

DIOCESE OF SAGINAW
CODE of CONDUCT for PERSONNEL WORKING with
CHILDREN, YOUNG PEOPLE, and VULNERABLE ADULTS



The purpose of the *Diocese of Saginaw Code of Conduct for Personnel Working with Children, Young People, & Vulnerable Adults* (hereafter *Code of Conduct*) is to provide a safe environment for minors and vulnerable adults who participate in ministries and activities in the parishes and schools of the Diocese of Saginaw (hereafter Diocese), by setting forth diocesan standards of behavior and appropriate boundaries for all clergy, seminarians, religious, diocesan and parish employees, educators and volunteers.¹

It is expected that all persons who perform ministry, educate, or participate in activities within the Diocese will adhere to this *Code of Conduct*.

In addition, all individuals (clergy, religious, and laity) who are employed by diocesan organizations and all church volunteers who have contact with minors in any diocesan organization must comply with the background screening process and training requirements as set forth in the *Policy for the Protection of Children, Young People and Vulnerable Adults in the Diocese of Saginaw (Rev. 2022)*.

I. Introduction

In order to foster and maintain an atmosphere of trust and safety in its ministries and programs for all people, including minors and vulnerable adults, the Diocese of Saginaw has established this *Code of Conduct*. Priests, deacons, religious, lay employees, educators and volunteers who conduct themselves appropriately in public and in private inspire and motivate others to behave in the same manner. If persons who hold positions of trust in the Church behave inappropriately, they may cause harm to others, scandalize them, and undermine their faith.

Personnel of the Diocese must recognize the serious responsibilities that accompany their work. Personnel who have contact with minors and vulnerable adults must continually be aware of their own vulnerabilities, as well as the vulnerabilities of others. God's goodness and grace will support all people in their proper choices of conduct and attitude.

¹ "There are to be clear and well-publicized diocesan/eparchial standards of ministerial behavior and appropriate boundaries for clergy and for any other paid personnel and volunteers of the Church with regard to their contact with minors." (*Charter for the Protection of Children and Young People*, Article 6, Rev. June 2018, United States Conference of Catholic Bishops (USCCB))

The Diocese requires all Personnel to maintain high standards of professional, ministerial, and ethical behavior in all interactions, whether in person, in remote, technology-based interactions, or through social media and electronic communications.

Responsibility for observing this *Code of Conduct* rests with the individual. Persons who violate the *Code of Conduct* will be subject to remedial action that may range from a verbal reprimand to removal from ministry, employment or volunteer service, according to the specific nature and circumstances of the offense and the extent of any harm done. In such matters involving clergy, the USCCB's *Charter for the Protection of Children and Young People* and the accompanying *Essential Norms for Diocesan/ Eparchial Policies Dealing with Allegations of Sexual Abuse of Minors by Priests or Deacons* will also govern the Diocese's response.

This *Code of Conduct* does not presume to provide the answers to all ethical questions for individuals who provide care for minors and vulnerable adults, but it is intended to delineate boundaries by which ethical issues can be evaluated. If a person is unsure if a particular act or communication with a minor or vulnerable adult is appropriate, the person may seek the advice of the Bishop's Delegate for Safe Environment.

II. Definitions

- **Child abuse** is a non-accidental physical, sexual, emotional or psychological injury that is inflicted upon a minor.
- **Child neglect** is the refusal or deliberate failure to provide a minor with basic needs, including, but not limited to food, clothing, education, housing, and medical care. The term "abuse" shall include reference to "neglect" in this *Code of Conduct*.
- "**Contact with minors**" for purposes of this Code of Conduct is defined as in-person or virtual presence by Personnel with minor(s) for which there is a responsibility, such as a chaperone, catechist, hall monitor, classroom volunteer, usher, or music director.
- A **minor** is anyone under the age of eighteen (18).
- **Sexual abuse of a minor** is described as sexual molestation or sexual exploitation of a minor. This includes, but is not limited to, sexual contact with the intimate parts (genital area, groin, anus, inner thighs, buttocks or breasts) of a minor, deliberate touching of the intimate parts of a minor, requesting that the minor touch the intimate parts of the adult, exposing the intimate parts of the adult to a minor, or requesting that the minor expose his or her intimate parts.
- **Sexual abuse of a minor also includes** the use, viewing, creation, or distribution of pornography or the use, viewing, creation, or distribution of pornography in the presence of a minor.

