



# **Archdiocese of Newark Policies on Professional And Ministerial Conduct**

**EFFECTIVE: JANUARY 1, 2019  
Version 01/19**

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## **Contact Information**

In general, an allegation of the violation of any of the policies contained herein regarding abuse of minors should be reported to:

### **Director, Office of Child and Youth Protection**

#### **Archdiocese of Newark**

Phone (973) 497-4254  
Fax (973) 497-4100  
P.O. Box 9500  
Newark, New Jersey 07104

Personnel of the Archdiocese of Newark reporting an allegation of sexual abuse against a minor pursuant to the Memorandum of Understanding, described in Section VI.D. of this Policy, should immediately contact:

#### **Karen Clark**

#### **Liaison pursuant to the Memorandum of Understanding**

Phone (973) 497-4254

Anyone with knowledge of suspected abuse of a person currently a minor is required by New Jersey State law to notify immediately the New Jersey Division of Child Protection and Permanency

### **New Jersey CP&P Hotline: 1-877 NJ ABUSE (652-2873)**

In addition to contacting the Archdiocese, anyone with information about sexual misconduct that may constitute a crime is encouraged to contact directly the Office of the Prosecutor in the county where the conduct occurred/is occurring:

Bergen County Prosecutor – 201-646-2300  
Essex County Prosecutor – 973-621-4700  
Hudson County Prosecutor – 201-795-6400  
Union County Prosecutor – 908-527-4500

See [www.rcan.org](http://www.rcan.org):

- For a Spanish translation of this document

## **II. General Definitions**

### **A. Church Personnel**

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

1. Priests and Deacons (Clerics)
  - a. Clerics incardinated in the Archdiocese of Newark.
  - b. Clerics who are members of religious institutes or in other forms of consecrated life, and who are assigned to pastoral work in the Archdiocese or who are otherwise engaged in the care of souls, the public exercise of divine worship, and other works of the apostolate (c. 678).
  - c. Clerics of other jurisdictions who are assigned to pastoral work in this Archdiocese, whether seeking incardination within the Archdiocese or not.
  - d. Clerics who are otherwise legitimately residing within the territory of the Archdiocese, including retired clerics and those engaged in part-time or supply ministry.
  - e. In addition to the provisions of these Policies, the above-mentioned clerics are also bound by the Supplemental Norms for Clergy.
2. Seminarians and Religious
  - a. All seminarians legitimately enrolled in the seminary programs of the Archdiocese: Immaculate Conception Seminary, Redemptoris Mater Archdiocesan Missionary Seminary and the College Seminary of the Immaculate Conception (St. Andrew's Hall).
  - b. Those who are enrolled in the permanent diaconate formation program.
  - c. 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 (c. 678).
  - d. Hermits and consecrated virgins legitimately residing within the Archdiocese.
3. The Lay Faithful
  - a. All paid personnel whether employed in areas of ministry or other kinds of services by the Archdiocese, its parishes, schools or other agencies; also, those who contract their services to Catholic Church agencies.
  - b. All volunteers. This includes any person who enters into or offers himself/herself for a Catholic Church related service of his/her own free will.

### **III. Prevention of Immoral Conduct: Guidelines for Ethical Behavior**

#### **A. Definitions**

1. Immoral conduct is conduct contrary to the discipline and teachings of the Catholic Church and may result in scandal to the faithful or harm to the ministry of the Catholic Church.
2. 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 led into a grave offense (*Catechism of the Catholic Church*, No. 2284).

#### **B. Standards of the Archdiocese as to Prevention of Immoral Conduct**

1. Church personnel enjoy a 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 irregularity in conduct exists. All Church personnel have a responsibility to strive to uphold the standards of the Catholic Church in their day-to-day work and personal lives.
2. 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 insure that all Church personnel follow the ethical standards of the Catholic Church. Therefore, Church personnel are prohibited from engaging in the following conduct:
  - a. Immoral conduct.
  - b. Procurement or participation in the procurement of abortion, or committing homicide or euthanasia.
  - c. Possession or distribution of pornographic material.
  - d. Adultery, flagrant promiscuity or illicit co-habitation.
  - e. Abuse of alcohol, drugs or gambling.
  - f. Theft, fraud, or any other form of misappropriation or misuse of Church funds or property.
  - g. Sexual exploitation or abuse.
  - h. Physical assault and fighting.
  - i. Conduct which is illegal under the laws of our country, state or local government.
3. Church personnel should not harm the reputation of others by:
  - a. Disclosing without legitimate cause the faults or failings of others to persons who have no cause to know them.
  - b. Making false allegations against another.

