

## **SECTION 20: GENERAL POLICIES**

### **20.1 PROHIBITED POLITICAL ACTIVITY**

Some of the following is a brief summary of the advice obtained from the Office of the General Counsel of the USCCB and adapted for use in the Archdiocese of New Orleans. Pastors of parishes and administrators of tax-exempt Catholic institutions should exercise particular care to make certain these policies are observed. All questions should be referred to the Office of the Vicar General or Chancellor.

#### **20.1.1 GENERAL PRINCIPLES**

The right to participate in the political process is a fundamental Constitutional liberty that extends to churches and other religious organizations no less than to secular institutions and private citizens. Catholic bishops have consistently urged broad participation in the political process by all segments of the population. Bishops have a unique role as teachers and pastors that involves them in educating on Church dimensions, analyzing issues for their social and moral dimensions, participating in public policy debate, and speaking out on issues involving human rights and social justice.

It is important to note that the bishops have expressly disavowed the intent to form a religious voting block or to instruct people on how they should vote by endorsing or opposing candidates. Rather, the bishops emphasize the citizen's responsibility to examine the positions of candidates on the full range of issues, as well as their personal integrity, philosophy, and performance.

#### **20.1.2 LOBBYING ACTIVITIES**

Lobbying includes contacting (direct lobbying) *or* urging the public to contact (grassroots lobbying) members of a legislative body, whether federal, state or local, for the purpose of proposing, supporting, or opposing legislation or advocating adoption or rejection of legislation. Such lobbying to be legal must be germane to the religious identity of a Church organization. Also, it must not constitute a substantial part of the total activities of the Church organization. Before any lobbying effort is undertaken, advice of the Executive Director of the Louisiana Conference of Catholic Bishops (LCCB) and archdiocesan legal counsel must be obtained.

#### **20.1.3 POLITICAL CAMPAIGN ACTIVITIES**

Church organizations may not at any time participate in, or intervene in (including the publishing or distributing of statements), any political campaign on behalf of, or in opposition to, any candidate for public office.

#### **20.1.4 VOTER EDUCATION**

Voter education refers to distribution during an election campaign of newsletters, pamphlets or other materials, including candidates' statements, incumbents' voting records, and the results of candidate polls or questionnaires. All polls, questionnaires, voter guides and voting records, etc., are to be reviewed by archdiocesan internal legal counsel prior to publication or distribution.

#### **20.1.5 NONPARTISAN VOTER REGISTRATION DRIVES**

Parishes may sponsor voter registration drives and encourage citizens to exercise their right to vote, provided no bias for or against any candidate or political party is evidenced in any way. Such drives cannot distribute any partisan political literature, register only voters supporting a particular candidate or be in conjunction with any political campaign effort.

#### **20.1.6 DEBATES AND LECTURES**

It may be permissible for a parish or Catholic institution to sponsor unbiased public forums, debates and lectures. Since this may be done only under conditions of complete impartiality, a public candidate forum, debate or lecture may not be sponsored without the prior written permission of the Archbishop or the Vicar General. Under no situation may any candidate for a public office be invited to speak at a church event or worship service without the prior written permission of the Vicar General.

#### **20.1.7 USE OF CHURCH FACILITIES**

Church facilities cannot be used for any meeting, lecture or other activity sponsored by any political party or candidate. Parish and other church facilities may not be used for any activity related to the support of or opposition to any candidate for political office nor as forums for partisan debate. The pulpit is never to be used by office holders or candidates to advance their views or their political positions nor as the forum for any individual to support or oppose a candidate for public office.

#### **20.1.8 ENDORSEMENTS**

Parishes and Catholic institutions may not make statements (oral or written) supporting or opposing any candidate for public office in any manner, such as, sermons, parish bulletins, distribution of sample ballots, etc. Further, no statements may be made which label a certain candidate, such as referring to the candidate as pro-abortion or anti-peace, etc. Parish bulletins, parish publications, parish letterheads are never to be used to support or oppose a candidate for public office or to endorse or oppose a specific political party. The distribution of marked sample ballots or of posting of political signs or billboards must not be permitted on church property. The archdiocesan newspaper, parish bulletins, and other parish or archdiocesan sponsored publications are not to accept political advertising in support of or opposition to any candidate for public office or in support of or opposition to a political party.

#### **20.1.9 FINANCIAL SUPPORT**

No parish or Catholic institution may provide financial support to any candidate, political action committee, or political party. Nor may it provide volunteers, facilities, mailing lists, church special collections or the endorsement of financial support by others. Nor may support be given to individuals or organizations opposing a particular candidate or political party. No funds or in kind donations from any parish or archdiocesan entity are to be contributed to any political action committee, political candidate, political campaign or party. Political education communications which suggest, directly or indirectly, that a particular candidate or party is endorsed or opposed are not to be signed, supported, or financed by any parish or archdiocesan entity, nor may such communications be distributed on church property.

#### **20.1.10 PARTISAN CAMPAIGN LITERATURE**

No parish or Catholic institution may distribute or authorize distribution of campaign literature or other campaign material on its premises, including parking lots.

#### **20.1.11 PENALTIES**

The violation of these policies by any parish or Catholic institution may result in revocation of its tax exempt status by the I.R.S. and consequent loss of deductible contributions. The I. R. S. may also impose additional penalties upon the parish or institution as well as personal penalties upon the pastor of the parish or administrator of the institution.

#### **20.1.12 ACCEPTABLE ACTIVITIES**

Parishes and other church institutions may, and in some cases should, engage in issue-oriented public activities. As a general rule, limitations on the extent of such activities would not be a problem for parishes and institutions, since these would constitute an insubstantial part of their total work. The following are examples of acceptable activities:

- Educational efforts about issues and in support or opposition to legislation.
- Encouragement of letter writing campaigns and other contacts with state and federal legislators designed to educate them and to develop support or opposition to legislation.
- Distribution of printed materials containing a statement about an issue or issues before the Congress or the Louisiana Legislature and containing the names and addresses of senators and representatives.
- Religious and moral instruction (verbal, printed, published) concerning particular issues, especially those affecting human life.

## **20.2 POLICY ON THE DISTRIBUTION OF PRINTED MATERIALS AND ELECTIONEERING IN THE PROVINCE OF LOUISIANA**

All printed materials handed out on church property or distributed through church offices must have originated from one of three sources:

- The United States Conference of Catholic Bishops
- The Louisiana Catholic Conference.
- The local bishop.

This policy specifically prohibits the distribution of voter guides by organizations that represent themselves as Catholic but are not officially part of the Church. While these groups may be well intentioned, they frequently do not represent the full range of issues that the Church formally takes positions on. It is important that the Church be seen as impartial with respect to the election of candidates for political office.

Additionally, no church property may be used for partisan electioneering purposes by political

candidates. However, parishes can hold nonpartisan candidate forums, parish voter education programs, and voter registration drives on church property.

Practical advice on how to conduct such activities can be found in the Faithful Citizenship portion of the USCCB website at [www.usccb.org/faithfulcitizenship](http://www.usccb.org/faithfulcitizenship). The diocesan attorney should be contacted for a review of planned activities. There are specific Internal Revenue Service regulations that must be followed. Activities must be scrupulously nonpartisan.

(This policy will be carried out at the diocesan level in accordance with local diocesan policy).

## **20.3 NEWS AND ENTERTAINMENT MEDIA**

### **20.3.1 INTERVIEWS**

The news media play a prominent role both in what is reported to the public and how it is reported. Increasingly, members of the clergy and other church personnel are approached by the media often with little or no prior notice - requesting coverage of a church function or for an interview on a matter affecting the church.

The Archdiocesan Office of Communications is available at all times to offer advice and counsel on such requests, even on a last-minute basis. Clergy and other church personnel must contact the Office of Communications for advice before granting interviews to the media.

### **20.3.2 USE OF CHURCH FACILITIES OR PROPERTY BY THE MEDIA**

It is the general policy of the Archdiocese of New Orleans not to allow the use of church owned facilities (e.g. churches, schools, institutions, cemeteries) for the shooting of scenes for movies or TV commercials. This policy exists because the Church can never be certain how the footage will be used or reused. Pastors and administrators must obtain the approval of the Archbishop or the Vicar General prior to approving any requests for the use of church owned facilities for the shooting of scenes for movies or TV commercials.

## **20.4 PROTOCOL FOR RESPONDING TO TRAGIC EVENTS OR ACCIDENTS**

The following protocol is established in the Archdiocese of New Orleans for responding to tragic events or accidents:

- When a tragic event or accident occurs, a representative of the entity in charge (parish, school, agency, office) will reach out to the injured person and his/her family in a pastorally sensitive way as soon as possible, preferably on the same day.
- A representative of the entity in charge will report the event or accident to the Executive Director of the appropriate department (Department of Clergy, Religious, Christian Formation, Community Services, Pastoral Services, Finances) or to the Vicar General as soon as possible, preferably on the same day.

- The Executive Director of the Department involved will immediately contact the Director of the Office of Communications for the Archdiocese to advise the occurrence of the event or accident.
- The Executive Director of the Department that is involved will ask the pastor, principal, agency head, or office head to immediately communicate the circumstances of the event or accident to Archdiocesan Legal Counsel.
- The Executive Director of the Department that is involved will ask the pastor, principal, agency head or office head to immediately communicate the circumstances of the event or accident to the Archdiocesan Insurance Office.
- After consulting with Legal Counsel and the Insurance Office, and as soon as possible, the pastor, principal, agency head or office head will report back to the Executive Director regarding the legal and insurance issues involved. After that, the Executive Director will, as necessary, communicate with the Archbishop or the Vicar General in order to outline a response which will recognize the legal/insurance considerations, but will be primarily pastoral.

## **20.5 HONORS, AWARDS, OR PLATFORMS BY PARISHES OR CATHOLIC INSTITUTIONS**

In June 2004, the bishops of the United States adopted a major statement, titled *Catholics in Political Life*. In that statement, the bishops declared: “The Catholic community and Catholic institutions should not honor those who act in defiance of our fundamental moral principles. They should not be given awards, honors or platforms which would suggest support for their actions.” The following clarifications will guide the application of this principle to the Archdiocese of New Orleans.

- An “honor” is a public recognition and/or commendation for public service, community activities, contributions to the Church or Church institutions. (This includes honorary degrees or public awards or recognition for services, significant talks, featured roles in major celebrations, commencement addresses).
- “Platform” which suggests support for actions in defence of the Church’s moral principles means a forum or an event where the person is a speaker on an issue where he or she directly contradicts Catholic moral teaching or is a featured speaker on another issue and there is no public, clear statement acknowledging areas of fundamental disagreement.
- Platforms which do not of themselves suggest support for actions in defiance of Catholic teaching and therefore are permissible are:

- Participation in non-partisan candidate forums
  - Attendance at events whose primary purpose is to help public figures to learn about or support Catholic public policy priorities.
  - Attendance at events where a public official is present primarily in an exercise of public office.
- Special occasions wherein public civility permits the participation of public officials who have taken actions in defiance of Church teaching:
    - Ribbon-cutting when the public official played a role in obtaining funding
    - Installations, funerals or similar occasions
    - Crises situations in support of collaborative efforts to provide responses

## **20.6 PROTOCOL FOR ECCLESIAL MOVEMENTS EXERCISING APOSTOLIC ACTIVITY IN THE ARCHDIOCESE OF NEW ORLEANS**

- When an ecclesial movement with pontifical approval seeks to exercise apostolic activity in the Archdiocese, there must be explicit contact with the Archdiocese in the person of the Vicar General and the Executive Director of Pastoral Services. Apostolic activity may only be undertaken in a parish with the approval of the pastor, and only in a school or university with the approval of the campus minister or other appropriate administrator.
- The leadership of the ecclesial movement will be responsible for providing sound theological and spiritual formation for its members, who will not attempt to evangelize or minister beyond the limits of their formation. The ecclesial movement may be asked to interface with appropriate archdiocesan offices and follow particular diocesan norms depending on the scope of the apostolic activity undertaken.
- If religious education is a part of its apostolate, the ecclesial movement will follow Archdiocesan norms with regard to religious education programs, including the use of catechetical material and the certification of catechists; it will submit the names and resume of scheduled speakers to the appropriate office director for approval prior to their speaking.
- The ecclesial movement will avoid potential divisiveness in the Archdiocese by supporting and encouraging participation in Archdiocesan activities, particularly in the areas of vocations, youth ministry, marriage, and outreach to students.
- The apostolic efforts of the ecclesial movement should imitate the approach of the parish mission which provides spiritual and evangelizing inspiration, but also leads people back to deeper involvement in the life and mission of the parishes in which they live and in the Archdiocese as a whole.

- The ecclesial movement will be accountable to the Executive Director of the Department of Pastoral Services for the Archdiocese and will provide the Director with ongoing communications and reports on its activities in the diocese.
- If the ecclesial movement does not have a resident priest in the Archdiocese, the Archbishop will appoint a priest who will serve as local chaplain for the ecclesial movement. The chaplain will provide for the sacramental and spiritual needs of the ecclesial movement and give appropriate theological formation and spiritual guidance.
- If the ecclesial movement desires to open a house of formation for its members, permission to do so must come from the Archbishop. Requirements for houses of formation (e.g. director, age limit, number of members, etc.) will be worked out in consultation with the Executive Director for the Department of Pastoral Services.
- Whenever the ecclesial movement desires to purchase or lease property in the Archdiocese, explicit authorization needs to be secured from the Archbishop through the Vicar General.
- The ecclesial movement will be financially self-supportive through private contributions. Public fund-raising must be approved by the Archbishop through the Vicar General. The ecclesial movement assumes full responsibility for any legal claim made against the movement and agrees to indemnify and hold harmless the Archdiocese of New Orleans and its agents in the event of any lawsuit or claim filed against the Archdiocese or its agents arising out of an allegation against the ecclesial movement.