- **Personnel** includes all persons (clergy, religious and laity) who are employed and all parish and school volunteers who have regular or frequent contact with minors in any diocesan organization.
- **Vulnerable Adult** is described in Michigan law as a person with: “a condition in which an adult is unable to protect himself or herself from abuse, neglect, or exploitation because of a mental or physical impairment or because of advanced age.” (MCL 400.11(f))

In the motu proprio, *Vos estis lux mundi* (Pope Francis, May 9, 2019), a vulnerable adult is defined as: “any person in a state of infirmity, physical or mental deficiency or deprivation of personal liberty that, in fact, even occasionally, limits their ability to understand or to want or otherwise resist the offense.” (Art 1, §2)²

III. Standards regarding Conduct with Minors and Vulnerable Adults

Abuse of minors and vulnerable adults is contrary to state and federal law and to the teachings of the Church and is never permissible. Personnel must actively protect minors from all forms of abuse by ensuring that their communications and interactions with minors and vulnerable adults reflect personal and professional integrity. Personnel are expected to maintain open and trustworthy relationships with minors and adult supervisors.

The Diocese is committed to fostering a climate characterized by professional and ethical conduct free of abusive behavior, discrimination and conflict of interest. The following standards are intended to assist Personnel in prospectively and retrospectively evaluating interactions with minors and vulnerable adults.

1. General Standards: Conduct with Minors

- 1.1 Activities with minors are to be conducted with the knowledge and consent of parents or legal guardians. Supervisors are encouraged to make unannounced visits to any program, class, activity, or ministry, including on-line communications, in order to monitor the professional conduct of Personnel.
- 1.2 Personnel must avoid any impression, through actions or communications, of having a minor or minors as favorites or targeting a minor for ridicule or discipline.
- 1.3 Personnel are to release minors in their care only to parents or guardians, or other persons properly designated by parents or guardians. Personnel must remain with minors until completion of a class, activity, event, etc. Minors shall not be left unattended or unsupervised.

² The Diocese of Saginaw recognizes both definitions of “vulnerable adult”.

- 1.4 Two adults should be present with minors whenever possible. Personnel should take measures to safeguard both professional/ministerial integrity and the safe environment setting in exceptional situations (such as counseling or Sacrament of Penance or medical emergencies) in which two adults are not present.
- 1.5 Personnel are prohibited from the use, possession, or being under the influence of alcohol and controlled or illegal substances while with minors. Personnel are also prohibited from furnishing tobacco, alcohol, controlled or illegal substances to minors, or permitting the use of these substances in their presence.
- 1.6 Personnel will not typically administer any medication to a minor without written permission from a parent or legal guardian.
- 1.7 Personnel may occasionally provide transportation for minors, subject to the following conditions:
 - a. Two adults must be present when transporting minors except in urgent circumstances.
 - b. Written permission is obtained from the minor's parent or guardian except in emergency circumstances in which immediate contact is to be made with a parent or guardian.
 - c. Minors are to be transported directly to their destination.
 - d. Adults must follow all transportation standards from Catholic schools, parish religious education programs, and/or the diocesan events coordinator(s).
- 1.8 Personnel are to speak to minors in a respectful manner.
 - a. Personnel are prohibited from speaking in a way that is abusive or demeaning to minors.
 - b. Personnel will refrain from using inappropriate language and humor in the presence of minors.
- 1.9 Personnel will not engage in any sexually-oriented conversations with minors.
 - a. Educators may address human sexuality issues in an age-appropriate manner.
 - b. If minors have other questions not answered by teachers/curriculum, they are to be referred to their parents or guardians.
- 1.10 Personnel are never to be undressed in the presence of minors. Use of changing and showering facilities for adults are to be scheduled separately from minors.
- 1.11 Personnel are prohibited from possessing sexually oriented materials (e.g., magazines, cards, videos, films, clothing) or accessing similar materials on any electronic media in the presence of minors or on Church property.

- 1.12 With the exception of family members, adult chaperones on overnight trips are not permitted to sleep in the same room as a minor. If, in an exceptional circumstance, sleeping is arranged in such settings as gymnasiums, the sections are to be cordoned off in a manner that respects privacy, and the minor's parent or guardian is aware of the arrangement and has provided written permission.
- 1.13 Priests, unmarried deacons, religious, and seminarians must not allow an unrelated minor to stay in their private accommodations or residences unless the minor's parent or guardian is present. Married deacons, staff and volunteers may not share overnight accommodations with an unrelated minor unless another adult is present.
- 1.14 Unless a licensed therapist requires otherwise, counseling and classroom areas must have transparent windows or open doors.
- 1.15 Personnel who visit the homebound, especially individuals who live alone or are frequently alone at the time of visits, are encouraged to do so in the company of another adult whenever possible. They are highly encouraged, but not required, to participate in Safe Environment education.
- 1.16 Personnel are prohibited from providing or receiving expensive or excessive gifts from an unrelated minor without the permission of the parent or guardian. Exchanges of modest, appropriate gifts between groups of minors, volunteers, or staff in ordinary diocesan, parish, or school settings are permitted.

