

THE DIOCESE OF CHARLESTON  
POLICY  
CONCERNING THE PROTECTION OF MINORS AND  
VULNERABLE ADULTS FROM SEXUAL ABUSE  
BY CHURCH PERSONNEL (2022)  
AND  
CODE OF CONDUCT FOR CHURCH PERSONNEL AND  
MINISTERIAL STANDARDS AND GUIDELINES  
FOR DEALING WITH MINORS AND VULNERABLE  
ADULTS

ADOPTED effective as of February 21, 2022.

## Introduction

The sexual abuse of minors and vulnerable adults is reprehensible and tragic, and it betrays the trust those individuals naturally place in adults, especially those responsible for their instruction, welfare and guidance. The damage to the Church and to society caused by sexual abuse has a profound impact on the lives of those affected, and it is even more tragic when its consequence is a loss of the faith that the Catholic Church has a sacred duty to foster.

As HIS HOLINESS POPE FRANCIS, wrote in his letter of August 20, 2018 addressed to THE PEOPLE OF GOD:

**If one member suffers, all suffer together with it (1 Cor 12:26). These words of Saint Paul forcefully echo in my heart as I acknowledge once more the suffering endured by many minors due to sexual abuse, the abuse of power and the abuse of conscience perpetrated by a significant number of clerics and consecrated persons. Crimes that inflict deep wounds of pain and powerlessness, primarily among the victims, but also in their family members and in the larger community of believers and nonbelievers alike. Looking back to the past, no effort to beg pardon and to seek to repair the harm done will ever be sufficient. Looking ahead to the future, no effort must be spared to create a culture able to prevent such situations from happening, but also to prevent the possibility of their being covered up and perpetuated. The pain of the victims and their families is also our pain, and so it is urgent that we once more reaffirm our commitment to ensure the protection of minors and of vulnerable adults.**

The Church's obligation to protect minors and vulnerable adults stems from the mission and example provided to us by Jesus Christ himself, in whose name we serve, and the Roman Catholic Diocese of Charleston is committed to providing a safe and secure environment for minors and vulnerable adults, as well as a pastoral response to victims, their families, the persons accused and the community. The within Policy sets forth policies and procedures and a code of conduct in furtherance of that commitment.

This Policy Concerning the Protection of Minors and Vulnerable Adults from Sexual Abuse by Church Personnel and Code of Conduct for Church Personnel and Ministerial Standards and Guidelines for Dealing with Minors and Vulnerable Adults supersedes and replaces the 2012 Policy Concerning Allegations of Sexual Misconduct or Abuse of a Minor by Church Personnel and Code of Conduct for Church Personnel.

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## **I. DEFINITIONS:**

The following capitalized terms are defined as set forth below solely for the purposes of this Policy, and the definitions are not intended to be interpreted as either technical, customary or legal definitions of such terms:

**Accused:** A member of Church Personnel against whom an accusation of Sexual Abuse (defined below) has been made.

**Administrative Leave:** The status of an Accused who has been relieved of assigned duties. The application of this term varies depending on the canonical status of the accused person and does not necessarily equate to the term as used in Canon Law.

**Allegation:** An accusation or other information asserting that a Minor or Vulnerable Adult has been the victim of Sexual Abuse.

**Bishop:** The canonically appointed Bishop of Charleston and, for purposes of this Policy, the term also includes the duly appointed Apostolic Administrator in the event that, under Canon Law, the office of the Bishop is impeded or vacant. For purposes of this Policy, the Bishop may act personally or through a designated representative.

**Canon Law:** The Code of Canon Law (Codex Iuris Canonici, 1983), the Moto Proprio Sacramentorum Sanctitatis Tutela (2001) and its revised norms found in Normae de gravioribus delictis (2010), and The Guide to Understanding Basic CDF Procedures concerning Sexual Abuse Allegations (2010), and such other directives as may be promulgated by the Holy See or the Congregation for the Doctrine of the Faith and/or the USCCB.