### **C. Reporting of Pastoral Counseling Exploitation**

Exploitation of pastoral counseling involving religious violates canon law. Therefore pastoral counseling exploitation shall be reported as follows:

1. Pastoral counseling exploitation involving Deacons should be reported to the Director of Deacon Personnel.
2. Pastoral counseling exploitation involving a priest, brother or nun should be reported to the Director of Clergy Personnel.

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

1. 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 both while the penitent is living and, if applicable, after he or she has died.
2. Information 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 norm of civil and/or canon law.
3. Church personnel should discuss the nature of confidentiality, including its limitations, with each person who seeks pastoral counseling.
4. If there is clear and imminent danger, the Church personnel is to disclose the information necessary to protect the parties involved and to prevent harm.
5. If disclosure must be made, if feasible, the Church personnel should inform the person being counseled about the disclosure.
6. With the exception of knowledge gained in the Sacrament of Penance, knowledge that arises from professional contact 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. In the rare event that such disclosures are used, good pastoral judgment is of the utmost importance when making decisions about the use of information in public ministry.
7. If Church personnel discover, while counseling a minor, that there is a serious threat to the welfare of the minor and that communication of confidential information to a parent or legal guardian is essential to the child's health, safety and well-being, the Church personnel should disclose only the information necessary to protect the health, safety and well-being of the minor.

## **V. Prevention of Abuse of Minors: Guidelines for Working with Minors**

### **A. Definitions**

1. A minor is anyone under the age of 18.
2. Abuse is physical abuse, sexual abuse and/or emotional abuse.
3. Physical abuse is non-accidental injury that is intentionally inflicted upon a minor.
4. Sexual abuse is any contact of a sexual nature that occurs between a minor and an adult. This includes any activity that is meant to arouse or gratify the sexual desires of the adult.
5. Emotional abuse is mental or emotional injury to a minor that results in an observable and material impairment in the minor's growth, development or psychological functioning.
6. Neglect is the failure to provide for a minor's basic needs or the failure to protect a minor from harm.

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

The following standards are intended to assist Church personnel in making decisions about interactions with minors in Church sponsored and affiliated programs. They are not designed or intended to address interactions within the family. For clarification of any policies or regarding behaviors not addressed here, contact your pastor, agency director, principal or the Director of the Office of Child and Youth Protection. (Contact information for the Director is on page 2 of these policies.)

1. Abuse and 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 neglect. Church personnel are prohibited from:
  - a. Using, possessing, or being under the influence of alcohol or illegal drugs while in the presence of minors. This prohibition does not exclude the consumption of alcoholic beverages at Archdiocesan social functions and parish-wide social functions approved by the pastor.
  - b. Swearing in the presence of minors.
  - c. Speaking to minors in a way that is or could be construed by any reasonable observer as harsh, threatening, intimidating, shaming, derogatory, demeaning, or humiliating.
  - d. Discussing their own sexual activities with minors.

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

1. The following standards shall be observed when Church personnel are involved in the transportation of minors:
  - a. Church personnel are prohibited from transporting minors without written permission of their parent or guardian.
  - b. Church personnel are prohibited from unnecessary and/or inappropriate physical contact with minors while in vehicles.
  - c. Minors should be transported directly to their destination. No stops should be made unless approved by the director of the program.
  - d. Church personnel assigned to transport minors must be at least 24 years old and have a valid driver's license.
2. Church personnel are prohibited from having minors stay overnight at their residence.
3. Changing and showering facilities or arrangements for adults must be separate from facilities or arrangements for minors.

