

Diocese of Bismarck
Code of
Pastoral Conduct

Preamble



The Diocese of Bismarck defines these standards of ministerial behavior and appropriate boundaries for clergy and church personnel for these reasons. First and foremost, the *Charter for the Protection of Children and Young People*¹ asks for clear mandates and well-publicized standards of ministerial behavior and appropriate boundaries for anyone who has regular contact with children and young people. Beyond this, most professions have defined ethical standards. We also know that an awareness of our boundaries is useful in our relationships and, in fact, helps us sustain a healthy relationship with anyone. The Catholic Church must be exemplary. Clergy, staff, whether diocese or parish, and volunteers are held accountable for their behavior. To enable the highest level of accountability, there must be a clear and unambiguous definition of appropriate behavior. To this end, this *Code of Pastoral Conduct* is defined for the Diocese of Bismarck and it provides a foundation for implementing effective and enforceable standards for all personnel.

Pastoral Standards



1. Conduct for Pastoral Counselors and Spiritual Directors

Pastoral counselors and spiritual directors who conduct counseling for individuals, families or groups must respect the rights and advance the welfare of each person. So counselors or spiritual directors:

shall not step beyond their competence in counseling situations and shall refer clients to other professionals when appropriate. Parameters for Church leaders² are dictated by their education or certification from a recognized professional association of peers.

¹ *Charter for the Protection of Children and Young People*. United States Conference of Catholic Bishops, Washington, D.C. July 2002, Article Six, p. 9.

² The term “Church leader” is used in order to indicate all those who represent the Church by virtue of office or designated position, i.e. priests, deacons, pastoral associates/ministers, parish and diocesan staffs and volunteers.

- 1.1 ordinarily do not enter into a counseling relationship with someone with whom they have a pre-existing relationship (i.e. employee, professional colleague, friend).
- 1.2 make it clear what they can provide to a counselee when that person is already in a counseling relationship with another professional. Generally, this is confined to spiritual assistance.
- 1.3 do not engage in any type of sexual intimacy with those whom they counsel.
- 1.4 avoid physical contact of any kind (i.e. touching, hugging, holding) with persons they counsel.
- 1.5 conduct sessions in appropriate settings at appropriate times. No session is to be conducted in private living quarters or at places or times that would be ambiguous or misleading to the client.
- 1.6 should be cognizant at all times of the significance of boundaries in counseling relationships and ordinarily do not socialize with a client.
- 1.7 assume the full responsibility for establishing and maintaining clear, appropriate boundaries in all counseling relationships.
- 1.8 hold themselves accountable in conducting counseling activities. They should keep a calendar of times and places of contacts, especially in the case of frequent meetings with the same person. No information is to be disclosed from counseling sessions unless there is clear and imminent danger to the client or to others. In such a case, authorities or other professionals are to be contacted.

2. Confidentiality

Information disclosed to anyone during the course of pastoral counseling, advising, spiritual direction and any other professional contact shall be held in the strictest confidence possible. Anyone to whom such disclosures are entrusted:

- 2.1 is bound to safeguard the confidentiality of any information, including notes, files or computer records pertaining to professional contact with individuals.
- 2.2 discusses the nature of confidentiality and its limitations with each person within such a relationship.
- 2.3 consults another professional with utmost care, limiting information shared with the assurance the other professional is bound to the same degree of confidentiality. If the other professional is not so bound, the disclosure should not be made.

- 2.4 uses knowledge that arises from professional contact in teaching, writing, preaching, or other public presentations or discussions only when effective measures are taken to absolutely safeguard both the individual's identity and the confidentiality of the disclosures.
- 2.5 obtains the written, informed consent of the individual prior to making the disclosure.
- 2.6 instructs a minor from the outset of the pastoral relationship regarding these exceptions to the ordinary rights of confidentiality: threats of self-inflicted harm to the minor and threats against others because of the minor's emotional status or behavior. Great care and judgment must be exercised in determining the appropriateness of this kind of disclosure and in balancing the ultimate welfare of the minor being counseled with the duty to warn.
- 2.7 knows these obligations are independent of and supplementary to the confidentiality of the sacrament of penance. **Under no circumstances whatsoever can there be any disclosure, even indirect, of information received through the confessional.**
- 2.8 knows that obligations of confidentiality regarding other areas are defined in the *Personnel Policies and Procedures* for the Diocese of Bismarck and these are to be observed at all times.

3. Conduct With a Minor

All persons working with minors should use appropriate judgment to insure trusting relationships marked by personal and professional integrity. Keen awareness of their own and others' vulnerability assures they:

- 3.1 establish a counseling relationship with a minor that respects the role of the family in subsequent relationships and avoid any exclusive relationship with a minor.
- 3.2 use a team approach to managing youth activities and emergency situations.
- 3.3 avoid physical contact with youth, for this can be misconstrued by both minors and other adults. Completely non-sexual and otherwise appropriate physical contact may occur under public circumstances but never in private.
- 3.4 refrain from using or supplying alcohol and/or illegal drugs at all times when working with minors/youth.
- 3.5 do not allow individual young people to stay overnight in a cleric's rectory or private accommodations, hotel room or any personal residence.

3.6 do not provide any sexually explicit, inappropriate or offensive material to minors/youth.