## 20.7 PAPAL BLESSINGS

- The Department for Pastoral Services can assist parish clergy in obtaining papal blessings for Catholic parishioners. These blessings may be obtained for occasions such as weddings, anniversaries, first Communions, and many other special occasions.
- As required by the Vatican Office, the request for a papal blessing must enclose a *separate letter* from the pastor of the recipient:
  - Certifying that the person named is a practicing Catholic, and
  - To his knowledge, there is nothing which would prevent the person from appropriately receiving a papal blessing.
- It takes approximately eight weeks to obtain these blessings.

## **20.8 POLICY ON AIDS FOR CATHOLIC SCHOOLS/PARISH RELIGION PROGRAMS**

Christ invites each of us to be active participants in his ministry. In this way the healing supportive presence of Jesus is brought to the suffering people of our day. The growing AIDS crisis requires a compassionate response.

Our Catholic schools and parish catechetical programs have a responsibility to care for and safeguard the health and wellbeing of all: students, faculty, employees, parents of students, and members of the community at large.

This policy focuses on the church as employer and as educator. It is not the intention of this policy to address the medical aspects of the disease or to suggest the response of other archdiocesan agencies to their situation. The policy is based upon current medical knowledge. Amendments may be made in the future.

Any reference to Acquired Immune Deficiency Syndrome (AIDS) should also be read as including AIDS-Related Complex (ARC). It also should be read to include, where appropriate, infection with Human Immune Deficiency virus (HIV). The latter is the virus which causes AIDS.

### **20.8.1 THE CHURCH AS EMPLOYER**

#### **20.8.1.1 HIRING**

Persons seeking employment by Catholic schools or parish catechetical programs shall not be discriminated against on the basis of Acquired Immune Deficiency syndrome (AIDS), unless the nature and extent of the illness reasonably precludes the performance of such employment or impairs any operation of the school or parish religion program. In the pastoral statement of the U.S. Catholic Bishops on handicapped persons (1978), the bishops addressed the rights of the handicapped in employment:

"Defense of the right to life, then, implies the defense of other rights which enable the handicapped individual to achieve the fullest measure of personal development of which he or she is capable. These include the right to equal opportunity... in employment."

#### **20.8.1.2 CONTINUED EMPLOYMENT**

- Employment or association as a volunteer or part-time or casual employee by a school or religion program shall not be terminated on the basis of Acquired Immune Deficiency Syndrome (AIDS), unless the nature and extent of the illness or the lifestyle or conduct of the employee is foreseen to reasonably preclude the performance of such employment, present a foreseeable danger of harm to others, or impair any of the operations of the school or parish. If a person is unable to continue his or her duties as a result of the physical deterioration due to Acquired Immune



Deficiency Syndrome (AIDS), benefits shall be continued in accord with archdiocesan policy pertaining to employees with any other handicap or illness.

- Counseling may be available to the extent feasible, to the individual and his or her family during and after the period of employment and may be provided either by the employer or another Archdiocesan agency. These services shall not be forced upon any individual but their availability shall be made known so that those in need of them will be aware of their existence and the means of obtaining them.

#### **20.8.1.3 EMPLOYEE EDUCATION**

Factual education on Acquired Immune Deficiency Syndrome (AIDS) for employees of schools and parish programs shall be undertaken so that infected persons are not treated in a prejudicial manner. Such education shall be designed to prevent unreasonable reactions to the disease and persons affected, and to bring about proper social responsibility.

#### **20.8.1.4 CONFIDENTIALITY**

The identity of a person with Acquired Immune Deficiency Syndrome (AIDS) is confidential and every precaution shall be taken to maintain that confidentiality.

### **20.8.2 THE CHURCH AS EDUCATOR**

#### **20.8.2.1 ADMISSION AND CONTINUED ENROLLMENT**

- Students with Acquired Immune Deficiency Syndrome (AIDS) enrolled or seeking enrollment in grades K through 12 shall be permitted to attend school or parish religious education programs in an unrestricted setting.
- Students with Acquired Immune Deficiency Syndrome (AIDS) shall not be excluded from attending school or parish religious education programs for reason of the infection unless the following exceptional conditions are evident as determined by the student's physician, the student's parent(s) or legal guardian(s), the appropriate school or religious education program administrator(s) and, in a parish setting, the pastor:
  - The student is not toilet-trained or is incontinent, or is unable to control drooling, or presents a very disturbing appearance.
  - The student is unusually physically aggressive, with a documented history of biting or harming others.
- Cases shall be referred to the Superintendent of Schools or the Archdiocesan Director of Religious Education when disagreement on the existence of the excluding conditions prevents the student's physician, the student's parent(s) or legal guardian(s), the appropriate school or religious education administrator(s) and, in a parish setting, the pastor from reaching a decision on admission or continued enrollment.

**20.8.2.2 EXCLUSION**

A student with Acquired Immune Deficiency Syndrome (AIDS) who is excluded from school shall be provided with appropriate educational programs as well as catechetical instruction at the proper level as are available within the resources of the parish or Archdiocese. A student with Acquired Immune Deficiency Syndrome (AIDS) in a parish religious education program who is excluded from attending school shall be provided with an alternate means of catechetical instruction.

**20.8.2.3 CONFIDENTIALITY**

The identity of a student with Acquired Immune Deficiency Syndrome (AIDS) and all health records and other pertinent files shall be kept confidential in accordance with the law.

**20.9 GAMBLING**

Any type of casino-type gambling (dice, roulette, hi-lo, blackjack, etc.) is prohibited at any Catholic church, Catholic school or Catholic agency-sponsored function within the Archdiocese of New Orleans. This prohibition is absolutely and universally mandated.

Bingo, keno, pull tabs and raffles are permitted as long as all pertinent civil laws (federal, state and local) are completely observed.

Bunco is considered a game of chance and is prohibited at any Catholic Church, Catholic school, or Catholic agency sponsored function within the Archdiocese of New Orleans. Permission for exceptions to this policy should be directed to the Vicar General's Office or the Finance Office.

No Catholic parish, school, institution, or organization may sell or distribute Louisiana state lottery tickets.

Pastoral discretion should be used in planning a trip or outing to a casino.

The archdiocese frowns on the use of animals as prizes as this can be inhumane and is illegal in some parts of the archdiocese. You must check with your local government jurisdiction for any legal prohibition or requirements related to awarding animals as prizes.

**20.10 POLICY FOR THE DISTRIBUTION AND/OR SALE OF ALCOHOLIC BEVERAGES****20.10.1 INTRODUCTION AND RATIONALE**

There is a particularly urgent concern in the country today regarding the sale and use of alcohol in society. The abuse of alcohol is the source of many social ills: in the family, among teenagers, in alcohol-related accidents, etc. Many groups have done much to underscore these dangers. The Church, wishing to eliminate any abuse of alcohol, seeks to educate its members and the general public about the dangers and concerns surrounding the use of alcohol. It also wishes to eliminate

any abuse of alcohol. The purpose of this archdiocesan policy is not only to address the issue of legal liability relating to the consumption and/or selling of alcohol at church functions or on church property, but also to address the more important issue of our moral stance as a community of Christians.

Traditionally, the Church has had no difficulty with the proper use of alcohol. It has always opposed the misuse or abuse of intoxicating substances. Insofar as possible, the Church does not wish to take an oppressive position. Rather, it desires to educate about the dangers of alcohol and to control and limit the use of alcohol at church functions and on church property in order to eliminate the dangers, liabilities, or scandals caused by an improper use of such substances.

### **20.10.2 POLICY**

It is in the spirit and light of the above introduction and rationale that this policy should be understood and applied.

This policy is effective April 1, 1993, for all archdiocesan and parish sponsored activities and all activities involving property belonging to the Archdiocese of New Orleans.

#### **The following policy for the use and sale of alcoholic beverages must be followed:**

- In obtaining permits and conducting the sale and service of alcoholic beverages, all state and civil parish regulations must be strictly observed.
- For events conducted on church property, if alcohol is sold, only beer and wine may be sold. If alcohol is served without charge, any alcoholic beverage may be served. Alcoholic beverages other than wine and beer may be sold at church functions only at hotels, restaurants or other facilities which possess the licenses required by law to sell such alcoholic beverages.
- No one under the legal age of 21 is to be allowed to served alcoholic beverages.
- No one under the legal age of 21 is to be served alcoholic beverages.
- No person already under the influence of alcohol is to be served.
- Food is to be available with alcoholic beverages, when feasible.
- If alcohol is served, other non-alcoholic beverages must be available.
- This policy and a statement on the danger of the consumption of alcohol is to be posted in the serving area, when appropriate.
- Access to the serving area must be limited and controlled.
- Serving of alcoholic beverages must not begin before a reasonable time and must cease at a reasonable time before the scheduled close of the event. At parish fairs, the serving of

alcohol must cease one hour before the scheduled end of the event.

- A pre-existing plan must be devised to handle individuals who have had too much to drink. This is to include a method to prohibit the service to those who have had too much to drink and to provide transportation home.
- Law enforcement officials are to be employed to assist with this policy if the event is so public or large to require them.
- Drinks are to be carefully measured; 12 ounces of beer as a maximum; no more than 4-5 ounces of wine per serving; only single servings (1 ounce) for liquor.
- Every precaution is to be taken to ensure that no alcoholic beverages are brought into the event and that those alcoholic beverages consumed are only the ones being distributed under the guidance and control of the staff members of the event in question. Under controlled circumstances, such as BYOL (Bring Your Own Liquor) functions, it is permissible to bring alcoholic beverages.
- Groups renting or using Church property must conform to these guidelines. Contracts and agreements must reflect this policy. Rental contract agreements should also include the following clauses:
  - If alcoholic beverages are to be served at the function, the lessee hereby agrees that these shall not be served to anyone under the age of twenty-one.
  - The lessee hereby agrees to indemnify the parish/school for any and all damages caused by or to any person participating at the function, whether such damage is caused by the use of alcohol or otherwise.
  - The lessee hereby agrees to pay for the defense of the parish/school/religious order and Archdiocese of New Orleans in the event of any legal action arising as the result of the serving of alcoholic beverages and/or any other reason connected with the use of the premises. The parish/school/religious order and archdiocese shall have the right to choose their own attorney to defend them in the event of such a suit, with the lessee having the responsibility to reimburse the parish/school and/or the archdiocese in the event that such a suit is filed.
  - The lessee hereby agrees to hold the parish/school and/or the Archdiocese of New Orleans harmless from any damages caused to or by any person who is a participant at the function in the event there is legal action arising from the use of the premises and/or the sale or furnishing of alcoholic beverages on said premises.
- If alcoholic beverages are served or sold, all advertisements for the event must note the availability of non-alcoholic beverages and food as prominently as the availability of alcohol. Alcohol should not be the main emphasis of any advertisement.
- Events where alcoholic beverages are sold or served may not feature "happy hours" or multiple drinks for the price of one specials.

- Event names or advertisements should reflect the purpose or subject of the event. Terms such as "Beer Blast" and "Keg Party" are to be avoided. In no way are promotions to encourage drinking as an important part of the event.
- When a school or parish organization enters in joint sponsorship of events or programs with alcoholic beverage companies, the school or parish organization's name will be most prominent. A corporate sponsor's name or product may appear on printed advertisements or other materials, however it may not appear to be the primary sponsor.
- Since open cans and bottles can constitute safety dangers, such containers are not to be used, except in appropriate gatherings.
- At each function, the pastor or director of the institution must, personally or through a delegate whom the pastor or director appoints, make certain that this policy is followed.

### **20.10.3 EXCEPTIONS**

Any exceptions to the above policy are to be made only after consultation and agreement of the Archbishop, the Vicar General or the Executive Director for Pastoral Services and the archdiocesan internal legal counsel.

## **20.11 POLICY CONCERNING ABUSE OR NEGLECT OF MINORS IN THE ARCHDIOCESE OF NEW ORLEANS**

Every human being is created with a God-given dignity. Therefore, the Catholic Church teaches that God condemns all forms of abuse or neglect of people of all ages. In regard specifically to minors or to adults who allege they were abused as minors, it is the policy of the Archdiocese that the abuse of minors is sinful, reprehensible and intolerable behavior and it is illegal. Any such conduct is to be considered, by its very nature, completely contrary to Catholic teaching, Christian morality and contrary to the employment and/or ministry of all those who serve the Archdiocese of New Orleans and any of its related entities.

All who serve the Archdiocese must comply with all local, state and federal reporting laws. The abuse or neglect of a minor is contrary to the moral instruction, doctrines, and the Code of Canon Law of the Catholic Church as a whole and the *Charter for the Protection of Children and Young People*, USCCB (United States Conference of Catholic Bishops), 2011. Such behavior includes actions that cause injury to another.