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

1. 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 spanking, slapping, pinching, hitting, or any other physical force as retaliation or correction for inappropriate behavior by minors.
2. 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. However, Church personnel should always be aware that physical contact with minors can be misconstrued and should occur (a) only when completely nonsexual, when there is no possibility of others perceiving it as sexual, and when such contact is otherwise appropriate, and (b) never in private.
3. The following forms of affection are regarded as appropriate examples of affection for most Church sponsored and affiliated programs:
  - Hugs.
  - Pats on the shoulder or back.
  - Hand-shakes.
  - "High-fives" and hand slapping.
  - Verbal praise.
  - Touching hands, faces, 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.

with the children. On the other hand, all school employees and all parish employees must comply with these procedures since they could conceivably be alone with a child on school or church property. Furthermore, all volunteers who are expected to be alone or could be alone with minors must also comply with these procedures, for instance unpaid youth program leaders, catechetical teachers, field trip or retreat chaperones, church ushers and the like.

2. Before being placed in a volunteer position that involves work with or ministry to minors, volunteers should be registered members of the parish for at least six months. After consultation with the Director of Child and Youth Protection, exceptions in extraordinary circumstances may be made by the pastor or principal.

3. Church personnel who transfer from one parish or school within the Archdiocese to another parish or school within the Archdiocese may request that their Church personnel application be transferred to the new parish or school. The six-month wait will not apply to these transfers.

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

1. Church personnel, as noted in V.E.I.c. above, who are involved with minors must participate in training by attending the Protecting God's Children program as soon as possible, but no later than 30 days after they assume their position. Failure to participate in such training as provided by the Archdiocese may lead to termination of employment or expulsion as a volunteer.

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

1. Parents have a right to observe programs and activities in which their children are involved. However, parents who desire to participate in or have continuous, ongoing contact with their child's programs in the Church shall fulfill the requirements of the volunteer application process as stated in this Section.
2. Programs for minors shall be sponsored or administered by at least two adults.
3. Church personnel under the age of 21 shall work under the direction of an adult supervisor who is age 21 or older.
4. Church personnel in leadership roles shall be aware of all programs for minors that are sponsored by their parish or school. A list of these programs shall be maintained in the central office and include activities, purpose, sponsors or coordinators of the programs, meeting times and locations. Leaders shall regularly examine these programs and consider whether they have adequate supervision.
5. All new programs for minors must be approved in writing by the pastor and/or principal.



4. Inappropriate behaviors or policy violations that relate to interactions with minors also shall be reported to the Director, Office of Child and Youth Protection (See contact information at page 2.)
5. If there are questions about the applicability of these policies, consult your superior, any supervisor or the Director, Office of Child and Youth Protection. (See contact information is at page 2.)
6. When suspicious or inappropriate behaviors are reported to a supervisor, he or she shall report the matter to the highest person in the organization and that person shall gather additional information about the nature of the concern and contact the Director, Office of Child and Youth Protection for consultation. Regardless of the outcome of initial information gathering, a Notice of Concern (See Appendix A) shall be completed and sent to the Director.
7. If at any point policy violations with minors are confirmed, lay Church personnel shall be subject to disciplinary action, up to and including termination. Clergy shall be subject to discipline in accordance with Church policies and Canon law.

### **C. Reporting Abuse of Minors**

1. In accordance with New Jersey law, any citizen who has cause to believe a minor may have been or is being abused is required to report his or her suspicions to the New Jersey Division of Child Protection and Permanency. CP&P maintains a 24-hour child abuse hotline at 1-877-NJ ABUSE (652-2873). The Notice of Concern form (See Appendix A) shall be used to document the report.
2. In addition to reporting to the New Jersey Division of Child Protection and Permanency, Church personnel shall immediately report any suspected or known abuse of minors to the Liaison under the Memorandum of Understanding. (See Section VI. D. below for information about the MOU and page 2 for Liaison contact information.)
3. In addition to reporting to the New Jersey Division of Child Protection and Permanency (CP&P) and the MOU Liaison, Church personnel shall report any suspected or known abuse of minors that may have been perpetrated by Church personnel directly to the Director, Office of Child and Youth Protection. (See contact information at page 2). Reports of suspected abuse will be treated as confidential to the extent possible.
4. With regard to minors, and consistent with its obligations under the MOU, the Archdiocese will cooperate fully with investigations by all civil authorities.
5. During investigations by civil authorities or otherwise, Church personnel who is the subject of the investigation will be temporarily removed from Church responsibilities and duties in appropriate cases.
6. Investigations will be documented. Documentation will be stored in the appropriate personnel file(s).

