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## **Preface**

This *Code of Pastoral Conduct* is intended for use as a risk management tool by bishops, pastors, superiors of religious communities/institutes, and administrators. The purpose of the *Code of Pastoral Conduct* is to assist in developing and implementing uniform guidelines for appropriate behavior. The *Code of Pastoral Conduct* is not intended to address all situations that may arise in ministry in the Diocese of Great Falls-Billings. It is intended to create a structure for addressing a variety of circumstances that, if not appropriately addressed, may create a risk of incidents, allegations, claims and/or lawsuits.

The Church must be exemplary. Clergy, staff and volunteers should and will be held accountable for their behavior. In order to maintain the highest level of accountability, there must be a clear and unambiguous blueprint of appropriate and inappropriate behavior. The *Code of Pastoral Conduct* provides a basic structure for identifying limits. It is intended as a “continuous improvement document.” Therefore, your suggestions and recommendations for additions and revisions are encouraged.

The Diocese of Great Falls-Billings has implemented this *Code of Pastoral Conduct* in adherence to and in strict compliance with the *Charter for the Protection of Children and Young People, Revised Edition*<sup>1</sup> (*Charter*) and *Essential Norms for Diocesan/Eparchial Policies Dealing with Allegations of Sexual Abuse of Minors by Priests, Deacons, or other Church Personnel*<sup>2</sup> (*Norms*). The *Charter* and *Norms* are available on the Internet at <http://www.usccb.org/ocyp/charter.pdf>

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<sup>1</sup> The *Charter for the Protection of Children and Young People, Revised Edition*, United States Conference of Catholic Bishops, Washington, D.C., November 2002.

<sup>2</sup> The *Essential Norms for Diocesan/Eparchial Policies Dealing with Allegations of Sexual Abuse of Minors by Priests or Deacons*, United States Conference of Catholic Bishops, Congregation for Bishops, Washington, D.C., December 8, 2002. Note: The *Norms* were officially promulgated as particular law of the United States on December 12, 2002.



## I. Preamble

Priests, Parish Life Coordinators, deacons, pastoral ministers, administrators, staff, and volunteers in our parishes, religious communities/institutes, and organizations must uphold Christian values and conduct. The *Code of Pastoral Conduct* provides a set of standards for conduct in certain pastoral situations and is not an exhaustive list.

## 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 Diocese. Corrective action may take various forms—from a verbal correction to removal from the ministry—depending on the specific nature and circumstances of the offense and the extent of the harm.



## III. Pastoral Standards

### a. Conduct for Volunteers, Pastoral Counselors and Spiritual Directors<sup>3</sup>

*Pastoral Counselors, Spiritual Directors and Volunteers must respect the rights and advance the welfare of each person. When working with youth an open and trustworthy relationship must be maintained between youth and adult supervisors.*

- 1.1 Pastoral Counselors, Spiritual Directors and Volunteers shall not advise beyond their competence in counseling situations and shall refer clients to other professionals when appropriate.
- 1.2 Pastoral Counselors, Spiritual Directors and Volunteers should carefully consider the possible consequences before entering into a counseling relationship with someone with whom they have a pre-existing relationship (i.e., employee, professional colleague, friend, or other pre-existing relationship). [See Section 7.2.2].
- 1.3 Pastoral Counselors, Spiritual Directors and Volunteers should not audiotape or videotape sessions.
- 1.4 Pastoral Counselors, Spiritual Directors and Volunteers who are diocesan personnel 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, Spiritual Directors and Volunteers assume the full burden of responsibility for establishing and maintaining clear, appropriate boundaries in all counseling and counseling-related relationships.
- 1.6 Physical contact of any kind (i.e., touching, hugging, holding) between Pastoral Counselors, Spiritual Directors or Volunteers and the persons they counsel can be misconstrued and should be avoided.
- 1.7 Sessions should be conducted in appropriate settings at appropriate times.
  - 1.7.1 No sessions should be conducted in private living quarters.
  - 1.7.2 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.

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<sup>3</sup> Pastoral Counselors and Spiritual Directors: Clergy, staff, and volunteers who provide pastoral, spiritual, and/or therapeutic counseling services to individuals, families, or other groups.