**Church:** The Roman Catholic Church as subsisting in the Diocese of Charleston, in accordance with Canon 369 of the Code of Canon Law. For the sake of clarity, the term as used in this Policy also includes diocesan parishes and schools.

**Church Personnel:** Bishops, priests, deacons, religious, lay employees and, for purposes of this Policy only, lay volunteers involved in work for the Diocese who as part of their duties work with or who have access to Minors or Vulnerable Adults.

**Clergy (plural) or Cleric (singular):** Ordained priests and deacons authorized to serve in ministry within the Diocese.

**Complainant:** A person who has made an accusation of Sexual Abuse against Church Personnel.

**Diocese:** Refers to and includes only those parishes, schools, missions and diocesan offices in the State of South Carolina that are owned and are a part of and, pursuant to Canon Law are subject to the authority of the Bishop of Charleston.

**Minor:** A person who is or was under the age of eighteen (18) years when an alleged incident of Sexual Abuse occurred.

**No Determination:** The circumstance in which the Advisory Board concludes that there is insufficient information from which a determination may be made, or that the facts, even if true, do not reflect an allegation that would be included within the definitions set forth in this Policy, and thus would not fall within the purview of the Advisory Board.

**Plausible Allegation:** An allegation of Sexual Abuse of a Minor or Vulnerable Adult such that a prudent person, based on the facts and circumstances known at the time of determination, could conclude that there is a reasonable possibility that the alleged incident may have occurred.

**Policy:** This Policy Concerning the Protection of Minors and Vulnerable Adults from Sexual Abuse by Church Personnel (2022).

**Pornography:** Sexually explicit videos, photographs, writings, or the like, the purpose of which is to elicit sexual arousal.

**Religious:** Members of a religious order or congregation who profess public vows of poverty and who are under the supervision of the superior of their religious order or congregation, but who may also be subject to the authority of the bishop in whose diocese they may be serving, depending upon their roles.

**Semblance of Truth:** The criterion that distinguishes an allegation as not manifestly false or frivolous.

**Sexual Abuse:** The following described conduct with or involving a Minor or Vulnerable Adult: (i) by a person who at the time of the conduct was Church Personnel; or (ii) by an adult who later becomes Church Personnel in a case where the Minor was more than five (5) years younger than the adult; or (iii) by a Minor who later becomes Church Personnel, in a case where the offending Minor was at least fourteen (14) years old and more than five (5) years older than the other Minor. Sexual Abuse includes sexual exploitation (including, but not limited to pornography) involving a Minor or Vulnerable Adult, or sexual molestation or other behavior by which an adult uses a Minor or Vulnerable Adult as an object of sexual gratification, including any act or attempt to commit any act of incest, rape, or a sexual offense in any degree, sodomy, or any unnatural or perverted sexual practice, lewd or indecent acts or proposals, including indecent touching or fondling, or permitting, encouraging, assisting, or aiding a Minor or Vulnerable Adult to participate in such acts. Such conduct does not need to be an act of intercourse or involve force, physical contact or a discernable harmful outcome.

**Sexual Abuse Advisory Board or Advisory Board:** A confidential consultative advisory body established by the Bishop to advise him as he may request in assessing allegations of Sexual Abuse of Minors or Vulnerable Adults by Church Personnel and an accused Cleric's fitness for ministry. The composition and specific functions of the Advisory Board are set forth in Section X (and to some extent in Section XI) of this Policy.

**Social Media:** Any form of electronic communication, including but not limited to websites or "apps" that are designed to turn communication into interactive dialogue, such as blogs/wikis, mobile phone, computer and tablet "apps," message boards/forums, Facebook, Vine, TikTok, Twitter, YouTube, Vimeo, LinkedIn, Instagram, Tumbler, Snapchat, GroupMe, etc.