4. Sexual Conduct

Church leaders must not, for sexual gain or intimacy, exploit the trust placed in them by the parish community and others to and with whom they minister. So they:

- 4.1 do not exploit another person for sexual purposes.
- 4.2 provide an example of celibate chastity in all relationships at all times if they have the commitment of a celibate lifestyle. Likewise, those who have a marital commitment are called to witness to this fidelity in all relationships.
- 4.3 fulfill a personal and professional obligation to be knowledgeable about what constitutes sexual exploitation of another and to be familiar with the laws of the State of North Dakota regarding sexual exploitation, abuse and assault.
- 4.4 take seriously any allegation of sexual misconduct and report it to the chancellor or to the vicar general as defined in the *Policy on Sexual Misconduct* for the Diocese of Bismarck.
- 4.5 comply with all mandatory reporting requirements of the State of North Dakota in collaboration with Church officials and defined policy.

5. Reporting Misconduct

Clergy, staff and volunteers have a duty and responsibility to report ethical or professional misconduct on the part of any church leader. So they:

- 5.1 must hold each other accountable for maintaining the highest ethical or professional standards as defined within this *Code of Pastoral Conduct*. When they observe any clear indication of illegal actions by a Church leader, they make immediate notification to proper church and civil authorities.
- 5.2 notify proper Church authorities only, when there are clear indicators of unethical but not illegal actions on the part of a Church leader.
- 5.3 attempt to resolve the issue when uncertainty exists about whether a situation violates this *Code of Pastoral Conduct* or other religious, moral or ethical principles, by consulting with the next higher authority or by referral to the chancellor or vicar general through the Chancery for the Diocese of Bismarck.

6. Administration

Those in Church leadership shall exercise just treatment of those with whom they minister in the day-to-day administrative operation of their ministries. So they shall:

- 6.1 seek to relate to all people with respect, sensitivity and reverence. Meetings are to be conducted with patience and courtesy toward the views of others, in an environment where it is safe for constructive criticism to be offered.
- 6.2 empower others, supporting each person to live the life to which God calls her/him. They are to seek to work in ways that respect the different talents people bring to the Church.
- 6.3 exercise responsible stewardship of all parish and diocesan resources. They must also ensure that whatever their area of ministry, there is a clear accounting of all parish, diocesan or other Church funds.
- 6.4 ensure that systems are in place to protect both the Church and the individual from financial mismanagement.
- 6.5 develop personnel and other administrative decisions that not only meet civil and Canon Law obligations, but also reflect Catholic social teachings and this *Code of Pastoral Conduct*.

7. Professional Behavior and Harassment

Those in Church leadership do not engage in physical, psychological or verbal harassment of employees, volunteers or parishioners and they will not tolerate such harassment by other Church employees or volunteers. Thus, they:

- 7.1 are committed to providing a professional work environment for employees which is totally free from physical, psychological, written or verbal intimidation or harassment.
- 7.2 understand harassment encompasses a broad range of physical or verbal behavior which includes, but not limited to: a) uninvited letters, telephone calls or materials of a sexual nature; b) uninvited sexual aggressive looks, touching or gestures; c) uninvited pressure for sexual favors; d) uninvited pressure for dates; e) uninvited sexual teasing, jokes, remarks, or questions; suggestions that indicate that men or women should not hold certain positions because they are not capable of carrying out certain functions; f) racial or ethnic insults; g) attempted or actual rape or sexual assault.

- 7.3 realize that harassment can occur as a result of a single severe incident or a pattern of conduct which results in the creation of a hostile, offensive or intimidating work environment.
- 7.4 follow the established procedure for reporting harassment and they are to ensure that no retaliation for bringing forward a claim of harassment will be tolerated.
- 7.5 take allegations of harassment seriously and insure timely reporting for both employees and volunteers.

8. Records and Information

Appropriate confidentiality shall be maintained in creating, storing, accessing, transferring and disposing of parish and diocesan records as defined in related policies.

- 8.1 Sacramental records shall be regarded as confidential. When, for valid Church reporting or parish statistical purposes, information from these records is made public, great care must be taken to preserve the anonymity of individuals.
- 8.2 Sacramental records older than seventy years may be accessible to public inquiries. Regardless of age, information regarding adoption and legitimacy remains confidential. Only a staff member so authorized to access records may supervise and handle requests regarding records.
- 8.3 Parish and diocesan financial records are held as confidential, unless an appropriate review is required by a governmental agency or office. The Fiscal Office of the Diocese of Bismarck is to be contacted regarding the release of financial records.
- 8.4 Records of individual contributions to a parish or the Diocese of Bismarck shall be regarded as private and shall be maintained in strict confidence and used only as necessary.

9. Conflicts of Interest

Church leaders avoid putting themselves in a position that might present a conflict of interest, since the existence, or even the appearance of a conflict of interest can call into question one's integrity and professional conduct. They understand that:

- 9.1 potential for a conflict of interest exists in many circumstances. Some examples include: conducting private business or other dealings with the Church or any of its members; accepting substantial gifts for services or favors; employing or engaging in

transactions with her/his friends or relatives; acting with partiality toward employees or Church members; or violating a confidence for personal gain.

9.2 they should disclose all relevant factors that potentially could create a conflict of interest.

9.3 they should inform all parties when a real or potential conflict of interest arises. Resolution of the issues must protect the person receiving ministry services.

Approved: March 25, 2003

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