- 1.8 Pastoral Counselors, Spiritual Directors and Volunteers should maintain a log of the times and places of sessions with each person being counseled.
- 1.9 Dress must always be modest.

### **b. Confidentiality**

*Information disclosed to a Pastoral Counselor, Spiritual Director or Volunteer 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. The obligation of Pastoral Counselors, Spiritual Directors and Volunteers 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 and to comply with the legal requirements of the State of Montana.
  - a) If there is clear and imminent danger to the client or to others, the Pastoral Counselor, Spiritual Director or Volunteer may disclose only the information necessary to protect the parties affected and to prevent harm.
  - b) Before disclosure is made, if feasible, the Pastoral Counselor, Spiritual Director or Volunteer should inform the person being counseled about the disclosure and the potential consequences.
- 2.2 Pastoral Counselors, Spiritual Directors and Volunteers should discuss the nature of confidentiality and its limitations with each person in counseling.
- 2.3 Records should be kept.
- 2.4 Knowledge that arises from professional contact may be used in teaching, writing, homilies, or other public presentations only when effective measures are taken to absolutely safeguard both the individual's identity and the confidentiality of the disclosures.
- 2.5 While counseling a minor, if a Pastoral Counselor, Spiritual Director or Volunteer 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, they should:
  - a) Attempt to secure written consent from the minor for the specific disclosure.



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

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

**These obligations are independent of the confidentiality of the seal of the Sacrament of Penance. Under no circumstances whatsoever can there be any disclosure by a priest—even indirect disclosure—of information received through the sacrament.**

### c. Conduct with Minors

*All personnel- i.e., professionals and volunteers - working with youth shall maintain an open and trustworthy relationship between youth and adult supervisors.*

- 3.1 Staff and volunteers must be aware of their own and others' vulnerability when working alone with youth. Use a team approach to managing youth activities. Adults are not to be alone with minors except in a situation where another adult could walk in at any time.
- 3.2 Physical contact with youth can be misconstrued and should occur only when completely nonsexual and otherwise appropriate, and never in private.
- 3.3 Adult participants must refrain from the illegal possession and/or illegal use of drugs and/or alcohol at all times.
- 3.4 Shared, private, overnight accommodations for individual young people including, but not limited to, accommodations in any Church-owned facility, private residence, hotel room, or any other place where there is no other adult supervision should not be provided. Clergy must not allow minors to stay overnight in the cleric's private accommodations or residence except for relatives with parental permission.
- 3.4.1 In rare, emergency situations, when accommodation is necessary for the health and well-being of the youth, extraordinary care should be taken to protect all parties from the appearance of impropriety and from all risk of harm.
- 3.4.2 A team approach will be used to manage emergency situations.
- 3.4.3 Two or more adults must be present for events involving minors in high-risk settings. The recommended ratio for chaperones / supervisors is 1:6.



- 3.4.4 Facilities must be monitored during all organization activities.
- 3.4.5 Children requiring transportation or escort may be released only to a parent, guardian or other person who has been authorized in writing to take custody of the minor(s).
- 3.4.6 Parental approval must be obtained before permitting children to participate in athletic events or any other activity that involves potential risk.
- 3.4.7 Only qualified adult drivers may transport minors. Appropriate permission must be received and all proper insurance forms must be completed and approved by the authority of the organization. Forms and procedures are obtained from the insurance provider of the Diocese.
- 3.4.8 Parental permission must be obtained, including a signed medical treatment form, before taking minors on trips. Medication of any kind may not be administered without written parental permission and original container with directions for use/dispensing.
- 3.4.9 Adult participants are required to abstain from drinking alcoholic beverages during the duration of the event, as well as during their travel to and from events.
- 3.4.10 Both adults and minors are expected to attend all activities with the entire group.
- 3.4.11 During all activities, especially a dance or other social event, chaperones shall remain and be available in the premises where the activity(ies) takes place.
- 3.4.12 On any trip, information will be distributed to chaperones / supervisors for review with all participants to help familiarize them with the program schedule and layout of the facilities where the event activities will take place.
- 3.4.13 A specific location must be designated where minors will be able to locate their chaperone/supervisor or where the group will meet at an agreed-upon time.
- 3.4.14 During overnight activities, chaperones/supervisors are responsible for establishing and enforcing curfew.
- 3.4.15 Chaperones/supervisors must check rooms after curfew to make sure that minors are in their rooms and remain there; one minor and one adult may **not** share a sleeping room.