### **20.11.1 Definitions**

“**Sexual Abuse**” of a minor or an adult who reports abuse as 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. Such “sexual abuse” may also include the involvement, use, aiding, tolerating, employment, persuasion, inducement, enticement, sexual exploitation, or coercion of any minor to engage in, or having a minor assist any other person to engage in, any sexual

conduct. This would include, but is not limited to, producing any visual depiction of such conduct, including, but not limited to the cell phones, cameras, the internet, and the acquisition, possession, or distribution of pornography as a result of relationships developed by any means or circumstances whether in a position performing service for the Archdiocese of New Orleans or its related entities, or whether or not in the employment or ministry of the Archdiocese of New Orleans or its related entities.

**“Other Physical Abuse”** is the infliction or attempted infliction of physical injury to a minor. This applies while performing service for the Archdiocese of New Orleans or its related entities, or outside of any position with the Archdiocese of New Orleans or its related entities.

**“Neglect”** is the refusal or failure of a caretaker to supply the child with necessary food, clothing, shelter, care, or treatment for injury, illness, or condition of the child, resulting in the child’s physical, mental, or emotional health and safety being substantially threatened or impaired. This applies whether or not the caretaker is in employment or ministry of the Archdiocese of New Orleans or its related entities.

**“Person Responsible for the Minor’s Care”** is any employee or volunteer of the Archdiocese of New Orleans or its related entities that cares for or supervises minors.

**“Mandated reporters”** are required to report any abuse of minors to law enforcement and/or the Department of Children and Family Services immediately, as specified by law. (See Summary of Louisiana Child Abuse or Neglect Reporting Laws)

**“Supervisor”** is a pastor of a parish, principal of a school, or the director of an archdiocesan office or related entity or their delegate responsible for the oversight of those who serve the Archdiocese.

**“Minor”** is any individual under the age of eighteen (18) or one who habitually lacks the use of reason.

**“Adult”** (major) means any individual eighteen (18) years of age or older.

**“Cleric”** is a priest or deacon.

**“Church Personnel”** is any employee, volunteer, or contract worker who serves the Archdiocese or its related entities in ministry to minors, whether clergy, religious, or lay.

**“Archdiocese of New Orleans”** and **“Archdiocese”** include the Archdiocesan departments and administrative offices, all parishes, missions, schools, institutions, agencies, and other offices under the direct supervision of the Archdiocese and its related entities.

**“Independent Contractor”** is a person retained by the Archdiocese or its related entities (cafeteria workers, instructors, therapists, maintenance personnel). An independent contractor who has ongoing, unsupervised (or the possibility of unsupervised) contact with minors must

comply with the background screening, training, and mandatory reporting requirements of the Archdiocese and the State of Louisiana.

**“Executive Directors”** are the heads of Departments within the Archdiocese: Pastoral Services, Clergy, Religious, Christian Formation, Community Service, and Financial Services.

**“Delegate Investigator”** is a person who does the preliminary, canonical investigation.

**“Promoter of Justice”** determines whether or not to prosecute and then is the prosecutor if there is a canonical trial.

**“Victims’ Assistance Coordinator”** receives the allegation of abuse by a cleric and follows the appropriate process.

### **20.11.2 DUTY TO DISTRIBUTE**

A copy of this policy shall be sent by the Archbishop of New Orleans to all clergy, religious, seminarians, archdiocesan departments and office directors, presidents and principals of Catholic schools, parish directors of religious education, parish directors of youth ministry, and directors of related entities. Those listed above are obligated by this policy to distribute it to all those who serve the Archdiocese and its related entities as employees, volunteers, or contract workers.

### **20.11.3 EDUCATION**

All employees and volunteers of the Archdiocese and any independent contract workers who have ongoing, unsupervised (possibility of unsupervised) contact with minors shall receive Safe Environment training regarding recognition and prevention of abuse or neglect of minors, teachings of the Catholic Church, mandatory reporting laws of the State of Louisiana and mandatory reporting requirements of the Archdiocese of New Orleans. Safe Environment training is required before beginning ministry within the church. Thereafter, according to Archdiocesan policy, training will be required every three years.

### **20.11.4 QUESTIONNAIRE, STATEMENT, AND BACKGROUND EVALUATION**

All those who serve the Archdiocese of New Orleans, clergy or lay, employee, volunteer, or contract worker will complete the *Questionnaire For Prospective Employees and Volunteers Who Will Have Ongoing, Unsupervised Contact With Minors*. They will also have to complete the required background screening and receive clearance prior to beginning their work with minors. Background checks include Social Security Number verification, civil parish to civil parish record checks, sex offender registry, and a national criminal file search.

The criminal background check and clearance for employees will be paid for by their employer or parish, institution, agency, or related entity where services are rendered.

Completed Questionnaires and background screening forms shall be maintained permanently and confidentially in the personnel file of the employee or, in the case of volunteers, in a separate file established for this purpose. Even when a person ceases to be involved in service to the archdiocese, his/her questionnaire and form will be kept permanently. Due to the confidential

nature of all personnel files, access to these files is to be limited to pastors, their delegates, or the director of the office or agency, institution or related entity.

The Questionnaire and information supplied to complete the background screening for clergy are to be maintained in archdiocesan files.

Background screening will be conducted every three years, and/or in accord with Archdiocesan policy.

#### **20.11.5 OBLIGATION TO REPORT**

Any person who has actual knowledge of or who has cause to believe any incident of physical abuse, sexual abuse, or neglect of a minor by those who serve the Archdiocese of New Orleans, or its related entities, has occurred shall comply with all applicable reporting requirements of the State of Louisiana and all applicable local and federal laws. An individual with reasonable cause to believe abuse or neglect has occurred has the obligation to report even if another report has been made. [Essential Norms (Norms), 11]

In addition, a verbal report shall be made immediately to the supervisor, who will report immediately to the Executive Director of the Department within the Archdiocese to whom the parish, school, organization is accountable. [Clergy, Christian Formation, Pastoral Services, Religious, Community Services, Financial and Administrative Services]

The “Alleged Child Abuse and/or Neglect Reporting Form When An Allegation is Against an Employee or Volunteer of the Archdiocese of New Orleans” will be submitted to the Executive Director of the appropriate department by the person who initially received the report or first learned of the alleged abuse or neglect.

Allegations Involving Priests or Deacons (made by an adult) Any person who receives an allegation of physical abuse, sexual abuse, or neglect of a minor or alleges to have been abused as a minor by a priest or deacon who is an adult at the time the allegation is received shall immediately report such allegation to the Vicar General or to his delegate.

#### **20.11.6 POLICY ON SEXUAL ABUSE OF A MINOR BY A PRIEST OR DEACON IN ACCORD WITH THE REVISED ESSENTIAL NORMS PUBLISHED MAY 15, 2006 AND THE SUBSTANTIVE NORMS PROMULGATED MAY 21, 2010**

Executive Power of Governance: For the sake of the common good and in observing the code of canon law, the Archbishop exercises the executive power of governance to ensure that any priest or deacon who has committed even one act of abuse or neglect of a minor shall not continue in active ministry (Norms, 9).

Preliminary Investigation: When a report is received from a person, who, either a major or a minor, alleges having been sexually abused by a cleric during his/her minority, the Vicar General, either personally or through his delegate, shall communicate the information received to the Archbishop and to the accused cleric, within seventy-two (72) hours of receipt of the report.



The accused cleric is to be counseled that he is not to confront or challenge the accuser, nor is he to arrange for any confrontation or challenge in any way by another person, nor is he to retaliate against his accuser or the reporter in any way.

A person who requests that the Church investigate an allegation of abuse or neglect of a minor will be informed by the Vicar General or his delegate that a written statement, called a “complaint,” will be necessary for a canonical investigation to be undertaken.

The Archbishop will carefully inquire, personally or through the Vicar General or his delegate, about the facts, circumstances and imputability of an allegation, unless such an inquiry seems entirely superfluous. (c. 1717 §1). The purpose of the preliminary investigation is to acquire clear and specific understanding of the facts and circumstances of the alleged actions.

The Archbishop will immediately provide for the pastoral care of the allegedly abused person. The Victims’ Assistance Coordinator and/or the treating therapist will also make the report to law enforcement. (Norms, 3). When the report involves a minor, law requires the person of first instance to make the report.

The Vicar General or his delegate will recommend that the cleric retain a canonical advocate and/or civil counsel.

Principles of Conducting the Preliminary Investigation: When it is necessary, the Archbishop will direct an investigation to be “conducted promptly and objectively” (Norms, 6). He will appoint a delegate investigator when necessary to proceed with this investigation.

The investigation into a complaint of sexual abuse of a minor by a cleric will be conducted according to the requirements of canon law and civil law. In canon law, as in civil law, a person is presumed innocent until guilt has been established or admitted.

The right to privacy and the good reputation of all parties associated with the incident(s) under investigation are integral to the investigation. Care must be taken so that the good name of the individuals is not endangered from this investigation. (Norms 6; c. 1717 §2)

During the preliminary investigation, evidence will be gathered to determine if there is sufficient evidence that sexual abuse of a minor has occurred. Evidence will be sought as to whether or not the alleged action is imputable by the cleric, i.e. caused by the cleric. (Norms, 6)

When the evidence required by canon law has been gathered, the delegate will write a report to the Archbishop. This report will indicate the reliability and sufficiency of the evidence gathered during the investigation. It will be communicated to the Archbishop and to the Review Board. Review Board: the Archdiocesan Review Board, established by the Archbishop, will be composed of at least five persons of outstanding integrity and good judgment in full communion with the Church. The majority of the review board members will be lay persons who are not in the employ of the archdiocese; but at least one member should be a priest who is an experienced and respected pastor of the archdiocese. If at all possible, at least one member should have

particular expertise in the treatment of sexual abuse of minors. The members will be appointed for a term of five years which can be renewed. It is desirable that the Promoter of Justice participate in the meetings of the review board (Norms, 5).

After receiving the report of the delegate investigator, the Archbishop will consult the chairperson of the Archdiocesan Review Board for an assessment of the complaint and the information gathered during the preliminary investigation.

After the board has been consulted, the board will offer to the Archbishop an independent and confidential review of the complaint and recommend how to proceed.

**Closing the Preliminary Investigation:** The Archbishop will carefully consider the facts gathered during the preliminary investigation together with the reports and recommendations of the Review Board and the Delegate Investigator.

If the Archbishop determines that the facts gathered are insufficient to establish the probability of a delict, i.e. an offense, the accused is to be “promptly notified of the investigation” (Norms, 6). The Archbishop is to prepare an appropriate administrative decree. The acts of the preliminary investigation and the Archbishop’s decree explaining the insufficiency or doubtful nature of the proofs are to be placed in the archdiocesan archives (c. 1719).

If the Archbishop determines that sufficient evidence has been gathered to establish the possibility of a delict, he shall issue a decree closing the preliminary investigation. He, then, will undertake the following steps:

- The accused cleric is to be promptly notified of the results of the investigation (Norms, 6).
- The precautionary measures mentioned in canon 1722 are to be applied, i.e., remove the accused from sacred ministry or from any ecclesiastical office or function, impose or prohibit residence in a given place or territory, and prohibit the public participation in the Most Holy Eucharist pending the outcome of the judicial process.
- The acts of the preliminary investigation together with the Archbishop’s summary of facts are to be transmitted to the Congregation for the Doctrine of the Faith (CDF) at the Holy See. After considering these materials, the CDF will notify the Archbishop whether it will adjudicate the case or direct the Archbishop how to proceed. (Norms, 8A).
- The determination of the Archbishop will be communicated to the complainant.

**Penal Trial:** When directed by the Congregation for the Doctrine of the Faith, the Archbishop shall decree the initiation of a judicial penal process (c. 1718). He shall nominate a collegial tribunal and shall give the acts of the preliminary investigation to the Promoter of Justice, who will present a petition of accusation to the presiding judge (cc 1502, 1504, 1721).

The Tribunal will decide whether or not to accept the petition (c. 1506).

The presiding judge will issue a decree stating the issues to be considered in the trial and setting the time for the Promoter of Justice and the accused cleric to complete the evidence and present it to the Tribunal (c. 1661). During the trial either party may introduce evidence including calling witnesses and introducing proofs, documents and other information.

The instruction of the case will normally be carried out by one of the judges of the Tribunal (c. 1561). A priest notary will be present during each of the procedural acts and must notarize written acts (cc. 483 §2; 1437)

Evidence may be introduced into the trial by means of public and private documents or witness testimony. Public documents will be trusted concerning everything that is directly and principally affirmed in them, unless contrary and evident arguments show otherwise (cc.1539;1541). Under the supervision of a canonical judge, proof by means of both public and private documents and witnesses is allowed. (c. 1547).

The accused cleric is not bound to admit the offense, nor may an oath be demanded of him (c. 1728 §2). If the cleric decides to give testimony, either spoken or written, he has the right to do so last, either personally or through his advocate (c. 1725).

If it becomes clear to the Tribunal, at any point, that the accused cleric did not commit the alleged offense, the Tribunal has the duty to declare this fact *ex officio* in a judicial sentence and absolve the accused (c. 1726).

The Judicial Sentence and the Communication of the Acts: Once all of the evidence has been collected, the presiding canonical judge will permit the parties and their advocates to inspect, at the chancery, the evidence not yet known to them. (cc.1598-1606). The Promoter of Justice and the Advocate for the accused cleric will be given opportunity to inspect the acts and propose other evidence. When this process is completed, the presiding judge will decree the conclusion of the case.

