

# DIOCESE OF DALLAS

## Safe Environment Program

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## **SAFE ENVIRONMENT PROGRAM FOR DIOCESAN ENTITIES**

### **MISSION STATEMENT**

As Christian adults, we have a moral and legal responsibility and are entrusted by God with the spiritual, emotional and physical well-being of minors and vulnerable adults. As they participate in activities within or sponsored by our Diocese, it is our responsibility and commitment to provide an environment, which is safe and nurturing.

## **INTRODUCTION**

Because of the gravely serious nature of allegations of child abuse and sexual misconduct by Church personnel including volunteers, it is important that all diocesan personnel be informed about diocesan policy on the prevention of any such abuse and about the procedures that are followed when reports of child abuse or sexual misconduct by Church personnel are received. In addition this Booklet provides information on other procedures to promote a safe environment for diocesan entities.

## **PURPOSE**

The Catholic Diocese of Dallas has a program to reduce the risk of abuse in order to:

- Provide a safe and secure environment for minors and vulnerable adults in the faith communities within our Diocese.
- Assist the Diocese in evaluating a person's suitability to work with minors or vulnerable adults.
- Satisfy the concerns of parents and staff members.
- Provide a system to respond to the victims and their families, as well as the accused.
- Protect against the possibility of false accusations against clergy, employees and volunteers.
- Reduce the risk exposure of the parishes and the Catholic Diocese of Dallas.

## DEFINITIONS

(For the purposes of this statement only)

1. **Sexual Abuse means an unlawful form of sexual misconduct, whether it involves a minor or a vulnerable adult.**

*Sexual abuse of a minor includes sexual molestation or sexual exploitation of a minor and other behavior by which an adult uses a minor as an object of sexual gratification. Sexual abuse has been defined by different civil authorities in various ways. This policy adopts the definition provided in Texas civil law. The transgressions in question relate to obligations arising from divine commands regarding human sexual interaction as conveyed to us by the sixth commandment of the Decalogue. Thus, the norm to be considered in assessing an allegation of sexual abuse of a minor is whether conduct or interaction with a minor qualifies as an external, objectively grave violation of the sixth commandment (USCCB, Canonical Delicts Involving Sexual Misconduct and Dismissal from the Clerical State, 1995, p.6). A canonical offense against the sixth commandment of the Decalogue (CIC, c. 1395 §2; CCEO, c. 1453 §1) need not be a complete act of intercourse. Nor, to be objectively grave, does an act need to involve force, physical contact, or a discernible harmful outcome. Moreover, “imputability [moral responsibility] for a canonical offense is presumed upon external violation...unless it is otherwise apparent” (CIC, c. 1321 §3; CCEO, c. 1414 §2). Cf. CIC, canons 1322-27, and CCEO, canons 1413, 1415, and 1416.<sup>11</sup> Preamble, USCCB, Essential Norms for Diocesan/Eparchial Policies Dealing with Allegations of Sexual Abuse of Minors by Priests or Deacons.*

2. **Sexual Misconduct means:**

The following types of behavior by Church Personnel:

- a. Sexual contact between Church Personnel and a minor (“minor” as defined by the laws of the State of Texas).
- b. Sexual Harassment as defined by the Equal Employment Opportunity Commission (see page 7 in the Policy on Sexual Misconduct for the Diocese of Dallas).

- c. Sexual interaction between a Cleric and an adult (not the Cleric's spouse), whether initiated by one or the other, and whether or not consensual.
3. **Cleric** means men ordained to the Roman Catholic priesthood or diaconate and includes:
    - a. Clerics incardinated in the Diocese of Dallas
    - b. Clerics who are members of religious institutes and are assigned to pastoral work or teaching in the Diocese of Dallas
    - c. Clerics of other jurisdictions who are assigned to pastoral work or teaching in this Diocese
    - d. Clerics who seek incardination in this Diocese
    - e. Clerics who are retired or who request canonical faculties to do part-time or weekend-assistance ministry.
  4. **Diocese / Diocesan Entities** means the Roman Catholic Diocese of Dallas, including but are not limited to parishes, schools, agencies, and institutions with direct accountability to the Bishop of Dallas.
  5. **Church Personnel** means priests, deacons, lay Diocesan and Parochial employees and volunteers, independent contractors, women religious (sisters or nuns), religious brothers, seminarians and those enrolled in the Permanent Deacon Formation Program.
  6. **Minor** any person who has not reached his/her 18th birthday.
  7. **Norms** United States Conference of Catholic Bishops Essential Norms for Diocesan/Eparchial Policies Dealing with Allegations of Sexual Abuse of Minors by Priests or Deacons Approved by the Congregation for Bishops, December 8, 2002. See Appendix A.
  8. **Volunteer** means any unpaid person engaged in or involved in a Diocesan activity, and who is entrusted with the care and supervision of minors, and/or persons engaged or involved in ministry who have regular individual contact with vulnerable adults.
  9. **Child Abuse** means any form of infliction of injury to the detriment to a child's well being, physical, mental, moral, or emotional.
  10. **Vulnerable Adult** means any adult that is physically, mentally, or emotionally impaired, whether temporary or long-term, or that is disabled, or that is otherwise unable to function in one or more ways that results in an impaired ability to respond as a typical adult is expected to function.

