may discuss sexual matters with minors only in an educational manner approved by their superior, unless prohibited by parents in writing.
45. Diocesan personnel working with minors must not present or allow the viewing of morally-inappropriate materials, including magazines, cards, toys, videos, films, clothing, etc.
46. Diocesan personnel must not allow minors to stay overnight in their private accommodations or residences.
47. Diocesan personnel must always be dressed modestly and appropriately to the occasion. They shall never be nude in the presence of minors.
48. Diocesan personnel must not engage in sexual contact with minors.
49. Diocesan personnel must not accept expensive gifts from minors or their parents.
50. Diocesan personnel must not give expensive gifts to minors without prior written approval from their parents.
51. Diocesan personnel working with minors must report suspected abuse to the vicar general or Chancellor .



52. Diocesan personnel must cooperate fully in any investigation of abuse of minors.

## **G. SUPERVISING MINORS ON TRIPS AND OTHER ACTIVITIES**

### **PERMISSION AND NOTIFICATION**

53. The coordinator of a proposed trip or activity for minors away from the school, parish or agency must obtain the prior approval of the pastor, principal or agency administrator before plans are made.
54. Minors wishing to participate in a diocesan-sponsored trip or overnight activity must submit a permission letter signed by their parent/guardian to the pastor, principal or agency administrator.
55. Before a diocesan-sponsored trip or overnight activity, the coordinator must provide the pastor, principal or agency administrator, or with his or her designate if he or she should go on the trip, a list of all participants and chaperons, with telephone numbers and emergency contact persons.
56. The bishop, vicar general, superintendent of schools, pastor, principal or agency administrator has the right to terminate any trip or activity or the planning of a trip or activity for a just cause.
57. The coordinator must notify the pastor, principal or agency administrator immediately of any major accident or major disciplinary action that occurred during the trip.
58. The coordinator is to give the pastor, principal or agency administrator a written evaluation of the trip or overnight activity within two weeks of the group's return. In the report, the coordinator will describe any incidents or accidents, as well as the persons who were involved and who handled the situation.

### **REQUIREMENTS FOR CHAPERONS**

59. Chaperon candidates are required to read and be familiar with the *Code of Conduct* and the *Procedures Concerning the Protection of Minors*. Furthermore, they are required to sign and submit to their supervisors the attached consent form.
60. A minimum of one chaperon per eight minors is required.
61. Chaperons must be over 21 years of age.
62. Chaperons are encouraged to utilize beepers or cellular telephones in case of emergencies.

63. No adult who has been convicted or is undergoing legal prosecution or investigation for any criminal act is to be allowed to chaperon minors.
64. Each chaperon candidate must provide to the pastor, principal or agency administrator a police background check performed within one year prior to the trip or event.
65. Each chaperon candidate must have fingerprints on file with the pastor, principal or agency administrator.
66. Within one year prior to the trip or event, each chaperon candidate must attend at least one diocesan-approved training session on the protection of children against child abuse (i.e., VIRTUS).
67. Documentation of compliance with these policies and procedures must be on file with the Chancellor before the commencement of the trip or other event.

### **GENERAL EXPECTATIONS**

68. Chaperons must inform and remind minors of safety rules and security measures.
69. Priority must be given during any Church or school overnight trip to ensure that all participants fulfill their Sunday and Holy Day obligations.
70. Caution must be taken when viewing any movies that may contain violence or sexually-explicit material. Movies are to be screened by an adult supervisor before minors view them.
71. Prescription medications must be given to and administered by an adult chaperon.
72. Smoking by minors is prohibited.
73. Chaperons are strongly encouraged to refrain from smoking and are prohibited from drinking alcoholic beverages while supervising minors.
74. Chaperons shall not purchase questionable or illegal items for a minor (i.e.: cigarettes, alcohol, weapons, condoms, sexually-suggestive materials, etc.).
75. An adult is never to share a shower, even a community shower, with a minor or minors, nor should an adult be in any questionable state of undress in the company of a minor or minors.
76. All adults must understand that extreme caution must be exercised at all times so that actions, words or touches have no potential for misinterpretation. For example, adults must never watch minors while they are changing clothes, showering or using bathroom facilities. Disciplinary actions are to be implemented after the minor has had the time to be properly dressed and must take place outside of the changing and bathroom areas.