**Substantiated:** A determination by the Bishop that there is reasonable cause to believe that an allegation of Sexual Abuse is more likely than not true. This determination follows a process of consultation by the Bishop with the Sexual Abuse Advisory Board and is not by any means equivalent to a legal judgment and should not be construed as such.

**Victim:** A person who has been subjected to Sexual Abuse by Church Personnel while that person was a Minor or a Vulnerable Adult.

**Victim Assistance Coordinator:** A licensed mental health professional appointed by the Bishop to coordinate professional support services to Complainants, Victims, their families and the Accuseds in matters related to Sexual Abuse as defined in this policy.

**Volunteer:** Church Personnel who are authorized to provide services to or for the Diocese without any express or implied promise of remuneration, whose ministry, activity or service involves responsibility for the care and supervision, or the reasonable anticipation of actual or potential unsupervised contact with a Minor or Vulnerable Adult.

**Vulnerable Adult:** A person who is impaired by reason of mental illness, mental deficiency, physical illness, or disability to the extent that he or she lacks sufficient understanding or capacity to make or communicate responsible decisions concerning his or her person or to manage his or her affairs effectively.

## **PART ONE – ESTABLISHING AND MAINTAINING A SAFE ENVIRONMENT**

### **II. GENERAL RULE OF VISIBILITY AND ACCOUNTABILITY**

2.01 A basic principle in protecting Minors and Vulnerable Adults from Sexual Abuse is eliminating or minimizing opportunities for such abuse to occur. This requires a commitment to the twin goals of visibility and accountability in all interactions with Minors and Vulnerable Adults and vigilance to establish and maintain healthy, appropriate boundaries, both physical and situational.

2.02 Such boundaries include, but are not limited to, never being alone with a Minor or Vulnerable Adult in a location not visible to others and limiting the times, topics, frequency and content of all communications with such individuals.

2.03 Church Personnel must take care to avoid falling into the role of “surrogate parent” or creating that impression in all circumstances. A parent should never have cause to be concerned about Church Personnel interfering with the primacy of the parent.

2.04 Church Personnel shall adhere to this Policy at all times, including all provisions regarding required reporting and procedures, regardless of how or by what medium information is obtained.

2.05 Questions regarding this Policy should be directed to the Diocesan Office of Child and Youth Protection.

### **III. COMMUNICATIONS BY CHURCH PERSONNEL WITH MINORS AND VULNERABLE ADULTS**

3.01 The ethical behavior required of Church Personnel in their interactions with others extends to all forms of communication, including not only written and oral communications, but also those via the virtual/technological world of the internet, including Social Media. While Church Personnel should always maintain healthy boundaries with all persons, that applies especially to personal interaction and communications with Minors and Vulnerable Adults. The following principles contribute to the establishment and maintenance of healthy boundaries.

3.02 All communications must be open and transparent. The content of any pastoral consultations or other communications with Minors and Vulnerable Adults must be readily available for sharing with the parent or guardian. Parents or guardians are to be made aware of the media used by the

Diocese to communicate with Minors and Vulnerable Adults and what types of communications are inappropriate.

3.03 Communications must never be excessive and/or occur with improper frequency, at inappropriate hours or in private (one-on-one, without others involved), regardless of the medium used.

3.04 Those who minister and work in pastoral settings with Minors and Vulnerable Adults must take great care to reflect and act consistently with the teachings of the Catholic Church in their communications, including but not limited to when using electronic media. The purpose of all communications must be to serve as a means of evangelization.

3.05 Church Personnel should never pursue or encourage isolated contact with a Minor or a Vulnerable Adult through electronic or other media, i.e., calling, texting, emailing, chatting, etc.

3.06 Church Personnel must never distribute, or intentionally access, abusive, harassing, libelous, obscene, offensive, profane, pornographic, threatening, sexually explicit or illegal material.

3.07 Church Personnel, especially those who work with Minors and Vulnerable Adults, should be diligent in avoiding all situations that could be a potential source of public misunderstanding or embarrassment for themselves or others.