11. **Safety Director** means the individual who oversees the Safe Environment Program.

12. **Safety Committee** means the committee responsible for implementing the Safe Environment Program.

## **REQUIREMENTS**

Each Diocesan entity shall:

1. Appoint a Safety Director (clergy, staff or volunteer) to oversee the Safe Environment Program.
2. Maintain a Safety Committee to implement the Safe Environment Program.
3. Implement the Safe Environment Program following the guidelines and procedures found in the Diocesan Safe Environment Program Booklet.
4. Maintain a response team to provide support for all parties if an incident should occur.

These are minimum requirements to protect our minors, vulnerable adults, clergy, staff, volunteers, and the Diocese.

## SCREENING PROCEDURES

All clergy, priests and deacons, are interviewed and all references are checked when they enter a formation program, either the seminary or the diaconate formation program. A written record is maintained in the Vocation or Diaconate Office. During formation candidates are observed and evaluated before progressing to ordination. A criminal background check is done on all candidates entering formation programs and updated every two years during formation.

The following screening procedures are to be used with staff and volunteers who work with minors and vulnerable adults. All collected information is to be treated as confidential.

- 1. Screening form.** All staff and volunteers must complete the screening form. Volunteers should have attended the parish for six months in order to become well known by the other adults and leaders. The pastor or his designate can grant a waiver of the six-month rule.
- 2. Employment application.** Those applying for a paid position must complete an employment application as well as screening form.
- 3. Reference Check.** Complete a reference check from the references listed on the screening form and application. Maintain a written record of each reference check using Form REF.
- 4. Interview.** Interview each new applicant using Form INT.
- 5. Criminal Background Check.** Conduct a criminal background check on clergy and staff. Also, conduct a criminal background check on all volunteers who work with minors and vulnerable adults. All criminal background checks must be updated every two (2) years through a Diocesan approved vendor (currently Accutrak).

Screening procedures clarification:

The following persons may be exempt from the six-month rule: ordained clergy, seminarians, deacons in formation class, ordered sisters, any paid staff, and entities needing volunteers from other faith communities or other Diocesan entities.

All ordered sisters, paid staff, and volunteers are subject to screening procedures (1) through (5).

## **CONFIDENTIALITY**

Like all personnel records, information obtained through the Screening Form, Employment Application, Reference Information, Interviews, Criminal Background Check, etc. should be kept confidential. It is recommended that all material be kept in a locked file cabinet and access to it be restricted to those who have a “need to know”. These materials should not be destroyed, but should be archived.

## **TRAINING PROCEDURES**

1. All new staff and volunteers must complete the initial Safe Environment Training.
2. All staff and volunteers must complete annual update of the Safe Environment Program Training.
3. Each diocesan entity should also provide regular and ongoing training for other safety issues.
4. Provide each new worker (paid or volunteer) with a copy of the Diocesan Safe Environment Booklet. Each worker is required to read the Booklet and sign the acknowledgment form.

## **SUPERVISION PROCEDURES**

1. Have adequate number of screened and trained adults present at events involving minors and vulnerable adults. Screened and trained adult supervision should increase in the proportion to the risk of the activity.
2. Monitor facilities during church services and all school or other activities.
3. In the absence of written consent, release children only to parent or guardian.
4. Obtain written parental permission, including a signed medical treatment form, before taking minors off campus.
5. Qualified drivers, who have passed all state requirements to drive the vehicle used and who have a safe driving record, will be the only ones

- who may drive any church or school vehicle or any other vehicle that has been chartered, rented or leased on behalf of the diocesan entity.
- 6.** Obtain written parental approval before permitting any minor to participate in organized athletic events or any activity that involves potential risk.
  - 7.** Have minors use a “buddy system” whenever they go on trips away from church property.
  - 8.** All adult leadership and sponsors must be screened and trained and must also be approved in advance by the appropriate chief administrator for any activities that involve risk.
  - 9.** Teen aides may not supervise minors without screened and trained adults present.
  - 10.** “Supervision” is considered to extend to periods before and after an event, including when minors are waiting for transportation outside the approved church entrance.