77. Conversations between adults and minors must always be conducted when both are properly dressed.

### **TRANSPORTATION**

78. All drivers must have valid driver's licenses.

79. When more than one vehicle is used to transport participants, all drivers must have written directions and should be familiar with the area where they will be traveling.

80. On long trips, a relief driver must be available at least every four (4) hours. All drivers should have adequate rest before and after travel.

81. Cars, vans and busses must not exceed the passenger load. All passengers must have a seat.

82. Seat belts are to be worn at all times.

83. No firearms or illegal drugs are to be carried in any vehicle at any time.

### **SLEEPING ACCOMMODATIONS**

84. Diocesan personnel are not to share sleeping accommodations with a minor. They must not sleep in the same beds or sleeping bags with minors. The only exception is when the minor is the adult's own child.

85. Coed sleeping is never permitted. Care is to be taken that sleeping areas are clearly separated between males and females.

86. In situations where males and females share a common large room (i.e.: a parish hall), a rotation of adults is to be provided at all times for proper supervision. A sufficient number of chaperons must supervise the area throughout the night.

87. In rare, emergency situations, when accommodation is necessary for the health and well-being of the minors, diocesan personnel must take extraordinary care to protect all parties from the appearance of impropriety and from all risk of harm.

### **CAMPING**

88. In the event that outdoor camping is held without tents, there must be enough chaperons available so that at least one chaperon remains awake throughout the night for safety and supervision.



## **HOTEL ROOMS/CRUISES**

89. When booking hotels/cruises for groups, a request must be made upon making reservations that all the rooms/cabins be on the same floor/deck or location in the hotel/cruise ship.
90. Adjoining rooms should be requested for the best supervision. The group leader must check all rooms before assigning them to avoid males and females occupying adjoining rooms.
91. No minor may leave the hotel/cruise ship property without adult supervision.

## **H. RECTORY RESIDENTS AND GUESTS**

92. If a building serves both as parish offices and as a residence, the following policies apply only to that portion of the building which serves as the living quarters (bedrooms, private baths, private studies and living or recreation rooms) of the priest(s) or parish administrator. However, if the parish offices are housed in a building other than the rectory, this policy applies to the entire rectory or residence building.
93. Parish employees (other than housekeeping, maintenance and cooking personnel) normally should not enter the rectory living quarters. All parish ministry or business is to be conducted in the parish offices.
94. When more than one person (priest, parish administrator or resident) lives in the rectory, due regard for the privacy of each person must be maintained at all times. Thus, the presence of guests in the rectory living quarters always should be by mutual agreement of those for whom it is a residence.
95. Pastors and parish administrators should use prudence in discerning which guests to allow into the rectory living quarters. Guests, especially overnight guests, should be limited to friends, immediate family members of the rectory residents, and members of religious communities. The length of stay should be governed by prudence, and the decision made in consultation with the rectory residents.
96. At no time may minors (those under 18 years of age) be allowed to enter the rectory living quarters unless accompanied by their parents, legal guardians or other adults with the approval of the parents or legal guardians, unless a minor is a member of the immediate family of the priest(s) or other residents of the rectory.