2. Standards regarding Counseling, Teaching, and Chaperoning Minors or Vulnerable Adults

- 2.1 Pastoral and professional work must occur in appropriate settings and at appropriate times, avoiding even the appearance of impropriety. Private accommodations and residences are not to be used for pastoral and professional work.
- 2.2 Another adult must be in close proximity during the counseling, conference, educational sessions, and while chaperoning, if possible.
 - a. In Personnel situations where the presence of another adult is not usual or practical (e.g. music lesson, disciplinary meeting with a teacher), another adult is to be informed that the meeting will be taking place.
 - b. Clear glass must make the setting visible or the door is to be left open.
- 2.3 A minor's parent(s) or guardian must be aware of a private counseling, conference or educational session unless there is a serious, legally recognized reason to preclude it.

- 2.4 The relationship between the minor or vulnerable adult and the counsellor, teacher or chaperone must remain professional.
- 2.5 Personnel must not work beyond their competence and are to refer minors and vulnerable adults to other professionals or to their parents/guardians when appropriate.

3. Standards regarding Physical Contact with Minors and Vulnerable Adults

- 3.1 Touching a minor must be age appropriate and based on the need of the minor and not on the need of the adult. Physical contact must be avoided when alone with a minor.
- 3.2 Personnel are not to engage in the physical discipline of a minor. Discipline issues must be addressed in coordination with a supervisor and/or a parent/guardian.
- 3.3 Permissible physical contacts with minors or vulnerable adults include: brief side hugs or an arm around the shoulder; brief pat on the shoulder /upper back; high fives; holding hands while walking with young children and unsteady persons; brief touching of hand, head, shoulder or arm. An exception is when providing personal hygiene care for individuals who are not able to care for themselves.
- 3.4 Non-permissible physical contacts include (but are not limited to): tickling; rough housing and/or wrestling; prolonged hugs; piggyback rides; any type of massage; and unwanted acts of affection.

4. Standards regarding Program Supervision of Minors and Vulnerable Adults

- 4.1 Parents/guardians are encouraged to be part of or observe services and programs that involve their children, including on-line activities.
- 4.2 Programs must follow policies, including the policies established by parishes, schools, the Office of Catholic Schools, and by diocesan offices responsible for faith formation, youth ministry, special events, etc.
- 4.3 Programs must have a minimum of two adult chaperones. Larger groups must have at least one adult chaperone for every ten minors. It is recommended that two adults (or more) always be present or in proximity when minors are involved in a church or school building or program.
- 4.4 Personnel are not to post pictures and videos of minors taken in non-public places without parental consent and are not to post personal information of minors.

- 4.5 Parents and guardians are to be made aware of the use of technology in communications and they are to have access to all communications between their minors and Personnel.
- 4.6 Communications between Personnel and unrelated minors must only be for ministerial, administrative, or educational purposes.
- 4.7 Personnel must maintain appropriate boundaries with minors and vulnerable adults, including in the use of electronic devices or web-based media.
- 4.8 Personnel must communicate to minors in a group message or public forum. Any private, one-to-one communication initiated with a minor must be in a forum which is open to be shared with the parent/guardian and the program supervisor.
- 4.9 Staff members should use the employer-approved email accounts when communicating with minors or vulnerable adults.

5. Standards regarding Reporting Abuse of Minors or Violations of the Code of Conduct

- 5.1 All Personnel who are mandated reporters under Michigan law³ must report any situation in which they suspect that a minor is being abused or neglected to Child Protective Services or law enforcement. All other persons in positions of trust with minors and vulnerable adults are strongly encouraged to report their suspicions to CPS or law enforcement as well.
- 5.2 All Personnel are required to document any action or communication they learn of or observe that may be a possible violation of the Code of Conduct by other Personnel.
- 5.3 All Personnel are required to report possible violations of the Code of Conduct by other Personnel to the immediate supervisor of the possible violator. If the immediate supervisor fails to take appropriate action or if there is a reasonable belief that the supervisor has failed to take appropriate action, Personnel are to report the matter to the supervisor's superior.

IV. Distribution of the Code of Conduct

This Code of Conduct replaces the *Standards of Ministerial Behavior for Those Working with Children and Young People*. The Code of Conduct and all future versions will be posted on the diocesan website. It is to be provided to all Personnel and to diocesan/parish/school volunteers who have contact with minors. Upon receipt of the Code of Conduct, all Personnel must agree to comply with the *Code of Conduct*; this agreement is retained as part of the Safe Environment records.

³ Michigan Child Protection Law, Act 238 of 1975, Amended 1988, Act 372, Eff. Mar. 30, 1989.