### d. Sexual Misconduct and Montana State Reporting Requirements

*Clergy, staff and volunteers must not, for sexual gain or intimacy, exploit the trust placed in them by the faith community. It is the policy of this Diocese that this prohibition extends not simply to intimate physical relationships, but to any behavior intending to cause or resulting in illicit sexual gratification, regardless of the extent of physical contact. It is also the policy of this Diocese that clergy, religious, employees and volunteers shall at all times refrain from involvement in any relationship that gives the appearance of prohibited sexual behavior.*

- 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, religious, staff and volunteers who provide pastoral counseling or spiritual direction services must avoid developing inappropriately intimate relationships with minors, other staff, or parishioners. They must behave in a professional manner at all times.
- 4.3 In the context of this policy, sexual abuse of a minor includes: contacts or interactions between a minor and an adult, three or more years older than the minor, when the minor is being used as an object of sexual gratification for the adult. A minor is abused whether or not this activity involves explicit force, whether or not it involves genital or physical contact, whether or not it is initiated by the minor, and whether or not there is a discernible harmful outcome. These principles apply equally to cases involving the abuse of vulnerable adults.
- 4.4 No clergy, staff or volunteer may exploit another person for sexual purposes. It is the policy of this diocese that personnel shall refrain from any involvement in any relationship or contact whereby either party receives illicit sexual gratification regardless of the extent of physical contact. Personnel shall at all times refrain from behavior that “could cause scandal” (Canon 277, Section 2).
- 4.5 Allegations of sexual misconduct should be taken seriously and reported to the Victim Assistant Coordinator (VAC). In cases of sexual abuse of a minor, reporting should be made to the VAC and to civil authorities. The Diocesan procedures set forth herein will be followed to protect the rights of all involved.
- 4.6 Clergy, staff and volunteers are responsible to know contents of the child abuse regulations and reporting requirements for the state of Montana and will follow those mandates, including but not limited to the following from the Montana Code Annotated:





### Montana

**Agency:** Department of Public Health and Human Services

**Website:** <http://www.dphhs.mt.gov/cfsd/>

**State Statutes:** [http://leg.mt.gov/bills/mca\\_toc/](http://leg.mt.gov/bills/mca_toc/)

**Statute Citation:** Mont. Code Ann. § 41-3-201

**Statute Link:** [Statute Link](#)

**Procedure:** Contact department

**Hotline:** 1-866-820-5437

#### **e. Harassment**

*Personnel and volunteers must not engage in physical, psychological, written, or verbal harassment of anyone and must not tolerate such harassment by others.*

- 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 behaviors, including without limitation the following:
  - a) Physical or mental abuse.
  - b) Racial insults.
  - c) Derogatory ethnic slurs.
  - d) Unwelcome sexual advances or touching.
  - e) Sexual comments or sexual jokes.
  - f) Requests for sexual favors such as:
    - i. a condition of employment, or
    - ii. to affect other personnel decisions, such as promotion or compensation.
  - g) 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 will be taken seriously and reported immediately to the Victim Assistance Coordinator (VAC). Cases involving sexual abuse of a minor should also be reported to the VAC. Diocesan procedures will be followed to protect the rights of all involved.

**f. Parish, Religious Community/Institutional Records and Information**

Confidentiality will be maintained in creating, storing, accessing, transferring, and disposing of parish, religious community/institute, or organizational records. Employees who have been granted access to confidential records must follow diocesan policy.