The decision of the Tribunal, as to the innocence or guilt of the accused cleric, will be based on the evidence assembled in the acts. This decision will be pronounced in a judicial sentence, which must answer the questions stated in the grounds established for the trial (c. 1611). The sentence is to be published to the Promoter of Justice and the accused as soon as possible. The accused and the complainant will be informed that the sentence can be challenged (cc. 1614 – 1615) through an appeal to the Congregation for the Doctrine of the Faith. (This special procedure was established by the Holy Father on the occasion of the audience granted to the Prefect of the Congregation of the Doctrine of Faith on 14 February 2003).

Just Penalties: According to the law of the Church, a cleric who has committed an offense against the sixth commandment of the Decalogue with a minor “is to be punished with just penalties, including dismissal from the clerical state if the case warrants it” (c. 1395 §2). The particular law of the United States declares that “when even a single act of sexual abuse by a

priest or deacon is admitted or is established after an appropriate process in accord with canon law, the offending priest or deacon will be removed permanently from ecclesiastical ministry, not excluding dismissal from the clerical state, if the case so warrants” (Norms, 8; c. 1395 §2).

“If the penalty of dismissal from the clerical state has not been applied (e.g., for reasons of advanced age or infirmity), the accused ought to lead a life of prayer and penance. He will not be permitted to celebrate Mass publicly or to administer the sacraments. He is to be instructed not to wear clerical garb, or to present himself publicly as a priest” (Norms, 8 §B).

Acquittal and Exoneration: The cleric will be declared to be acquitted of all charges when it is determined that the complaint is unfounded, false, or not factual, or that the complaint is unsubstantiated due to insufficient evidence. (c. 1724, 1726; Norms, 13)

When a cleric is to be restored to ministry the Archbishop will invite him to a personal meeting to discuss the steps to be taken to restore him to ministry and/or ecclesiastical office.

The Archbishop will make every effort to restore the good name of the accused.

#### **20.11.7 POLICY ON SEXUAL ABUSE OF A MINOR BY A PRIEST OR DEACON WHO IS A MEMBER OF A RELIGIOUS INSTITUTION SERVING IN THE ARCHDIOCESE OF NEW ORLEANS**

A canonical relationship exists between religious institutes and the Archdiocese of New Orleans. Therefore, if a report alleges sexual abuse of a minor by a priest or deacon of a religious institute, an investigation shall be made in accordance with the policy outlined above on the sexual abuse of a minor by a priest or deacon of the Archdiocese. The only exception is that wherever the term in the Policy refers to “Archbishop,” the term “religious ordinary” is hereby substituted. It is the responsibility of the religious institute to initiate the investigation if the accused is a member of a religious order.

Finally, any conflicts between the sexual abuse policy of the Archdiocese and the sexual abuse policy of the religious institute will be resolved by the Archbishop or his delegate and the religious institute.

#### **20.11.8 ALLEGATIONS AGAINST MEN AND WOMEN WHO BELONG TO RELIGIOUS INSTITUTES, WHO ARE NOT CLERICS, SERVING IN THE ARCHDIOCESE OF NEW ORLEANS**

A canonical relationship exists between priests, deacons, and religious of religious institutes and the Archdiocese of New Orleans. Thus, if a report alleges sexual abuse of a minor by a sister or brother who serves in the Archdiocese of New Orleans and who belongs to a religious institute, an investigation respecting the particular policy of the religious institute shall be made in the following manner:

- It is the responsibility of the Victims’ Assistance Coordinator to notify the Major Superior of a religious institute that an allegation against one of its members has been

received and to request the cooperation of the religious institute in the investigation. The Executive Director for Religious of the Archdiocese, in conjunction with the Victims' Assistance Coordinator, will work with the religious institute when an allegation has been received against a sister, brother, seminarian, or member in formation who serves or has served in the Archdiocese of New Orleans and who belongs to a religious institute.

- Should an allegation be made directly to the Major Superior of a religious institute, the Major Superior shall inform the Victims' Assistance Coordinator and/or the Executive Director of Religious of the allegation. The Victims' Assistance Coordinator will inform the Vicar General that an allegation has been made. The Major Superior will conduct the investigation following the Archdiocesan process or the process currently in place for the particular religious institute. The Major Superior would be asked to keep the Victims' Assistance Coordinator informed as to each step in the process.
- If a Major Superior chooses to pursue the matter according to the Archdiocesan process, this investigation may be done in consultation with the Victims' Assistance Coordinator. The Major Superior will coordinate the external investigation. This investigation is to include speaking with the accused, the accuser, the family of the accuser, and other appropriate persons, whenever possible. Legal advice, both civil and canonical, shall be obtained promptly.
- Other appropriate action may be taken to protect the accuser, the accused, or other affected persons during the investigation. The accused is to be counseled that he is not to confront or challenge his accuser, nor is he to arrange for any confrontation or challenge in any way by another person, nor is he to retaliate against his accuser in any way.
- If the member of the religious institute admits the allegations, or if the allegations are proven, he/she is to be removed immediately from active ministry.
- If the member of the religious institute denies the allegation, but the allegations are serious and the evidence warrants it, the member of the religious institute will ordinarily be asked by the Archbishop to take an administrative leave from ministry in the Archdiocese pending further investigation. Further decisions concerning his/her active ministry in the Archdiocese of New Orleans or its related entities are to be made thereafter.
- An administrative leave may be imposed by the Archbishop of New Orleans. Such action does not imply guilt on the part of the accused.
- Once this recommendation has been received from the religious congregation, the Archbishop of New Orleans will meet personally with the Major Superior of the religious institute and also with the accused member of the religious institute. The Superior of the religious institute will then take appropriate action.
- The religious institute shall be expected to provide appropriate pastoral care for the

accuser and the accused.

## **20.11.9 ALLEGATIONS AGAINST OTHER PERSONS WHO SERVE THE ARCHDIOCESE OF NEW ORLEANS**

**20.11.9.1** If the report alleges sexual abuse, other physical abuse, or neglect of a minor by any person who serves the Archdiocese of New Orleans or its related entities, including volunteers other than a priest, deacon, or member of a religious institute, the Executive Director of the department under which he/she serves, or his/her delegate (the Victims' Assistance Coordinator), shall conduct an investigation. Legal advice, both civil and canonical, shall be obtained promptly. The Victims' Assistance Coordinator shall inform the Vicar General of the allegation as well.

Other appropriate action may be taken to protect the accuser, the accused, or other affected persons during the investigation. The accused is to be counseled that he is not to confront or challenge his accuser, nor is he to arrange for any confrontation or challenge in any way by another person, nor is he to retaliate against his accuser in any way.

When allegations of sexual abuse, other physical abuse, or neglect of minors are made, the Executive Director or delegate shall contact the accuser, the family of the accuser, the accused, and other appropriate persons, including civil authorities as required by law. If the Executive Director deems it appropriate, the accused will be immediately relieved of any position in the Archdiocese of New Orleans and placed on administrative leave, pending the outcome of the internal investigation and any outside investigation. Administrative leave does not imply guilt on the part of the accused.

The Executive Director is responsible for making certain that pastoral care is offered to others as appropriate.

After adequate and appropriate investigation, the Executive Director shall make a determination about the validity of the allegation and take appropriate action, up to and including termination of employment.

Any person who admits to, does not contest, or is found guilty of an incident of sexual abuse, other physical abuse, or neglect of a minor shall be immediately terminated from service within the Archdiocese of New Orleans and its related entities.

**20.11.9.2** The alleged victim, whether a minor or a major, is to be encouraged to contact the Victims' Assistance Coordinator. The person is also encouraged to make a report to the civil authorities.

The Victims' Assistance Coordinator will immediately report the allegations to the Vicar General.

The Victims' Assistance Coordinator will give a written report to the Vicar General and

to the Archbishop indicating:

- That the individual making the allegation has been asked if he/she has reported the allegation to civil authorities or if they would want the Archdiocese to do so.
- The Victims' Assistance Coordinator will respect the desires of the accuser who is now a major, taking into consideration the rights of the accuser to privacy and the present status and circumstances of the accused.
- That the accuser has been offered counseling.

The Archbishop will determine whether to hire an external investigator to conduct an in-depth investigation.

The Victims' Assistance Coordinator will report to the Vicar General, who will consult with the Archbishop, the outcome of the investigation and his/her recommendation regarding action taken and/or to be taken in the case. The Archbishop may place the person on administrative leave and mandated reports will be made when appropriate.

#### **20.11.10 MEDIA CONTACT AND INQUIRIES**

Any media contact or inquires regarding an incident of sexual abuse, other physical abuse, or neglect of a minor by those who serve the Archdiocese of New Orleans must be directed to the Director of Communications.

Within the confines of respect for the privacy of the individuals involved, the Archdiocese of New Orleans pledges itself to deal as openly as possible with the members of the Church and the broader community about any incident of sexual abuse, other physical abuse, or neglect of minors.

#### **20.11.11 RECORDS**

Records maintained concerning each incident reported, the investigation, and the results of the investigation shall be kept "confidential" pursuant to Canon Law (c. 489).

#### **20.11.12 SUMMARY OF LOUISIANA CHILD ABUSE OR NEGLECT REPORTING LAW (L.S.A.-R.S. 14:403; LA. CHILDREN'S CODE ARTS. 601-616)**

Criminal statute L.S.A.-R.S.14:403 specifies that any person in the Children's Code who is required to report abuse or neglect, including sexual abuse of a child under age 18, is to report information to authorities when that person has cause to believe a child's physical or mental health or welfare is endangered. Willful and knowing failure to report can result in \$500.00 fine or imprisonment for six (6) months, or both.

La. Children's Code Art. 603 defines those persons who must report child abuse as mandatory reporters, which include: any person who provides health care services, e.g., doctors, nurses, technicians; mental health or social services professionals who provide counseling services to a child or his/her family; members of the clergy; teaching or child care providers; law enforcement officers and commercial film processors.

Art. 603 (13) (c) provides an exception to the mandatory reporting requirement for a “Member of the Clergy.” He is not required to report a confidential communication, i.e., “one made privately and not intended for further disclosure except to the persons present in furtherance of the communication from a person,” if the member of the clergy, in the course of the discipline or practice of that church, denomination, or organization, is authorized or accustomed to hearing confidential communications, and under the discipline or tenets of the church, denomination, or organization has a duty to keep such communications confidential. In that instance, the member of the clergy shall encourage that person to report the allegations to the appropriate authorities.

Art. 610 is the reporting procedure that requires mandatory reporters to immediately report to the local child protection unit of Department of Social Services in cases where the abuser is believed to be a parent, caretaker, a person who maintains an interpersonal dating or engagement relationship with the parent or caretaker, or a person living in the same residence with the parent or caretaker as spouse whether married or not. If such a person or caretaker is not believed to have any responsibility for the abuse or neglect, the report should be immediately made to the appropriate local or state law enforcement agency. Dual reportings shall be permitted.

The initial report may be verbal, and should contain the following information, if known:

- name, address, age, sex and race of the child;
- nature, extent and cause of child’s injuries or endangered condition, including any previous known or suspected abuse to the child or child’s siblings;
- name and address of parent(s) or caretaker;
- names and ages of all other members of child’s household;
- name and address of the reporter;
- account of how child came to reporter’s attention;
- explanation of the cause of child’s injury or condition offered by child, the caretaker of any other person;
- any other information which the reporter believes might be important or relevant.

If the initial report is verbal, it shall be followed by a written report within five (5) days to the appropriate agency, i.e., local child protection unit or law enforcement agency.

Article 611 grants immunity from civil or criminal liability to any reporter, for the making of any report in good faith, and without knowledge of the falsity of such information, or reckless



disregard for the truth of the report.

**Telephone Numbers for Reporting:** If allegation is against a member of a child's household:

Call the Louisiana Department of Children and Family Services (DCFS) 1-855-4LA-KIDS  
(1-855-452-5437)  
(This is a toll free number.)

If the allegation is against someone who is not a member of the child's household:

Call the police in the civil parish in which the child resides.

## **20.12 PRINCIPLES OF ETHICS AND INTEGRITY IN MINISTRY**

### **20.12.1 Principles of Ethics and Integrity in Ministry: Code of Ethics**

Relationships among people are a foundation of Christian ministry and are central to Catholic life. Defining healthy relationships is not meant, in any way, to undermine the strength and importance of personal contact or the ministerial role. Rather, it is to assist all who fulfill the many roles that create the living Church to demonstrate their love and compassion for children and adults in the most sincere and genuine relationships. It is with the intention that relationships in ministry be experienced at all times as charitable and without intention to do harm or allow harm to occur, that the following Code of Ethics has been adopted by the Archdiocese of New Orleans. All Church personnel are asked to carefully consider each standard in the Code and within the Policy on Ethics and Integrity in Ministry before agreeing to adhere to the standards and continue in service to the Diocese.

- Church personnel shall conduct themselves in a manner that is consistent with the discipline, norms and teachings of the Catholic Church.
- Church personnel shall exhibit the highest Christian ethical standards and personal integrity.
- Church personnel shall not abuse or neglect a minor or an adult.
- Church personnel shall provide a professional work environment that is free from harassment.
- Church personnel shall not take improper advantage of a counseling, supervisory and/or authoritative relationship for their own benefit.
- Church personnel shall report immediately all concerns about suspicions of inappropriate behavior or physical, emotional, psychological, or sexual boundary violations to their pastor, their principal, the chancellor, or the Vicar General.
- Church personnel shall adhere to reporting laws of the state of Louisiana when they have

cause to

- believe an incident of abuse or neglect of a minor has occurred; they shall also follow the requirements
- of the Archdiocesan Policy Concerning the Abuse and Neglect of Minors.