## BEHAVIORAL GUIDELINES FOR WORKING WITH MINORS

All clergy, staff and volunteers of the Diocese will observe the following guidelines for dealing with minors other than their immediate family.

1. No minor may reside in any church rectory or other living quarters of priests other than a son or daughter of the resident priest.
2. Only priests, seminarians or their immediate family members may be overnight guests in rectories.
3. Do not provide minors with alcoholic beverage, tobacco, drugs or anything that is prohibited by law.
4. Do not serve as a chaperone for activities that conflict with curfew laws pertaining to minors.
5. Touching should be age appropriate and based on the need of the minor and not on the need of the adult. Avoid physical contact when alone with a minor. If a minor initiates physical contact, an appropriate, limited response is proper.
6. Do not engage in the physical discipline of a minor. Discipline problems should be handled in coordination with your supervisor and/or the parents of the minor. Corporal punishment is **never** acceptable.
7. Do not be alone with a minor in a residence, sleeping facility, locker room, rest room, dressing facility, or other closed room or isolated area that is inappropriate to a ministry relationship.
8. Do not take an overnight trip alone with a minor who is not a member of your immediate family.
9. Do not sleep in the same hotel room with a minor. If adult supervisors stay in a dorm room or other sleeping room with a group of minors, the two supervisors must sleep in their own beds using a roll away or cot if necessary.
10. Topics, vocabulary, recordings, films, games or the use of computer software or any other form of personal interaction or entertainment that could not be used in the presence of parents should not be employed with minors. Sexually explicit or pornographic material is never appropriate.
11. Do not administer medication of any kind without written parental permission.

- 12.** If you recognize inappropriate personal or physical attraction developing between yourself and a minor, maintain clear professional boundaries between yourself and the minor or refer the minor to another adult supervisor.
- 13.** If one-on-one pastoral care of a minor should be necessary, avoid meeting in isolated environments. Schedule meetings at times and use locations that create accountability. Limit both the length and number of sessions, and make appropriate referrals. Notify parents of the meetings.
- 14.** Do not give minors keys to a diocesan entity.
- 15.** Do not drive a church or school vehicle unless you have received prior authorization and have the appropriate license and/or certification.
- 16.** Do not permit minors to cross a road by themselves while they are in your custodial care.
- 17.** Do not take photographs of minors while they are unclothed or dressing (e.g., in a locker room or bathing facility).
- 18.** If you observe anyone (adult or minor) abusing a minor, take appropriate steps to immediately intervene and to provide a safe environment for the minor. Report the misconduct (see Reporting Procedures).
- 19.** If you are accused of engaging in inappropriate conduct, immediately notify the Diocese (Chancellor or Safe Environment Director.)
- 20.** Having two or more screened and cleared adults present will reduce the probability of false accusations.

## DISQUALIFYING OFFENSES

No person may serve with minors and vulnerable adults if he or she has ever been convicted of any disqualifying offense, been on probation or received deferred adjudication for any disqualifying offense, or has presently pending any criminal charges for any disqualifying offense until a determination of guilt or innocence is made, including any person who is presently on deferred adjudication.

Disqualifying offenses are:

1. A **felony or misdemeanor** classified as an Offense against the Person or Family or involves an offense against the person or family.

**Examples:** Offenses against a person include, but are not limited to, murder, assault, sexual assault, and abandoning or endangering a child or vulnerable adult. Offenses against the family include, but are not limited to bigamy, incest, and interference with child custody, enticing a child, and harboring a runaway child.

2. A **felony or misdemeanor** classified as an Offense against Public Order, Safety, or Decency.

**Examples:** Offenses against public order or decency include, but are not limited to prostitution, obscenity, sexual performance by a child, and possession or promotion of child pornography.

3. A **felony** violation of any law intended to control the possession or distribution of any substance included as a controlled substance in the Texas Controlled Substance Act.

4. A **felony or misdemeanor** classified as an Offense against Property, to the extent that those offenses are related to threats or risk of harm or violence.

Examples: Offenses against property include Robbery, Burglary of a Habitation, and Arson. Other offenses, such as theft by check, or fraud would not ordinarily be considered Disqualifying Offenses.

5. A **felony** Computer Crime of online solicitation of a minor
6. A **felony or misdemeanor** Offence against Public Health, Safety and Morals, involving illegal possession or use of weapons.

Examples: Disqualifying Offenses would include unlawful weapons

charges, including illegal weapons, bombs and illegal carrying of weapons.

The foregoing lists of offences describe categories from the Texas Penal Code. The categories of offenses may be slightly different in other states. In summary, any offense which in the discretion of the Diocese would impact health and safety would be a disqualifying offense.