7. Each of these crimes is more specifically defined in New Jersey State law. If you have any question as to whether certain conduct falls under one of the above categories and must be reported, please contact the MOU Liaison. (See contact information at page 2)
8. If Church personnel has received or discovered information which causes him/her to believe that a minor has been, is, or is about to be kidnapped, the person must immediately notify the local police department by calling the 9-1-1 emergency telephone number.
9. Church personnel must report any crime listed under the MOU when he/she is notified by a victim of such a crime or notified by a person who claims to be the parent, guardian or legal custodian of an individual alleged to be the victim of such a crime.
10. Church personnel must report suspected crimes under the MOU even if the alleged victim, the alleged victim's parent or legal guardian (if the alleged victim is under 18 years of age) or the person providing information about the crime does not agree to such reporting.
11. Church personnel must try to obtain and report to the MOU Liaison all relevant information with respect to the incident or incidents at issue including, but not limited to:
  - (a) the name, address and age of the victim;
  - (b) in the case of a victim under 18 years of age, the name and address of the victim's parent, guardian or other person having custody and control of the victim;
  - (c) the nature and extent of any injuries suffered by the victim, including information concerning any previous injuries or abuse;
  - (d) the identity and present whereabouts of the person suspected of committing the offense;  
and
  - (e) any other information that may be helpful with respect to a full and prompt investigation of the matter.
12. The parties to the MOU intend and expect that all information that is ultimately forwarded to a county prosecutor will be kept strictly confidential and will only be used for law enforcement investigative purposes.

his/her position or ministry, the accused Church personnel will resume his or her position as quickly as possible.

3. In the event that an allegation is founded and the accused is not permitted to resume employment or ministry, the Archdiocese may offer pastoral care to the extent that it is appropriate to the accused.
4. Any allegation of misconduct involving a priest or deacon shall be investigated in accord with canon law and the Policy of the Archdiocese of Newark in Response to Complaints of Sexual Abuse. The Archbishop, in reaching final decisions, shall be guided by the appropriate norms of canon law.
5. The accused shall be informed of an allegation and of any disciplinary action taken.

#### **D. Care of the Community Affected by Misconduct**

1. Information about an allegation against a member of the affected faith community (Chancery, parish, school or other agency) shall be provided in a pastorally appropriate manner, while respecting the privacy and confidentiality of the victim and the accused, and/or any applicable civil and canon laws.
2. The Archdiocese may provide pastoral care to the members of the affected faith community.

#### **E. Role of the Archdiocesan Office of Child and Youth Protection (OCYP) and the Office of Communications**

1. The OCYP shall work with the Office of Communications, and with Church personnel and the public to provide information that will increase the awareness and understanding of the need for ethics and integrity in ministry, especially in regard to the prevention, identification and treatment of child abuse and neglect.
2. The OCYP shall provide information and support to parishes, schools and Archdiocesan offices on safe environment programs and on ongoing implementation of the Policies on Ethics and Integrity in Ministry.
3. The OCYP and the Office of Communications will work with an affected faith community (parish, school or other agency), the media, and the broader Archdiocesan community in a timely and clear manner. These communications shall attempt to respect the confidentiality and privacy of all involved, in a manner that promotes collaboration in the community and in accord with any applicable civil and canon laws.
4. The OCYP Director and the Office of Communications shall work with the Archbishop, the Archdiocesan Chancellor and other appropriate Archdiocesan and/or parish personnel in providing information to the staff of the affected faith community and the broader faith community when an allegation is made.