## **20.12.2 General Definitions**

### **20.12.2.1 Church Personnel**

For the purposes of this policy, the following are included in the definition of Church personnel:

- Priests and Deacons (Clerics): Any cleric of or in the Archdiocese of New Orleans.
- Seminarians, Aspirants, Deacon Candidates and Religious in Formation: All seminarians who provide ministerial service in the Archdiocese and are legitimately enrolled in the seminary program of the Archdiocese; those who are enrolled in the permanent diaconate formation program; all members of religious institutes and societies of apostolic life who are in formation.
- Lay Faithful:
  - All paid personnel whether employed in areas of ministry or other kinds of services by the Archdiocese, its parishes, schools or other agencies.
  - All volunteers includes any person who enters into or offers himself/herself for a Catholic Church related service of his/her own free will.
  - Members of religious institutes or societies of apostolic life who are working for the Archdiocese, its parishes, schools or agencies, or who are otherwise engaged in the care of souls, the public exercise of divine worship, and other works of the apostolate (Canon 678).
  - Hermits and consecrated virgins residing within the Archdiocese.

### **20.12.2.2 Types of Misconduct**

For the purpose of this policy, misconduct includes the four types of behavior listed below:

- Immoral conduct: Conduct that is contrary to the discipline and teachings of the Catholic Church.
- Harassment: The inappropriate and offensive use of power where the purpose or the effect is to create a hostile or intimidating relationship.
- Exploitation: Taking advantage of a relationship for one's own benefit.
- Abuse of minors: The definition of abuse of minors is further defined above.

Scandal is an attitude or behavior which leads another to do evil. Scandal damages virtue and integrity. It is a grave offense if by deed or omission another is deliberately let into a grave offense. (Catechism of the Catholic Church, No. 2284).

### **20.12.2.3 Standards of the Archdiocese as to Prevention of Immoral Conduct**

- Church personnel must be worthy of public trust and confidence. It is essential that Church personnel view their own actions and intentions objectively to assure that no observer would have grounds to believe that inappropriate or immoral conduct exists. All Church personnel have a responsibility to strive to uphold the standards of the Catholic Church in their personal lives and day-to-day ministry.
- Further, it is fundamental to the mission of the Archdiocese that Church personnel exhibit the highest ethical standards and personal integrity. The purpose of this policy is to ensure that all Church personnel follow the ethical standards of the Catholic Church. Therefore, Church personnel are prohibited from engaging in the following conduct:
  - Conduct not in keeping with the morals and teachings of the Catholic Church.
  - Actions that are disruptive to the ministry and public worship.
  - Procurement or participation in the procurement of abortion, committing homicide or euthanasia.
  - Possession or distribution of pornographic material.
  - Adultery, promiscuity or illicit co-habitation.
  - Abuse or distribution of alcohol, drugs, gambling, or pornography.
  - Stealing or any other form of theft, including but not limited to misappropriation of Church funds.
  - Sexual harassment, exploitation or abuse.
  - Physical assault and fighting.
  - Inappropriate use of electronic media, as defined in the Electronic Media Policy of the Archdiocese of New Orleans.
- Church personnel should not harm the reputation of others by:
  - Disclosing, without legitimate cause, any information, faults or failings of others to persons who have no cause to know them.
  - Making false allegations against another.

### **20.12.2.4 Prevention of Harassment: Guidelines for Professionalism Among Church Personnel and Other Adults**

#### **Definitions**

- Sexual harassment includes sexual behavior that fails to respect the rights of

others, that lowers morale and that, therefore, interferes with ministry effectiveness. Harassment may take different forms, including, but not limited to:

- Verbal: Sexual innuendos, suggestive comments, jokes of a sexual nature, sexual propositions, threats;
- Non-verbal: Sexually suggestive objects or pictures, graphic commentaries, suggestive or insulting sounds, leering, whistling, obscene gestures;
- Physical: inappropriate physical contact, including touching, pinching, brushing the body, pushing, patting, feeling, tickling, massaging.
- Harassment must be severe and/or pervasive and must be measured objectively, not subjectively.
- Severe conduct is sufficient to alter a workplace environment even though it may occur only once.
- Pervasive conduct is a persistent pattern of harassment that affects the work place.

### **Standards of the Archdiocese as to Prevention of Harassment**

- The Archdiocese of New Orleans will work to protect the rights of all who serve and are served in the Archdiocese.
- Church personnel shall provide a professional work environment that is free from harassment.
- Church personnel shall not engage in harassment and shall not tolerate harassment by other Church personnel.
- Allegations of harassment shall be taken seriously and reported to the immediate supervisor. If, in the event the allegation of harassment is by the immediate supervisor, the report shall be made to the Director of Human Resources.

### **20.12.2.5 Prevention of Exploitation: Guidelines for Counseling**

#### **Definitions**

- Counseling occurs when any Church personnel offers advice concerning moral, spiritual or personal matters.
- Exploitation occurs when Church personnel take advantage of the counseling relationship for the benefit of the counselor.
- A conflict of interest occurs when Church personnel take advantage of counseling relationships in order to further their own interest.
- Sexual exploitation is sexual contact between Church personnel and the recipient

of their counseling, regardless of who initiates the contact.

### **Standards of the Archdiocese in Prevention of Exploitation**

Church personnel shall set and maintain clear, appropriate boundaries in all counseling relationships, including but not limited to the following:

- Counseling should be conducted in appropriate settings at appropriate times and should not be held in places or times that would cause confusion about the nature of the relationship for the person being counseled.
- No counseling should be conducted in private living quarters.
- Church personnel shall recognize their limitations in counseling situations and shall refer people to other professionals when appropriate.
- Church personnel should not engage in dating, romantic relationships, exploitation, sexual exploitation, and/or sexual intimacies with persons whom they counsel. Church personnel are also prohibited from engaging in situations or conduct that can give the appearance of exploitation, sexual exploitation, or sexual intimacies with persons whom they counsel or have counseled.

### **Standards of the Archdiocese as to Confidentiality**

- Information of a confidential nature disclosed to Church personnel during the course of counseling, advising, or spiritual direction shall be held in the strictest confidence possible, with due regard for the restrictions of confidentiality in civil and/or canon law.
- In accordance with the norm of canon law (c.983), the sacramental seal is inviolable by divine mandate; therefore, it is absolutely forbidden for a confessor to betray the confidence of a penitent in any way and for any reason. This is applicable forever, even after the penitent has died.
- Church personnel shall discuss the nature of confidentiality, including its limitations, with each person who seeks counseling whenever possible and appropriate.
- Information learned by clergy and religious who engage in pastoral counseling is confidential and not ordinarily subject to disclosure.
- While church personnel may and should strive to keep information confidential, depending on the nature of the information that they receive, they also may be obligated by Louisiana law to inform the civil authorities of abuse or neglect of a minor or be obligated morally (if not also civilly) to report that either the person

being counseled or another person is in danger of physical harm.

- It may result in such church personnel being mandatory reporters in regard to abuse or neglect of a child under Louisiana law. Similarly, if they receive information that a person is suicidal or homicidal in circumstances that are other than pastoral or spiritual, the priest, deacon or religious has a moral obligation (and possibly a responsibility under civil law) to report such information to persons who need to know, e.g. police and/or parents of a child, to prevent any harm from occurring.
- If disclosure must be made, when appropriate, the Church personnel should inform the person being counseled about the disclosure.
- With the exception of knowledge gained in the Sacrament of Penance, knowledge that arises from counseling may be used in teaching, delivering homilies, or other public presentations only when effective measures have been taken to absolutely safeguard both the individual's identity and the confidentiality of the disclosures.
- If Church personnel discover, while counseling a minor, that there is a serious threat to the physical or moral welfare of the minor and that communication of confidential information to a parent, legal guardian, or legal authority is essential to the child's health and well-being, the Church personnel should disclose only the information necessary to protect the health and well-being of the minor.
- Any questions should be discussed with the pastor, supervisor, or the Safe Environment Coordinator.

#### **Standards of the Archdiocese as to Conflicts of Interest**

- Church personnel shall establish clear, appropriate boundaries with anyone with whom they have a spiritual, ministerial, business, professional, or social relationship.
- Church personnel shall avoid pastoral counseling, situations, or encounters that might present a conflict of interest. Even the appearance of a conflict of interest can call into question integrity and professional conduct.
- Resolution of conflict of interest issues must protect the person being counseled.

#### **20.12.2.6 Prevention of Abuse: Guidelines for Working with Minors**

## **Definitions**

**We refer here to the Policy as to Abuse or Neglect of Minors, Archdiocese of New Orleans.**

- A minor is any individual under the age of 18. For the purposes of this policy, the term “minors” also includes one who is developmentally and/or cognitively impaired.
- Abuse is physical abuse, sexual abuse and/or emotional abuse.
- Physical abuse is non-accidental injury that is intentionally inflicted upon a minor.
- Sexual abuse is any contact of a sexual nature that occurs between a minor and an adult. This 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.
- Emotional abuse is a pattern of behavior that attacks a person’s self-worth and interferes with psychological growth, development, and functioning.
- Neglect is the refusal or willful failure to provide for a minor the proper or necessary medical care, nutrition, or other care necessary for a minor’s well-being.

## **Standards of the Archdiocese as to Abuse and/or Neglect of Minors**

- Abuse and/or neglect of minors are contrary to the teachings of the Church and are prohibited. Church personnel have a responsibility to protect minors from all forms of abuse and/or neglect. In the interest of protecting minors, Church personnel are prohibited from:
  - Use of alcohol while supervising minors.
  - Use of or possessing illegal drugs.
  - Use of profanity in the presence of minors.
  - Speaking to minors in a way that is or could be reasonably construed by any observer as harsh, threatening, intimidating, shaming, derogatory, demeaning, or humiliating.
  - Discussing their own sexual activities with minors.
  - Engaging in any sexually oriented conversations with minors unless the conversations are part of a legitimate lesson and discussion for teenagers regarding Catholic teaching on morality. Sexual morality lessons will convey to youth the Church’s teachings on these topics. If youth have further questions not answered or addressed by their individual teachers they should be referred to their parents or guardians for clarification or counseling.

- Being nude in the presence of minors.
  - Possessing sexually oriented or morally inappropriate printed or electronic materials (magazines, cards, videos, films, clothing, electronic media, cell phones, computers, etc.).
  - Communicating with a minor through the use of electronic means, except when delivering information regarding a program, event, or school function; following the electronic media policy with minors of the Archdiocese.
  - Photographing minors without the written consent in the form of a release from a parent or legal guardian.
  - Sleeping in the same beds, sleeping bags or small tents with minors. Acquisition, possession, or distribution of any form of pornography.
- Church personnel when responsible for releasing minors in their care will release them only to parents, legal guardians, or other persons designated by parent or legal guardian at the close of services or other Church sponsored or affiliated activities. In the event that Church personnel are uncertain of the propriety of releasing a minor, they should immediately contact their immediate supervisor.
  - Church personnel should communicate with a parent or legal guardian significant changes in moods or behavior.
  - Ordinarily a confirmation candidate should select his or her own sponsor. If the parish assigns or assists in the selection of sponsors, they are considered volunteers and must abide by these archdiocesan policies.
  - Church personnel must be aware of their own vulnerability and that of others when working alone with youth. Do not go into private rooms of the rectory with minors.
  - Programs for minors will be supervised by at least two adults.

### **Standards of the Archdiocese as to Offsite and/or Overnight Events**

- The following standards shall be observed when Church personnel are involved in the transportation of minors:
  - Clergy and church personnel are prohibited from transporting minors without written permission of their parent or legal guardian.
  - Minors should be transported directly to their destination.
  - Church personnel assigned to transport minors must be at least 21 years old and have a valid driver's license. Drivers shall comply with any transportation policy adopted by the Archdiocese of New Orleans.
  - In transporting minors, an adult driver should be accompanied by a second adult whenever possible. The driver will not use a cell phone or any



electronic communication device while driving with minors in the car, van, bus.

- Church personnel are prohibited from having minors stay at their residence, unless they are supervised by at least two adult employees or volunteers who have received the background check and Safe Environment training.
- Sleeping, changing and showering facilities or arrangements for adults, except for their own children, must be separate from facilities or arrangements for minors. An exception is made when high school students in their junior or senior years are participating in Archdiocesan activities.
- Drivers must comply with civil laws regarding transportation.

### **Standards of the Archdiocese as to Physical Contact with Minors**

- Church personnel are prohibited from using physical discipline in any way for behavior management of minors. No form of physical discipline is acceptable. This prohibition includes any physical force as correction or retaliation for inappropriate behaviors by minors.
- Appropriate affection between Church personnel and minors is important for a child's development. It also constitutes a positive part of Church life and ministry. The following forms of affection are regarded as appropriate examples for most Church sponsored and affiliated programs:
  - Pats on the shoulder or back. Hand-shakes.
  - "High-fives" and hand slapping.
  - Hugs that are initiated by a child.
  - Verbal praise.
  - Touching hands, shoulders and arms of minors. Arms around shoulders.
  - Holding hands while walking with small children.
  - Sitting beside small children.
  - Kneeling or bending down for hugs with small children.
  - Holding hands during prayer.
  - Pats on the head when culturally appropriate.
- Some forms of physical affection have been used by adults to initiate inappropriate contact with minors. In order to maintain the safest possible environment for minors, the following are examples of affection that are **not** to be used in Church sponsored and affiliated programs:
  - Kisses on the mouth.
  - Holding minors over four years old on the lap.
  - Touching buttocks, chests or genital areas.