## **II. SUPPLEMENTAL CODES FOR PASTORAL COUNSELORS AND SPIRITUAL DIRECTORS**

97. Pastoral counselors and spiritual directors must respect the rights and advance the welfare of each person whom they assist.
98. Pastoral counselors and spiritual directors shall not move beyond their competence in counseling situations and must refer clients to other professionals when appropriate.
99. Pastoral counselors and spiritual directors should not provide counseling services to anyone with whom they have a pre-existing professional or social relationship (i.e., employee or professional colleague). When this is unavoidable, pastoral counselors and spiritual directors should carefully consider all foreseeable consequences before entering into the counseling relationship. The counselor must establish and maintain clear and appropriate boundaries.
100. 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.
101. Conflicts of interest may also arise when the independent judgment of a pastoral counselor or spiritual director is impaired by prior experience, such as having been an advocate for one person against another. In these circumstances, the pastoral counselor or spiritual director must advise the parties that he or she can no longer provide services and refer them to another pastoral counselor or spiritual director.
102. 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.
103. Pastoral counseling and spiritual direction sessions should be conducted in appropriate settings and at appropriate times. Pastoral counseling and spiritual direction sessions should not be conducted in any private living quarters.
104. Pastoral counseling and spiritual direction 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.
105. Pastoral counselors and spiritual directors shall maintain a log of the times and places of sessions with each person being counseled.
106. Physical contact of any kind (i.e., touching, hugging, holding) between pastoral counselors or spiritual directors and the persons they counsel should be avoided.

107. Pastoral counselors and spiritual directors must never engage in sexual intimacies with the persons whom they counsel. This includes consensual and nonconsensual contact and sexual comments.
108. Pastoral counselors and spiritual directors must not engage in sexual intimacies with individuals who are close to the client—such as relatives or friends of the client—when there is a risk of exploitation or potential harm to the client. Pastoral counselors and spiritual directors should presume that the potential for exploitation or harm exists in such intimate relationships.
109. Pastoral counselors or spiritual directors should discuss the nature of confidentiality and its limitations with each person in counseling.
110. Information disclosed to a pastoral counselor or spiritual director during the course of counseling, advising or spiritual direction must be held in the strictest confidence possible, except for compelling professional reasons or as required by law.
111. 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.
112. While counseling a minor, if a pastoral counselor or spiritual director discovers that there is a serious threat to the welfare of the minor and that communication of confidential information to a parent or legal guardian is essential to the child's health and well-being, the counselor or spiritual director should attempt to secure written consent from the minor for the specific disclosure. □ If consent is not given, the pastoral counselor or spiritual director should disclose only the information necessary to protect the health and well-being of the minor. Pastoral counselors and spiritual directors shall consult with the vicar general before disclosure.
113. 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.
114. 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.
115. These obligations are independent of the confidentiality of the Sacrament of Reconciliation; under no circumstances whatsoever can there be any disclosure—even indirect disclosure—of information received during the Sacrament of Reconciliation.
116. Pastoral counselors or spiritual directors should keep minimal records of the content of sessions. Pastoral counselors and spiritual directors should not audiotape or videotape sessions.
117. Knowledge that arises from professional contact may not be used in teaching, writing, homilies, or other public presentations, except when stringent measures are taken to safeguard both the individual's identity and the confidentiality of the disclosures.



### **III. REPORTING ETHICAL OR PROFESSIONAL MISCONDUCT**

118. Diocesan personnel must hold each other accountable to ethical and professional standards. Diocesan personnel have a duty to report to the pastor, principal or agency administrator their own ethical or professional misconduct and the misconduct of others.

119. When an uncertainty exists about whether a situation or course of conduct violates this *Code of Conduct* and *Procedures Concerning the Protection of Minors* or other religious, moral or ethical principles, clergy, staff and volunteers should consult with others knowledgeable about ethical issues, the vicar general or vicar for priests and religious or the responsible administrative authority for the religious community, institute or organization.

120. When there is an indication of illegal activity, clergy, staff or volunteers immediately should notify the superior of the alleged perpetrator. If the matter involves the abuse of children, clergy, staff and volunteers have a legal and moral responsibility to notify the vicar general or chancellor and the Department of Human Services.

121. 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 in cases that involve the Sacred Seal of Confession.