7. Refer to page 15 for the Appeal Process.

## REPORTING PROCEDURES

### **Mandate to report under the policy of the Diocese of Dallas:**

The Diocese, through its diocesan entities, has numerous daily contacts with many minors. It is, therefore, most important that all persons responsible for the care of minors, particularly all staff members of diocesan entities, protect the rights of minors and be alert to the possibility for abuse. It is the policy of the Diocese of Dallas not only to fulfill the reporting law but to cooperate fully with the investigating civil authorities.

Individuals must report incidents of abuse or suspicions of sexual misconduct or sexual harassment. Situations involving abuse of minors must be reported to **the Texas Department of Family and Protective Services** at **1-800-252-5400** or in emergency to the appropriate police authority, usually by calling 911.

Individuals with knowledge about violations of Diocesan policy should call the Chancellor or the Safe Environment Director of the Diocese at 214-528-2240, or they may write to them at the Diocese of Dallas, P.O. Box 190507, Dallas, TX 75219.

A report to the Diocese does not relieve the individual from reporting abuse as required by the Texas State Law.

### **Mandate to report under state law:**

The Texas law is very specific on reporting suspected abuse:

**§ 261.101. Persons required to report; time to report,** the Texas Family Code, states:

a) A person having cause to believe that a child's physical or mental health or welfare has been or may be adversely affected by abuse or neglect by any person shall immediately make a report.

b) If a professional has cause to believe that a child has been or may be abused or neglected, the professional shall make a report not later than the 48<sup>th</sup> hour after the professional first suspects that the child has been or may be abused or neglected. A professional may not delegate to or rely on another person to make the report. In this subsection "professional" means an individual who is licensed or certified by the state or who is an employee of a facility licensed, certified, or operated by the state and who, in the normal course of official duties or duties for which a license or certification is required, has direct contact with children. The term includes teachers, nurses, doctors, and day-care employees.

c) The requirement to report under this section applies without exception to an individual, whose personal communications may otherwise be

privileged, including an attorney, **a member of the clergy**, a medical practitioner, a social worker, or a mental health professional.

d) The identity of an individual making a report under this chapter is confidential and may be disclosed only on the order of a court or to a law enforcement officer for purposes of conducting a criminal investigation of the report.

**§261.106. Immunities, states:**

a) A person acting in good faith who reports or assists in the investigation of a report of alleged abuse or who testifies or otherwise participates in a judicial proceeding arising from a report petition or investigation of alleged child abuse or neglect is immune from civil or criminal liability.

## THE APPEAL PROCESS

Any person who applies and is not accepted as a member of the clergy, or is released as a member of the clergy, an employee or a volunteer, for any reason under these guidelines, will have a right of appeal as set forth in the Appeal Process.

If non-acceptance is based on the criminal background check for clergy, employees and volunteers:

The applicant shall be given the name and address of the agency reporting the criminal history of such applicant, so that he or she will have the opportunity to obtain a similar report from such agency. In the event that such report is obtained by the applicant and he or she reasonably believes that an error has been made by the reporting agency or independent agent, then, upon written request, a second criminal background check shall be obtained and the application reconsidered.

If non-acceptance is based on the criminal background check for employees and volunteers:

the Pastor and/or Principal where the applicant is applying may make a written appeal on behalf of the applicant to the Safe Environment Director. The appeal will be reviewed by the Safe Environment Director, Chancellor and three members of the Safe Environment Committee. The review by this group will be final and a written answer will be sent to the Pastor and/or Principal that made the appeal request. A written record of the appeal and the final decision will be maintained by the appealing location and the Safe Environment Director.

If non-acceptance is based upon the interview process for a volunteer:

The applicant, upon written request, shall have the right to have a second interview and to have his or her application reconsidered by an Appeals Committee at the local diocesan entity within 3 months after the date of the non-acceptance.

If the individual is released for failure to follow the Code of Conduct or these Policies and Procedures:

The applicant upon written request will have the right to be reconsidered as a minister/volunteer by an Appeals Committee at the local diocesan entity after 12 months from the date of release.

## ACKNOWLEDGMENT

This Safe Environment Program Booklet has been prepared as a guide to assist you when working with minors and vulnerable adults in the Diocese of Dallas. The information contained in this manual establishes rules and guidelines and should not be construed in any way as a contract of employment or continued employment. The Diocese reserves the right to make changes in the content or application of this booklet and to implement those changes with or without notice.

I have received a copy of the Safe Environment Program Booklet for the Diocese of Dallas. I have also received a copy of the Sexual Misconduct Policy and the Ministerial Code of Conduct. I understand it is my responsibility to become familiar with and adhere to the policies and procedures contained therein. I understand that this booklet is the property of the Diocese of Dallas.

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Print Name

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Signature

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Date