- Inappropriate physical affection in all places, non-public as well as public.
- Being reclined with a minor.
- Touching knees or legs of minors.
- Wrestling with minors, except for school sanctioned wrestling programs where coaches are demonstrating moves to teach, etc. and it is in the presence of others.
- Tickling minors.
- Piggyback rides.
- Any type of massage given by minor to adult.
- Any type of massage given by adult to minor, except for qualified athletic training.
- Any form of unwanted affection.
- Compliments that relate to physique or body development.
- Inappropriate or lengthy embraces.

### **Standards of the Archdiocese as to Screening of Church Personnel who Work with Minors**

- Applicants for Church personnel positions that will involve working with minors must complete the following:
  - **A standard application** that includes a release of information to conduct criminal background checks. Applicants shall also be required to read, agree to and sign the Policy Concerning the Abuse or Neglect of Minors and the Code of Ethics for Church personnel.
  - **A criminal records check** shall be conducted prior to employment or volunteer services and every three years thereafter.
- Using the Archdiocese of New Orleans database, administrators can access the Safe Environment information necessary for the transfer of an employee or volunteer from one site to another.
- Church personnel are to report immediately to the pastor, principal, or supervisor, any arrests which occur subsequent to the background check.

### **Standards of the Archdiocese as to Training for Church Personnel who Work with Minors**

- Church personnel shall review yearly the Policies on Ethics and Integrity in Ministry and the Policy Concerning the Abuse or Neglect of a Minor and agree to comply with the archdiocesan policies.
- Church personnel who work with minors shall participate in Safe Environment training before beginning work with minors and every three years thereafter.

### **Standards of the Archdiocese as to Supervision of Programs that Involve Minors**

- Parents have a right to observe programs and activities, excluding regular classroom curriculum, in which their children are involved. However, parents who desire to participate in or have ongoing or unsupervised contact with their child's programs in the Church shall fulfill the requirements of the volunteer application process as stated in this section.
- Any adult attending an overnight event with minors shall complete the requirements for Safe Environment training and background screening according to the policies of the Archdiocese.
- Church sponsored activities for minors shall be supervised by at least two adults.
- Church personnel under the age of 18 shall work under the direction of an adult supervisor.
- Supervisors shall examine programs to ensure they have adequate supervision at all times.
- All new programs for minors must be approved by the pastor, principal, or a director of Archdiocesan programs.
- Summer Camp requirements of the Archdiocese of New Orleans will be followed for ratio of adults to minors.

## **20.13 ARCHDIOCESAN POLICY REGARDING YOUTH ACTIVITIES**

Catholic adults, by virtue of their Baptism, are called to respect and minister to the young Catholic Church of today by seeking to nurture and develop its faith life. The model for ministry is Jesus, who prepared, trained, and sent His disciples for their mission in the world. Adults working with youth in the Church promote active Christian discipleship and growth in Catholic identity.

The following policies are meant to help all volunteers and employees who work and serve with young people in the Archdiocese of New Orleans to be aware of laws, policies and guidelines which apply to their programs, functions and events.

In addition to the important job of communicating the Christian message to young people, church volunteers and employees (regardless of pay status) are also responsible for providing safe, sound, secure, supervised opportunities and relationships which help that message come alive.

### **20.13.1 DEFINITION OF YOUTH**

For the purposes of these policies, youth will be defined as "anyone under 18 years of age."

### **20.13.2 SCOPE OF RESPONSIBILITY**

The following policies apply to all programs, functions and events officially sponsored by agencies, parishes and schools of the Archdiocese of New Orleans. They apply in instances where adults representing the Church (the Archdiocese) are given responsibility for the care of youth. These include on-site events, as well as retreats, field trips, residential programs, etc.

Volunteers and employees include clergy, lay and religious; they can be, but are not limited to, catechists, teachers, substitute teachers, chaperones, drivers, agency staff, coaches, retreat leaders, program leaders, seminarians and novices.

Supervisors include pastors, principals, program directors and administrators.

While each agency/parish/school may have additional guidelines, expectations and policies, the following policies are applicable to all who work with youth in the parishes, schools, offices, and agencies of the Archdiocese.

### **20.13.3 POLICIES REGARDING CONDUCT OF ADULTS WORKING WITH YOUTH**

All adults (18 or older) who have regular contact with minors (under 18 years of age,) or who attend any overnight activity must be in compliance with the safe environment policy of the archdiocese.

#### **At the Archdiocese, the individual must:**

- Attend a child protection/**safe environment training** sponsored by the Archdiocesan Safe Environment Coordinator (Praesidium program.) These trainings are not conducted by local parish/school staff but by archdiocesan trainers. Trainings are offered on a regular basis each month throughout the archdiocese; check [www.arch-no.org](http://www.arch-no.org) for a calendar of trainings. Trainings can also be scheduled for groups through the Safe Environment Coordinator or the Archdiocesan CYO Director.
- The certificate of completion received at the end of the training must be presented to the program supervisor at the school or parish, and is valid for three years.

#### **At the local parish, school, or ministry, the individual must:**

- Complete the individual's online profile in the "Austin Computing" archdiocesan safe environment database
- Submit to a criminal background check through the archdiocesan vendor. The release to allow this check is done through the online profile outlined above. The background check is valid for three years.
- Present the Praesidium certificate to the program supervisor/safe environment site administrator who will enter the training date into the Austin Computing database.

- Receive and review copies of the **Archdiocesan Abuse & Neglect Policy and the Archdiocesan Code of Ethics**

**Other notes and requirements:**

- The certification (both the training and background check) are **good for a period of three years, for any ministry location in the archdiocese**. Records are maintained in a central archdiocesan database (provided by Austin Computing.) After three years an individual must be re-trained and have a new background check completed.
- **Youth Ministry leaders shall ensure that safe environment training for/to the young people** with whom they work. Because youth ministry programs do not have set rosters and consistent attendance, youth ministers are asked to offer the catechesis at least annually, and especially to young people who are not enrolled in a Catholic school. (Students in Catholic schools always receive the safe environment training in class annually.) There are gradelevel-specific materials provided by the Office of Safe Environment Coordinator.
- All adults need to sign a **Field Trip Liability Waiver** for any trip/event off of the grounds of the parish/school/agency. All parents/guardians also need to complete the **Adult Medical Consent Form**. These forms are to be submitted to the director/supervisor of the parish/school/agency. (Copies attached.)
- Chaperones must be over 21 years of age. Young adults under the age of 21 who assist with youth programming are not considered chaperones.
- No adults shall possess, consume or use alcohol or illicit drugs during any youth programs, functions and events.
- Adults shall not at any time purchase objectionable or questionable materials for youth, e.g., cigarettes, alcohol, drugs, weapons, fireworks, condoms, or sexually suggestive materials.
- Adults must use discretion in dealing with all young people, especially regarding physical contact. Innocent behavior can be misinterpreted.
- Youth ministers are required by law to report cases of child abuse. The Archdiocesan ***Policy Concerning Abuse or Neglect of Minors*** must be followed in all allegations of child or sexual abuse.
- Youth ministers and chaperones are obligated to preserve the health, safety, and welfare of youth. Depending on circumstances presented, youth ministers and chaperones should consult with supervisors as to these issues.
- Any knowledge or allegations of any Archdiocesan volunteer or employee having an inappropriate relationship with a youth **MUST** be reported to the parish/school/agency

supervisor.

### **20.13.4 POLICIES FOR SUPERVISION OF YOUTH**

- PERMISSION FORMS (Parental/Guardian Consent Form and Liability Waiver)
  - The attached consent form must be completed as applicable.
  - Youth may not participate in an off-site event with only “verbal permission.” To the extent that such programs or events are ongoing or continuous, e.g., visiting nursing homes, one consent form per year, per each individual ongoing event is sufficient.
  - Original copies of the signed consent forms must be kept in the parish/school/agency offices for at least two years.
  
- MEDICAL CONSENT FORMS
  - Parishes/schools/agencies are required to have medical release forms for both adult and youth participants. See attached. These forms have two main parts:
    - The permission to treat in a medical emergency
    - The options for treatment in non-emergency situations.
  - All information on the form must be completed, especially in the area of insurance/health carrier. Participants and adults must submit these forms *before* the program/event/function.
  - In lieu of completing a medical consent form for each field trip, one completed form may be kept on file by the parish/school/agency for up to one year per individual, after which time it must be updated and renewed. Copies must be available to program leaders with youth in their immediate supervision.
  
- MEDICAL CARE

All supervisors of parishes/schools/agencies in charge of a youth program/function/event must make plans for emergency medical care, including:

- A general first aid kit
  - Emergency information (e.g.: phone numbers and directions to hospitals nearest the off-site location, log of all passengers in vehicles, signed copies of Parental/Guardian Consent Form and Liability Waiver, signed copies of the Medical Consent Form, etc.)
- REPORTING ACCIDENTS AND INJURIES

All volunteers and employees have the responsibility, when a young person is injured, to notify parents and/or guardians of children. The necessary insurance form and accident investigation

report should be filled out and filed with the supervisor of the parish/school/agency. Reports should also be filed with the Archdiocesan Insurance Office.

- **INSURANCE**

Agencies/parishes/schools may have different expectations in the area of (optional/additional) insurance coverage. Volunteers and employees need to consult supervisors about this before planning or leading any off-site youth functions. Supervisors will explain all insurance information and requirements to volunteers to assist them as off site events, functions and programs are planned. Insurance through the CYO Office and Catholic Mutual is encouraged for all off-site activities. It is required for participation in CYO Athletic Leagues.

- **TRANSPORTATION**

Transportation regulations for youth functions are formed in adherence with regulations given by Catholic Mutual for the Archdiocese of New Orleans. [For clarification on these matters, contact Catholic Mutual.]

- **Commercial or Rented Vehicles**

Commercial carriers or contracted transportation are the most desirable methods to be used for trips, and whenever possible, one of these modes of transportation needs to be provided. *The use of private passenger vehicles is discouraged and should be avoided if at all possible.*

- If COMMERCIAL carriers are used (such as, commercial airlines, trains or busses), no further information is needed.
- If transportation is CONTRACTED, signed contracts must be executed with an appropriate hold harmless agreement protecting the parish/school/agency and the archdiocese. Contracted carriers must provide proof of general liability insurance with a minimum of \$500,000 CSL (combined Single Limit)
- LEASED VEHICLES: If a vehicle is leased or rented to transport participants to and from the event, appropriate insurance must be obtained. Coverage can be purchased through the rental company. NB: If a vehicle is borrowed, that vehicle must also be insured.
- VANS: A 15-passenger van cannot be used to transport youth, ages preschool to grade 12, to or from any school/parish/agency function.

- **PRIVATE PASSENGER VEHICLES**

If a private passenger vehicle must be used, then the following information MUST be supplied and this information must be certified by the driver in question. This *Driver's Information Sheet*, should be kept on file in the parish (updated yearly or when insurance coverage or vehicle changes). Form attached. Information included in this form:

- The driver must be 21 years of age or older.

- The driver must have a valid, non-probationary driver's license and no obvious incapacitating disability that could impair the driver's ability to operate the vehicle safely.
  - The vehicle must have a valid and current registration and valid and current license plates.
  - The vehicle must be insured for the following minimum limits: \$100,000 per person/\$300,000 per occurrence.
- SAFETY/SUPERVISION

Adults must ensure all youth activities are well planned; that is, safe, secure, supervised, developmentally appropriate, and in accord with common sense and the teachings of the Roman Catholic Church.

Special attention needs to be given to the following areas of off-site youth programming:

- Adults are NOT to share a room or tent, with youth other than the adult's own child or children.
- All sleeping areas (retreat, hotel, camping, etc.) need to be clearly separated between males and females. There is to be no coed sleeping in tents, retreat dorms, or other rooms.
- Adults are not allowed to have youth spend the night at their home, especially as a Church-sponsored activity, without other adult chaperones.

## **20.14 SEXUAL HARASSMENT**

Based on the teachings and moral principles of the Roman Catholic Church, it is the policy of the Archdiocese of New Orleans to provide employees and volunteers serving in offices, parishes, schools and programs of the Archdiocese of New Orleans with a workplace free from sexual harassment and free from any sexual conduct deemed inappropriate by the Roman Catholic Church. Should any employee or volunteer engage in any conduct violative of Roman Catholic Church teachings or principles, the archdiocese reserves the right to take whatever disciplinary action it deems appropriate as to any employee or volunteer.

In addition, pursuant to applicable laws, employees and volunteers of the archdiocese are entitled to a workplace free of sexual harassment. In that regard, the archdiocese will not permit any employee or volunteer, male or female, to sexually harass another in any way. Legally prohibited sexual harassment may involve, but is not limited to:

- Making, as a condition of a person's continued employment or service, unwelcome sexual advances or a request for sexual favors or other verbal or physical conduct of a sexual nature; or,
- Making submission to or rejection of such conduct the basis for tangible employment



decisions affecting the employee or volunteer; or,

- Creating an intimidating, hostile, or offensive working environment by such conduct that is so severe and pervasive that it alters the conditions of the victim's employment and creates an abusive work environment.