## **BOOK II: PROCEDURES CONCERNING THE PROTECTION OF MINORS**

ESTABLISHED: January 1, 2003, Feast of Mary, Mother of God,

REVISED: October 7, 2006, Feast of Our Lady of the Rosary

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### **I. POLICIES CONCERNING THOSE WHO MINISTER TO MINORS**

#### **A. POLICY**

201. Every human being is created with a God-given dignity. Therefore, the Catholic Church condemns all forms of abuse or neglect of people of all ages. In regard specifically to minors, it is the position of the Diocese of St. Thomas in the Virgin Islands that abuse or neglect of minors is totally reprehensible and intolerable behavior. Any such conduct is to be considered, by its very nature, completely contrary to Christian morality. Therefore, such conduct is also contrary to the duties and employment of all personnel serving within the diocese and cannot be justified.

202. All who serve within the diocese must comply with the provisions of the diocesan policies and procedures and all territorial laws regarding incidents of actual or suspected abuse or neglect of minors.

203. Through these policies and procedures, the diocese takes steps to safeguard minors in the circumstances described in the following procedures. These policies establish procedures in keeping with our continuing effort to prevent child abuse by diocesan personnel. It also provides guidance to the personnel of the diocese, paid or unpaid, on how to respond to allegations of abuse or neglect of minors, if any such allegations are made.

204. Allegations of sexual misconduct should be taken seriously and reported to the appropriate person in the parish, religious community, institute, diocese or organization, and to civil authorities if the situation involves a minor. Procedures of the diocese will be followed to protect the rights of all involved.

#### **B. SCREENING**

205. All clergy seeking to minister in the diocese must complete and submit the diocesan form *Request for Faculties*.

206. All religious seeking to minister in the diocese must complete and submit the diocesan form *Religious, Seminarians or Lay Persons Request for Ministry*.

207. All applicants for a paid position in the diocese must complete and submit the diocesan form *Application for Lay Employment*.

208. All persons volunteering for positions in which they will have regular contact with minors must complete and submit the diocesan forms *Application for Lay Employment* and *Volunteer Profile*.

209. All diocesan personnel who have regular contact with minors must submit to a police check and be fingerprinted. Pastors, principals and agency administrators must submit these documents to the chancellor who will keep them in a secure file. Pastors, principals and agency administrators also must keep copies of these documents in a locked personnel file at the parishes, schools and agencies. These files are to be accessible only by the pastors, principals and agency administrators and those whom they delegate.

210. The original applications and profiles must be kept as part of the parish, agency, school, institution or department personnel files.

### **C. EDUCATION**

211. All diocesan personnel receive a copy of the *Code of Conduct and Procedures Concerning the Protection of Minors*, which they must read, consent to and follow.

212. On an annual basis, diocesan personnel must attend in-service training and educational programs regarding child abuse, reporting requirements and diocesan policies and procedures. These training and educational programs are provided on both the parish and diocesan levels. These seminars update participants from viewpoints such as new scientific knowledge, Church policies and procedures, canon law, territorial law, moral theology, professional ethics, the pastoral care of victims and coping with the disclosure of misconduct by a colleague.

213. The Diocesan Child Protection Coordinator provides ongoing formation for diocesan personnel about child abuse issues through meetings, mailings and diocesan publications.

### **D. COMPLIANCE WITH TERRITORIAL LAW**

214. The diocese will comply with all applicable territorial law concerning alleged or proven child abuse.

## **II. PROCEDURES CONCERNING ABUSE OR NEGLECT OF MINORS**

### **A. REVIEW BOARD**

215. The bishop appoints a review board for each Deanery ( St. Thomas/ St. John & St. Croix) .This board functions as a confidential consultative body to assist the bishop in discharging his responsibilities. The board is composed of at least five members from each Deanery. The majority of the review board members are lay persons not in the employ of the diocese. The bishop appoints a priest who is an experienced and respected pastor of the diocese and who functions as the canonical Promoter of Justice. The members are appointed for a term of five years, which can be renewed.