**g. 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.*

- 6.1 All personnel and volunteers are required to disclose all relevant factors that could potentially create a conflict of interest. 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.
- 6.2 All employees and volunteers are required to inform all parties when a real or potential conflict of interest arises. Resolution of the issues must protect the person receiving ministry services.
- 6.2.1 No clergy, staff or volunteer may take advantage of anyone to whom they are providing services in order to further their personal, religious, political, or business interests.
- 6.2.2 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.
- 6.2.3 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:



- a) Clarify with all parties the nature of each relationship,
  - b) Anticipate any conflict of interest,
  - c) Take appropriate actions to eliminate the conflict, and
  - d) Obtain from all parties written consent to continue services.
- 6.3 Diocesan personnel are often in the position of representing the Bishop at the parish level and consequently may have a conflict of interest in terms of advocacy for staff personnel vis-à-vis the chancery; personnel are simply asked and reminded to exercise their best and most careful judgment in this regard.
- 6.4 Conflicts of interest may also arise when a Pastoral Counselor's or Spiritual Director's independent judgment is impaired by:
- a) Prior relationship or knowledge,
  - b) Personal involvement, or
  - c) Advocacy for one person against another.

In these circumstances where conflicts of interest have arisen, the Pastoral Counselor, Spiritual Director or Volunteer shall advise the party(ies) that he or she can no longer provide services and refer them to another Pastoral Counselor or Spiritual Director.

### **h. 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.*

- 7.1 The focus of the Diocese is prevention; however, part of achieving this goal requires that clergy, staff and volunteers hold each other accountable for maintaining the highest ethical and professional standards. When there is an indication of improper actions by any personnel, all personnel are required to notify the VAC; and, in cases of suspected sexual abuse of a minor, all personnel are required to contact civil authorities as well as the VAC. Any indication of illegal actions by volunteers should be reported to the proper civil authorities immediately and notification provided to the VAC.
- 7.2 When an uncertainty exists about whether a situation or course of conduct violates this *Code of Conduct* or other religious, moral, or ethical principles, consult with peers, others knowledgeable about ethical issues or the VAC.



7.3 When it appears that any personnel or volunteer may have violated this *Code of Conduct* or other religious moral, or ethical principles:

- a) Report the issue to a supervisor or next higher authority, or
- b) Refer the matter directly to the VAC and,
- c) Cases of sexual abuse of a minor should be referred to the VAC.

7.4 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.

7.5 Pornography

7.5.1 Accessing and viewing pornography or adult-only web sites is morally reprehensible, and accessing it using diocesan property is strictly forbidden under all circumstances.

7.5.2 All priests, deacons, parish life coordinators, administrators, staff and volunteers are obliged to report evidence of inappropriate behavior to the supervisor if it involves child pornography; the supervisor will cooperate with the VAC in notifying the civil authorities.

7.5.3 If there is evidence that a cleric is involved in accessing and viewing child pornography, the bishop should be notified immediately who will in turn notify the civil authorities and the Congregation for the Doctrine of the Faith.

### **i. Administration**

*All parties shall treat each other justly in the day-to-day administrative operations of their ministries.*

8.1 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*.

8.2 No clergy, staff, or volunteer shall use his or her position to exercise unreasonable or inappropriate power and authority.

8.3 Staff persons and volunteers providing services within the Diocese of Great Falls-Billings must read and sign the *Code of Pastoral Conduct* **before** providing services.



### **j. Staff Well-being**

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

- 9.1 Clergy, staff, and volunteers should be aware of warning signs that indicate potential problems with their own spiritual, physical, mental, and/or emotional health.
- 9.2 Clergy, staff, and volunteers should seek help immediately whenever they notice behavioral or emotional warning signs in their own professional and/or personal lives.
- 9.3 Clergy, staff, and volunteers must address their own spiritual needs. Support from a Spiritual Director is highly recommended.

### **IV. Contacting the Diocese of Great Falls-Billings**

To request information from the diocese on the Code of Pastoral Conduct, contact:

Director of Safe Environment Programs  
Catholic Pastoral Center  
P O Box 1399  
Great Falls, MT 59403-1399  
1-800-332-9998 toll-free  
1-406-727-6683

### **VICTIM ASSISTANCE COORDINATOR:**

Teresa Schmit  
406-750-2373

[VICTIMASSISTANCECOORD@GMAIL.COM](mailto:VICTIMASSISTANCECOORD@GMAIL.COM)