Sexual harassment includes behavior that is not welcome, that is personally offensive, that fails to respect the rights of others, that lowers morale and that, therefore, interferes with work effectiveness. Sexual harassment may take different forms. One specific form is the demand for sexual favors. Other forms of harassment include but are not limited to:

- Verbal: Sexual innuendoes, suggestive comments, jokes of a sexual nature, sexual propositions, threats; or,
- Non-verbal: Sexually suggestive objects or pictures, graphic commentaries, suggestive or insulting sounds, leering, whistling, obscene gestures; or,
- Physical: Unwanted physical contact, including touching, pinching, brushing the body, pushing.

Whatever form it takes, sexual harassment is insulting and demeaning to the recipient and will not be tolerated in the Archdiocese of New Orleans. All employees and volunteers must comply with this policy and take appropriate measures to ensure that such conduct does not occur. Depending upon the nature and extent of any violations of this policy, such violations may result in disciplinary action up to and including termination of employment or volunteer services and/or notification of appropriate civil or criminal law enforcement authorities for their action, if any.

If an employee or volunteer believes that he or she has been subjected to sexual harassment by any other employee or volunteer, that person shall immediately report the matter in writing to his or her supervisor or volunteer coordinator, keeping a copy of the report for his or her own records.

Under no circumstances need an employee report the harassment to a supervisor or volunteer coordinator who is the person being accused of sexual harassment. In such a situation, the employee or volunteer shall report the alleged harassment in writing to the next highest supervisor about the immediate supervisor or volunteer coordinator.

The Archdiocese of New Orleans will, to the maximum extent feasible, maintain the confidentiality of such complaints on a need-to-know basis. However, investigation of such complaints will require disclosure to the accused party, other witnesses and superiors in order to gather pertinent facts.

Following receipt of a complaint as to sexual harassment, the supervisor or volunteer coordinator (or other official in cases where the immediate supervisor or volunteer coordinator is the

accused) -- or the designee of the supervisor or volunteer coordinator -- shall immediately begin an investigation into the alleged sexual harassment. If there is a designee to perform the investigation, the supervisor or volunteer coordinator shall remain responsible for ensuring that an investigation is conducted.

Any such investigation shall include an interview of the complainant and obtaining from the complainant a written statement setting forth times, dates, places, exact quotes or behaviors, and the names of witnesses. The supervisor (or, again, his or her designee) shall also collect from the complainant any physical evidence, such as written notes, e-mail, recordings or other items that may corroborate (or contradict) any aspect of the complaint.

The supervisor or designee in charge of the investigation shall also interview the alleged harasser, and, if possible, obtain a written statement of the events that occurred, if any. If the harasser admits the offending conduct, then an explanation for the behavior shall be requested and appropriate disciplinary action taken.

If the alleged harasser denies the alleged action, at that point the supervisor or designee shall also interview any key witnesses who may have knowledge of the alleged harassment, e.g., through overhearing or witnessing the harassment.

Any interviews with any persons - the alleged victim, alleged harasser, or any witnesses - shall take place on a confidential basis, with the supervisor or volunteer coordinator obtaining from each employee and/or witness an agreement to keep the matter confidential, preferably in the written statement to be obtained from any employee. When interviewing witnesses, the supervisor or volunteer coordinator shall also balance the goals of obtaining full information that supports or contradicts the complaint against poisoning the work environment if the complaint proves unfounded. The written statements obtained from all witnesses shall include all details of time, dates, and places where the harassment, if any, occurred, in addition to the confidentiality agreement mentioned above.

In the situation where the alleged offensive conduct is denied, following a review of the statements from the complainant and witnesses and the resolution of any inconsistencies in these statements, the supervisor shall attempt to reconcile all of the employees' positions to determine whether or not offensive conduct occurred. If so, then appropriate employee discipline must be taken, up to and including termination.

If the investigation results are inconclusive as to whether sexual harassment has occurred, the supervisor or volunteer co-coordinator shall immediately reinforce this policy against sexual harassment to all relevant, i.e., involved employees, including but not limited to possible counseling of the alleged harasser and/or the complainant. If feasible and if approved by the alleged victim, the appropriate supervisor may also consider offering to the complainant a transfer to another position and/or take action to prevent contact between the complainant and alleged harasser.

If the investigation results are conclusive that sexual harassment has occurred, then the

supervisor or volunteer coordinator must take immediate steps to ensure that the offending action ends and shall take disciplinary action against the offender, which may range from counseling to termination of employment depending on the nature of the harassment.

During the investigation, the supervisor shall also take steps to ensure that no sexual harassment or retaliation against the complainant occurs. Such steps may include, but are not necessarily limited to, the appropriate supervisor's segregating the complainant from the alleged offender in the workplace setting or suspension with pay of the accused party, depending on the egregiousness of alleged offense and the circumstances.

In all cases, the complainant shall be apprised of the results of the investigation. Further, as mentioned, no retaliatory action shall be taken against the complainant. If the complaint is totally baseless and without any foundation, the supervisor or volunteer coordinator shall consult with the archdiocesan attorneys prior to taking any action against the complainant.

#### **20.14.1 THE FOLLOWING IS MEANT TO SERVE AS A COMMENTARY AND EXPLANATION OF THE ABOVE POLICY ON SEXUAL HARASSMENT**

Definitions are not clear-cut when dealing with a complex issue such as sexual harassment in the workplace. While there are some actions or behaviors that most would agree are blatantly offensive and inappropriate for the workplace, it is sometimes more difficult to identify the most subtle forms of sexual harassment. However, such subtle harassment can be just as damaging to affected individuals.

The identification of sexual harassment is often based on individual perceptions and can involve subjective interpretations of behavior. What may be offensive to one individual may not be offensive to another. A person may not intend for his/her actions to offend another. Further, in order to be legally actionable in terms of a sexually objectionable environment (as opposed to the situation where a supervisor requires sexual favors in return for continued employment, promotions, etc.), the sexually objectionable work environment must be one that a reasonable person finds objectionable *and* one that the victim in fact perceives to be objectionable. Thus, factors in identifying workplace sexual harassment rest on the effect of the behavior on the recipient weighed against a standard of reasonableness, not necessarily on the *intent* of the sender.

Sexual harassment in the form of workplace harassment (again, as opposed to the requirement of sexual favors for continued employment, promotions, etc.) must have the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile, or abusive work environment that is severe and pervasive.

Further, the circumstances regarding alleged offensive behavior must be examined to determine whether a hostile work environment has been created. Determining factors may include the frequency of the offending conduct, its severity, whether it is physically threatening or humiliating, or whether it unreasonably interferes with another's work performance or psychological well-being. Any of these factors alone or in combination may constitute harassment. However, hostile work environment does not necessarily include genuine but

innocuous differences in the way men and women interact with members of the opposite or same sex, simple teasing, offhand comments, and isolated incidents (unless extremely serious).

Sexual harassment can cover a wide spectrum of behavior, both intentional and unintentional. Outlined below are some examples of behavior/actions that could constitute harassment and create a hostile work environment if so severe and pervasive as to alter the conditions of the job and to create an abusive work environment. However, it should be noted that this list is not all-inclusive:

#### *Verbal*

- sexual innuendos;
- off-colored jokes;
- unwelcome comments on one's physical appearance/dress;
- derogatory or vulgar comments directed at an individual;
- 5.suggestive or insulting sounds (e.g., catcalls, kissing sounds, etc.);
- propositioning/asking for sex.

#### *Non-Verbal*

- demeaning, offensive, suggestive or degrading pictures, posters,
- calendars, cartoons, memos, letters or E-Mail notes;
- pornographic material;
- obscene gestures or motions;
- leering or staring;
- indecent exposure.

#### *Physical*

- unwanted physical contact (e.g., brushing up against, pinching,
- kissing, hugging, massaging, touching, etc.);
- blocking or impairing a person's movement;
- unwelcome sexual advances;
- physical assault or rape.

Each employee or volunteer is responsible for continually examining his or her behavior and carefully evaluating his or her actions in advance to avoid creating an offensive working environment. A general "rule-of-thumb" test for determining whether your actions/ behaviors may be inappropriate for the work place is to ask yourself the following questions:

- Would I do or say the same thing if my supervisor, spouse, parent, or child were present?
- Would I take the same action if I knew it would be published with my name associated with it in the local paper the next morning?

- Would I feel comfortable if someone else did or said the same thing to a member of my own family?

If there are any doubts about whether another individual might be offended, then such behavior should not take place.

To insure a workplace that is harassment free for all employees, awareness and sensitivity by every individual is essential. Each employee and volunteer can make a significant impact on preventing harassment in the workplace by following the guidelines outlined below:

### ***Employee Responsibilities***

- Evaluate in advance the possible impact of actions on others - if you have any doubts about whether behavior might be offensive, don't do it.
- Be courteous and respectful of others in their individual differences.
- If an employee or volunteer feels that he or she is being harassed, or if an employee or volunteer is aware of another employee/volunteer being harassed, take appropriate actions to address, report in writing and resolve the matter as outlined in this policy.
- Cooperate fully and truthfully with archdiocesan investigations of alleged harassment.

### ***Management Responsibilities***

All persons in a position of authority have the responsibility for promoting and maintaining a workplace which is free from prohibited discriminatory activity, including harassment, by following the steps outlined below:

- Be alert to problems in the workplace that might result in the creation of hostile work environments.
- Set a personal example by carefully monitoring your own words and actions to treat others with dignity and respect.
- Maintain an open-door policy to encourage those with concerns to come forward to either you or to alternative resources such as pastors or others.
- Take all harassment allegations seriously and provide a supportive environment to help resolve the individual's concerns.
- Initiate a proper investigation of all allegations with the assistance of appropriate archdiocesan authorities or attorneys, if necessary.
- Remain impartial/non-judgmental during investigatory process.

- Provide involved parties with an opportunity to present their perspective.
- Maintain investigatory information confidential among persons who need to know.
- Take consistent and appropriate corrective actions when warranted based on the facts surrounding the situation and provide feedback to the appropriate party(s) regarding the final resolution.
- Strictly enforce compliance with a harassment-free workplace and prohibit adverse action against individuals who raise good-faith harassment concerns or provide truthful information to the archdiocese in conjunction with investigations.

### ***What Employees Should Do If You Believe Harassment Has Occurred***

It is recognized that a victim's reporting harassment can be difficult and uncomfortable. It is important to realize, however, that if offending behavior is ignored or if it is assumed that someone else will deal with it, the offending behavior may not stop. Additionally, the harasser may be offending others, too. Therefore, individuals who believe they are being harassed or who observe or are otherwise aware that a fellow employee is being subjected to sexual harassment should - in addition to reporting the sexual harassment as outlined above - take the following actions:

- Confront the alleged harasser and inform the individual that his/her behavior or actions are not welcome;
- Tell the individual to stop the offensive behavior immediately;
- Be specific with the offending individual about the behavior to be stopped and its negative effects.
- In all cases, the employee who believes that he or she is the subject of sexual harassment shall:
  - Document concern(s) in writing and include such documentation in the complaint to the supervisor and/or volunteer coordination, i.e., keep track of specific dates/times/places, details of the offending behavior; note any witnesses' names and what they observed;
  - Report concerns in writing to supervisor/volunteer coordinator;
  - Cooperate fully and truthfully with the investigation and recognize that no adverse action will be taken against the reporter of harassment for making a good-faith harassment complaint or for assisting in the investigation.

## 20.15 GENERAL POLICY AND PROCEDURE ON TECHNOLOGY

### 20.15.1 Introduction

The Roman Catholic Church of the Archdiocese of New Orleans provides and uses many forms of communication and information technologies. These technologies, when properly used, support our ministries and pastoral activities and enable closer and timely communication within the Archdiocese. There is a continuing evolution of associated laws and conventions governing acceptable use and careless use of electronic communication tools that can have consequences, possibly harming the Archdiocese and employees of the Archdiocese. These policies are intended to minimize the likelihood of such consequences by educating users and by acting as the basis for written policies and procedures whose existence will help protect the Archdiocese and its employees. Access to Archdiocesan communication tools is provided in conjunction with the Archdiocese's ministries and the user's job responsibilities. A user of these tools is subject to this policy and other Archdiocesan policies and procedures. This policy is binding for the Archdiocese and all Archdiocese users (1). Archdiocesan communication tools also may be made available to individuals who are not of the Archdiocese (e.g., consultants, vendors, committee members, temporaries, and volunteers). Use of these tools by such persons when allowed is also subject to this policy.

### 20.15.2 Ownership and Access

Communication tools (2) and network-related systems (3) purchased or provided by the Archdiocese for use in the performance of its ministries are the Archdiocese's property and subject to reasonable inspection. All information created in the course of the Archdiocese's ministries and/or produced or carried on Archdiocesan communication tools is likewise Archdiocesan property and subject to reasonable inspection. These systems are to be used for purposes in serving the interests of the Archdiocese. No person is expressly, implicitly or otherwise authorized to use the property of the Archdiocese for excessive personal use or outside of the scope of these Policies.

Individual users shall be aware that the data they create on these systems remains the property of the Archdiocese or its related entities. Accordingly, no individual should have any expectation of privacy in respects to the content or data contained on his or her network related systems.