216. The board advises the bishop in making assessments of the credibility of allegations of abuse by diocesan personnel. Furthermore, the board advises the bishop with regard to the



suitability for ministry of the accused. The board also reviews diocesan policies for dealing with abuse and offers advice to the bishop on the fitness for ministry of an accused priest or deacon.

## **B. OBLIGATION TO REPORT**

217. Any person who suspects or alleges child abuse by diocesan personnel must comply with all applicable reporting requirements of territorial law, and also must report the incident to the vicar general or chancellor.

218. The vicar general or chancellor will submit a written report to the bishop and the chair of the review board and consult with the diocesan attorney. He will also report the incident to the proper territorial authorities.

219. The vicar general or chancellor will ask the person who suspects or alleges child abuse by diocesan personnel to submit a report.

220. Anonymous or uncorroborated accusations against diocesan personnel will be investigated by the vicar general or chancellor in order to determine if there is a need to take further action. The accused will be informed of the anonymous complaint and of the disposition of the matter.

221. Any act of retaliation or discrimination against an individual who reports of ministry-related child abuse by diocesan personnel is strictly prohibited and will not be tolerated by the diocese.

## **C. PASTORAL RESPONSE**

222. Compassion requires that primary attention be given to the alleged victim of child abuse by diocesan personnel. The bishop will appoint a pastoral response counselor on St. Thomas and St. Croix to coordinate assistance for the immediate pastoral care of persons who claim to have been sexually abused by diocesan personnel.

223. The victim's family will be contacted immediately by the vicar general with an offer of spiritual help and pastoral counseling. If the need for counseling or medical help for the victim or his/her family is indicated, this too shall be offered.

## **III. PROCEDURES WHEN ALLEGATIONS ARE MADE AGAINST THE BISHOP**

224. Allegations against the bishop should be communicated directly to the Apostolic Nuncio in Washington, D.C., and the appropriate territorial authority.

#### **IV. PROCEDURES WHEN ALLEGATIONS ARE MADE AGAINST PRIESTS, DEACONS, RELIGIOUS OR SEMINARIANS IN SERVICE TO THE DIOCESE**

225. On receiving an allegation of child abuse by a priest, deacon, religious or seminarian, the vicar general or chancellor will notify the accused of the nature of the allegation and the review board will conduct a preliminary investigation in harmony with canon law.

226. The vicar general or chancellor, once contacted, will submit an oral report to the bishop and the review board and consult with the diocesan attorney. He will also report the incident to the proper territorial authorities. The review board will promptly cause an investigation of the reported incident to commence, with care taken not to interfere with any criminal investigation, and 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 offender. Whenever appropriate, the investigation is to include speaking with the alleged offender, the alleged victim, the family of the alleged victim and other appropriate persons as soon as possible.

227. In the case of an allegation of child abuse made against a priest, permanent deacon, seminarian or religious from another diocese, the bishop will immediately notify the appropriate bishop or superior of the allegation and actions that have been or will be taken by the diocese.

228. In the case of an allegation made against a woman or man religious serving in the diocese and incardinated in another diocese, the above policies will be followed, and the religious superior will be notified.

229. All appropriate steps shall be taken to protect the reputation of the accused during the investigation. The accused will be encouraged to retain the assistance of territorial and canonical counsel and will be promptly notified of the results of the investigation.

230. The accused has the responsibility of obtaining legal counsel.

231. When there is sufficient reason to believe that child abuse by a priest, deacon, religious or seminarian in or of the diocese has occurred, the bishop shall apply the precautionary measures outlined in Canon 1722. He will remove the accused from all public ministry and/or from all ecclesiastical offices or functions, and prohibit residence in a given place, pending the outcome of the process.

232. In the case of an allegation made against a diocesan priest or deacon, he will be assigned to a recognized medical center for evaluation and treatment. In the case of a religious, the religious superior will assign the alleged offender to a medical center.

233. The diocesan employer is responsible for the salary of a priest or permanent deacon who has been relieved of his duties while undergoing treatment until the case is resolved.

234. If the investigation of the review board proves the charge to be false, the bishop will restore the priest, deacon, religious or seminarian to ministry and make every effort to repair the reputation of the accused.

235. Even when a single act of sexual abuse by a priest or deacon is established after an appropriate process in accord with canon law, the offending priest or permanent deacon will be removed permanently from ecclesiastical ministry, not excluding dismissal from the clerical state, if the case so warrants (cf. Canon 1395.2).

236. The diocese will not require an attempt at reconciliation between an abuser and victim. The involvement of any diocesan personnel in non-authorized reconciliation efforts will be treated as a violation of this policy.

#### **V. PROCEDURES WHEN ALLEGATIONS ARE MADE AGAINST A LAY EMPLOYEE OR VOLUNTEER**

237. In the case of an allegation made against a lay employee or volunteer of the diocese, the above policies will be followed, except that the investigation will be conducted by the vicar general or chancellor rather than the review board.

238. The accused is responsible for obtaining his/her own legal counsel.

239. Following the initial inquiry, if the vicar general or chancellor determines that the allegation has some basis, the accused will be placed on administrative leave (with pay for paid employees) pending the outcome of a full diocesan investigation. The accused will be prohibited from participating in any diocesan ministry during the period of the investigation. The bishop will request that the alleged offender comply with an appropriate medical and psychological evaluation at a facility mutually acceptable to the diocese and the accused.

240. If the vicar general or chancellor subsequently finds no reasonable cause to believe that the allegation is true, the accused will be restored to duty at his/her original or a comparable position and the bishop will make every effort to repair the reputation of the accused.

241. Any person convicted of sexual abuse will not be permitted to continue working for the diocese.

242. In instances where the accused does not admit guilt and is not convicted by a court of competent jurisdiction, the bishop will determine whether or not the accused will be permitted to continue working for the diocese.

243. Any diocesan employee or volunteer who fails to comply with the provisions of these policies and procedures will be subject to those actions which the bishop deems necessary. These actions may include termination from any position within the diocese. Applicants or volunteers for positions with the diocese who similarly fail to comply with the provisions of these policies and procedures may be denied or removed from such positions.

## **VI. MEDIA CONTACT AND INQUIRIES**

244. All media inquiries regarding an alleged incident of child abuse by diocesan personnel must be directed to the vicar general or chancellor.

245. Within the confines of respect for the privacy of the individuals involved, the bishop will deal as openly as possible with the members of the Church and the broader community about any incident of abuse or neglect of minors.

## **VII. RECORDS**

246. Records maintained by the vicar general or chancellor concerning each incident reported, the investigation and the results of the investigation shall be marked "confidential" and be securely kept by the chancellor, under lock and key, with access limited to the bishop, the vicar general and the diocesan attorney.



DIOCESE OF SAINT THOMAS IN THE VIRGIN ISLANDS  
Code of Conduct / Policies and Procedures Regarding Minors Consent Form

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I have received, read, understood and agree to comply with the entire *Code of Conduct* and *Procedures Concerning the Protection of Minors*. I understand that as an employee or volunteer working with children and/or minors, or in their environment, I am subject to a thorough background check including criminal history. I understand that any action inconsistent with this *Code of Conduct* and *Procedures Concerning the Protection of Minors* or failure to take action mandated by this document, may result in my termination as an employee, volunteer, clergy or religious.

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Employee or Volunteer's printed name

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Employee or volunteer's signature

Date:

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Supervisor's Signature

Date:

*N.B. This signed document must be submitted to the Pastor, Principal or Agency Administrator who will send the original to the SAFE ENVIRONMENT OFFICE and maintain a copy in the church's, school or agency's personnel file.*