### 20.15.3 Use and Misuse of Communication Tools

In the course of employment, Archdiocesan users may use these tools to communicate internally with Archdiocesan coworkers or externally with agencies, consultants, vendors, and other professional and business acquaintances. The Archdiocese provides users with electronic communication tools to facilitate communications and to enhance productivity. Each user accessing these tools must have a unique user ID assigned by the system administrator. All accounts must have a password equal to or exceeding the password security guidelines promulgated by the Archdiocesan Office of Information Technology. Under no circumstances shall it be permissible to allow another person the use of one's ID or password. **All passwords**

**must be treated as sensitive and confidential Archdiocesan proprietary information.**

### **20.15.3.1 Mobile Computing & Storage Devices**

With advances in computer technology, mobile computing and storage devices (4) have become useful tools to meet needs. These devices are especially susceptible to loss, theft, hacking, and the distribution of malicious software because they are easily portable and can be used anywhere.

All mobile computing and storage devices containing or accessing information resources must be approved by the Office of Information Technology and/or their delegates prior to connecting to Archdiocesan information systems.

Any and all users of mobile computing and storage devices must diligently protect such devices from loss of equipment and disclosure of private information belonging to or maintained by the Archdiocese.

### **20.15.3.2 Remote Access**

Remote access to Archdiocesan network resources is achieved using a high security two-factor authentication system utilizing hardware token authenticators. Written approval from an Office Director or appropriate Supervisor as well as final approval from the Office of Information Technology is required to utilize this resource,

- a) It is the responsibility of Archdiocesan employees, contractors, vendors and agents with remote access privileges to the Archdiocese's network to ensure that their remote access connection is given the same consideration as the user's on-site connection to the Archdiocese. The user must ensure that their Archdiocesan-owned or personal computer or workstation that is remotely connected to the Archdiocesan corporate network is not connected to any other network at the same time, with the exception of personal networks that are under the complete control of the user.
- b) All hosts that are connected to Archdiocesan internal networks via remote access must use the most up-to-date anti-virus software and definitions, if applicable. This includes personal computers.
- c) General access to the Internet for recreational use by Archdiocesan employees and household members through the Archdiocesan Network on personal computers is strictly prohibited. The employee bears responsibility for all consequences if remote access is misused.

### **20.15.3.3 Unacceptable Use**

The following activities are deemed "unacceptable uses," in general, and are therefore prohibited:



- Illegal activities under local, state, federal or international law including: (1) downloading of video and music in violation of copyright laws, (2) unauthorized copying of copyrighted material, including, but not limited to, digitization and distribution of photographs from magazines, books or other copyrighted sources, (3) installing of any copyrighted software for which the Archdiocese or related entity does not have an active license, or (4) using software files, images or other information downloaded from the Internet that has not been released for free publication.
- Locations that have minors shall not have access to any Internet sites or materials that violate any policies of the Archdiocese, including but not limited to Safe Environment, Children's Internet Protection Act (CIPA), or any other applicable laws that govern the use of technological tools by minors.
- Transmissions that violate copyrights held by others; transmission of threatening, violent, or obscene material; or transmissions that contain inappropriate language.
- The posting or distribution of any communications, video, music, or pictures which a reasonable person would find contrary to the morals and teachings of the Roman Catholic Church or any policies of the Archdiocese of New Orleans or which would be considered to be defamatory, offensive, harassing, disruptive, derogatory or bullying. This includes, but is not limited to, sexual comments or images, racial or ethnic slurs, or other comments or images that would offend someone on the basis of race, creed, gender, national origin, age, political beliefs, mental or physical disability, or veteran status.
- Acts of vandalism as defined as any malicious attempt to harm or destroy data of another user or to damage hardware or software or system or network activities. This includes, but is not limited to, the uploading or creation of computer viruses or introduction of malicious programs into the network or servers (e.g., viruses, worms, Trojan horses, or e-mail bombs.)
- Unauthorized use of another individual's computer, access accounts, and/or files.
- Use of non-Archdiocesan Internet access that allows a location to circumvent the Archdiocesan firewall and security devices. These connections create a "back-door" into the network resources that could compromise network security.

The following System and Network activities are also prohibited:

- Bypassing applicable security restrictions, whether or not they are built into the operating system or network, and whether or not they can be circumvented by technical means.
- Using an Archdiocesan computer or technology information resource to actively

engage in procuring or transmitting material that is in violation of sexual harassment or hostile workplace laws.

- Using the technology resources of the Archdiocese to engage in other inappropriate conduct, e.g., making fraudulent offers of products, items, or services
- Not having up-to-date anti-virus software for hosts that will connect to Archdiocesan networks. Active anti-virus subscription on Window's systems is vital for network security

The following E-mail and Communications activities are prohibited:

- The sending of unsolicited e-mail messages, including the sending of "junk mail" or other advertising material to individuals who did not specifically request such material (e-mail spam).
- Any form of harassment via e-mail, telephone or paging, whether through language, frequency, or size of messages.
- Unauthorized use, or forging, of e-mail header information.
- Solicitation of e-mail for any other e-mail address, other than that of the poster's account, with the intent to harass or to collect replies.
- The creating or forwarding of "chain letters", "Ponzi" or other "pyramid" schemes of any type.
- The use of unsolicited e-mail, originating from within the Archdiocesan networks, of other Internet, Intranet or Extranet service providers on behalf of, or to advertise, any service hosted by the Archdiocese or connected via the Archdiocesan network.
- The posting of the same or similar non-business-related messages to large numbers of newsgroups (newsgroup spam).
- The use of the Archdiocesan logos or materials in any web page, Internet posting, or printed material, unless it has been approved in advance by the Archdiocesan Office of Communications.
- Any other activity that does not comply with the Archdiocesan Electronic Communications Policy.

#### **20.15.3.4 User Termination**

Any user who no longer has a valid reason to access Archdiocesan property, systems and personal computer systems (whether due to termination of employment, end of assignment, or otherwise) is required to return to the Archdiocese all information regarding systems access, including, without limitation: password(s), documentation about system(s), user manuals, and any Archdiocese data or information contained on mobile computing or storage devices in his/her possession. Such users are prohibited from accessing, or attempting to access, Archdiocesan property, systems, and personal computer systems, using any method. The Archdiocese reserves the right to use all means to enforce its rights against users that violate the foregoing provisions.

#### **20.15.3.5 Limits of Privacy**

Because communication tools are provided for the Archdiocese's business purposes, users' rights of privacy in this context are limited. Users shall have no expectation that any information transmitted over Archdiocesan facilities or stored on Archdiocesan-owned computers is or will remain private. These systems are owned and/or controlled by the Archdiocese and are accessible at all times by the Archdiocese for maintenance, upgrades, or any other business or legal purpose. Users who use Archdiocesan communication tools shall be aware that the Archdiocesan firewall (and other security tools) creates an audit log detailing every request for access in either direction by each user. Also, in the course of their duties, system operators and managers from the Office of Information Technology may monitor employee use of the Internet or review the contents of stored or transmitted data.

#### **20.15.3.6 Penalties**

Violations of these policies may result in responses ranging from revocation of technology resource privileges to termination of employment.

#### **20.15.3.7 Notes**

An "Archdiocesan entity" as used herein shall include any archdiocesan department, institution, office, parish, mission, archdiocesan school, parochial school, or corporation as found in the Archdiocese of New Orleans section of the Official Catholic Directory whether separately incorporated or not. However, nothing herein shall be construed as affecting the separate corporate nature of any separately incorporated, affiliated entity, and "Archdiocese" is used for descriptive purposes only. "Archdiocesan" is descriptive of "Archdiocese." This does not apply to independent entities listed in the Official Catholic Directory under the Archdiocese of New Orleans but are recognized as Catholic organizations by the Archbishop as Shepherd of the Archdiocese.

- Communication tools include, but are not limited to E-mail, Internet, Websites, Computers, Smart (cell) Phones, Instant Messaging, and Voicemail.
- Network-related systems, including, but not limited to, computer equipment, communication devices, software, operating systems, storage media, network accounts providing electronic mail, web browsing, and file transfer protocols.

- Mobile computing and storage devices include, but are not limited to, the following: laptop computers, personal digital assistants (PDAs), plug-ins, Universal Serial Bus (USB) port devices, Compact Discs (CDs), Digital Versatile Discs (DVDs), flash drives,
- modems, handheld wireless devices, wireless network cards, and any other existing or future mobile computing or storage device.

## **20.16 POLICY AND PROCEDURES ON TECHNOLOGY**

### **20.16.1 USER AGREEMENT FORM**

I have received a copy of the Policy and Procedures on Technology (the “Policies”) prepared by the Office of Information Technology of the Archdiocese of New Orleans, which is applicable to me through my employment with the Archdiocese or one of its affiliated entities.

I understand that I am responsible to understand and comply with the terms of the Policies, and all policies and requirements contained therein.

I acknowledge that the Archdiocese of New Orleans through its Office of Information Technology may monitor and record the Internet address of any site that I visit and keep a record of any network activity in which I transmit or receive any kind of file. I acknowledge that any message I send or receive may be monitored and recorded.

I understand that any violation of this Policy may lead to disciplinary action, including but not limited to, termination of my employment.

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Name (print)

\_\_\_\_\_  
Title

## 20.16.2 SOCIAL MEDIA

Social Media consists of several methods of sharing content: blogging (such as Wordpress), micro-blogging (Twitter), social networking (Facebook, MySpace), crowd sourcing (Wikipedia), content sharing (YouTube, Flickr, RSS feeds) and Web applications (cell phones).

This is a rapidly growing area of the Internet that is receiving considerable attention by many entities, including the Vatican.

This is an area that will require careful and deliberate observation so that risks are minimized and opportunities to convey the Archdiocese of New Orleans' mission maximized. Social networks have been criticized and had legal action brought against them because of privacy violations and posting by users of illegal or otherwise inappropriate material. They also represent the most active sector of the Internet, especially among young Catholics who are least likely to attend Sunday Mass, and therefore can be a primary way to reach an important part of the church.

Offices considering use of social media (blogs, Facebook, MySpace, etc.) must first receive approval from your immediate supervisor and the executive director of your department and must address concerns such as:

- Being able to block commentary and images that are potentially libelous or contrary to Church teaching.
- Being able to monitor any suggested links posted by other users, if the system allows for this feature. (Currently YouTube has this feature.)
- Determining whether to respond to appropriate comments or requests for dialogue in a timely manner with guidelines regarding content of that response.

It is recommended that offices turn OFF all comments, responses, linking, etc. on social media. While this is contrary to the interactive mindset of social media, there is still the potential to have substantial exposure in these areas, even with limited interactivity.

If an office decides to allow comments and responses, they must be monitored before going live. POSTING COMMENTS must adhere to the following guidelines:

- All personal information must be deleted
- Links to other sites should be eliminated from post (there is a tendency for individuals and businesses to promote their materials and sales of materials through blog postings)
- Comments should stay on topic
- Comments should be respectful and adhere to common sense courtesies

RESPONSE TO COMMENTS must adhere to the following guidelines:

- Must adhere to Church teaching
- Must be professional, respectful and courteous
- Must avoid debating in any manner
- Have more than one person monitoring or at least a progression in place so if there is any question on a comment it moves up the progression for discussion
- Must be able to handle monitoring of volume of comments (it is much better not to allow comments than to allow comments and not respond to them)
- Not all comments need a reply

Blogs must have language displayed that informs users of the blog regarding the topic, intent and whether comments are accepted, monitored and/or edited.

Before launching any social media project make sure it is the appropriate method. Ask the following questions:

- Who is the audience?
- Is the audience active in this forum?
- Is this the best way to reach the audience?
- Is the cost worth the numbers?
- How will success be measured?

### **TESTIMONIALS OF SUITABILITY**

This policy only applies to testimonials concerning Safe Environment. Testimonials concerning theological orthodoxy or qualifications as a presenter in the name of the Church should be handled separately and individually. This applies only to persons coming to minister in the Archdiocese of New Orleans for a single event. Those who are assigned to ministry in the Archdiocese of New Orleans should work with the procedures of the appropriate office.

**TESTIMONIALS ON BEHALF OF PERSONS FROM THE ARCHDIOCESE OF NEW ORLEANS**

The respective office of the Archdiocese of New Orleans should send testimonials to the ordinary of the diocese requesting the testimonial according to the following:

Incardinated Diocesan Priests and Transitional Deacons – Priest Personnel Office

Incardinated Permanent Deacons – Office of the Permanent Diaconate Religious Personnel

(Priests, Sisters, and Brothers) – Must obtain Testimonials of Suitability from their appropriate Religious Superior

Laity – The Chancellor’s Office after consultation with the proper pastor of the person requesting the Testimonial of Suitability

#### TESTIMONIALS RECEIVED INTO THE ARCHDIOCESE OF NEW ORLEANS ON BEHALF OF PERSONS FROM OUTSIDE OF THE ARCHDIOCESE

All Testimonials of Suitability should be sent to the Archbishop’s Office, which will forward them to the Priest Personnel Office. The Priest Personnel Office will be the only repository of all Testimonials of Suitability received in the Archdiocese of New Orleans. The Priest Personnel Office will acknowledge receipt of the testimonial and inform the appropriate local ministry site of the reception of the testimonial. The Priest Personnel Office will keep a record of all testimonials received into the Archdiocese of New Orleans. Testimonials are only valid for the particular time of ministry stated in the documents.

All priests, deacons, and religious coming into the Archdiocese of New Orleans for temporary ministry are required prior to undertaking any such ministry to present a Testimonial of Suitability from their appropriate superior.

Only lay persons who are coming into the Archdiocese of New Orleans to work with youth in an ongoing, unsupervised role (e.g. retreat, or teaching assignment) need to present a Testimonial of Suitability for ministry. When in doubt about the person’s ministry, a Testimonial of Suitability should be obtained.

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