3.08 Church Personnel must always distinguish between “being friendly” and “being friends” with Minors. Minors are not the peers of adults and should never be allowed to become overly friendly or familiar with Church Personnel. It is always inappropriate for adults to include Minors within an adult social circle.

3.09 Church Personnel should not be accessible to a Minor or Vulnerable Adult on a constant “on-call” basis. This includes contact using any of the various communications media. Established times permitting such contact must also be limited to appropriate hours of the day or evening. Contact must clearly relate to a person’s specific role as Church Personnel and be in connection with Church matters.

3.10 It is inappropriate for there to exist or for it to even appear that there exists a special relationship between Church Personnel and a Minor, and the situation should always be avoided in which a Minor appears to be “a favorite.”

#### **IV. THE INTERNET AND OTHER ELECTRONIC MEDIA**

4.01 In all interactions with Minors and Vulnerable Adults via the internet, Church Personnel should model healthy relationships. Establishing and adhering to healthy boundaries provides an example that helps Minors and Vulnerable Adults more quickly recognize when an adult on the internet engages in behavior that is inappropriate and will hopefully encourage them to report it to a parent, guardian or other trusted adult. All communications with Minors and Vulnerable Adults must reflect appropriate content and be Church-related.

4.02 Church Personnel should not monitor or follow the activities of Minors or Vulnerable Adults on the Internet. While no one should have an expectation that statements made online are private, it is the role of parents or guardians, not that of Church Personnel, to monitor or follow the online activities of their Minor or Vulnerable Adult. Those who work with Minors or Vulnerable Adults on behalf of the Church should never usurp the role of the parent or guardian. Intentionally monitoring and probing where Minors or Vulnerable Adults have shared their intimate thoughts not only violates their privacy and

appropriate boundaries, but it also creates potential issues regarding the motives of the person taking such actions.

4.03 At least two adults must regularly monitor Church-sponsored internet content and interactions. A supervisor must be in possession of all passwords used to access Church-related electronic communications. This information should also be available to those charged with monitoring these interactions.

4.04 Church Personnel who establish electronic communications accounts for Church business purposes must cooperate with their supervisors by providing all necessary information for access to the accounts. Personal email or other internet accounts must not be used to communicate with Minors or Vulnerable Adults.

4.05 Appropriate content for Church-related electronic communications media includes (but is not limited to): information on upcoming activities, permission forms, calendars of events, descriptions and information related to projects, biblical studies and other spiritual links and prayer resources.

4.06 Web Pages and Directories:

(a) Web Pages should reflect clear goals consistent with Church teaching and the ministry for which they are designed.

(b) Protection of the privacy of Minors and Vulnerable Adults must be an essential element in the creation of websites. Telephone numbers, personal email addresses and/or other identifying information must not be published on the internet. Care should be taken to protect personal contact information of Church Personnel, avoiding the internet publication of home addresses, telephone numbers, cell phone numbers, and personal email addresses. Any online directories must be accessible only by adult members of the parish/school community via a secure username and password, must only include individuals who consent to their information being made available to the parish/school community, and parents or guardians should take care to ensure that their Minors do not receive access to the directory.

(c) Written permission must be obtained from parent(s) or guardian(s) before posting photos. Posted photos must not be captioned to include names unless specifically authorized in writing by the parent or guardian.

4.07 Email, Texting and other Web-based Communications:

(a) Email, texting and direct messaging via any medium are examples of the blessing and curse of technology. The boundary limitations that relate to oral communications between Church Personnel and Minors and Vulnerable Adults also apply to the use of email, texting and direct messaging.

(b) The use of a personal email account for Church-related communications with Minors and Vulnerable Adults is prohibited. A diocesan email account or diocesan-approved platform must be used for this purpose. Additionally, a second adult should have the email password and regularly monitor any account that is used to communicate with Minors and Vulnerable Adults. It is advisable to save copies (either hardcopies or electronic copies in a “saved” folder) of all communications with Minors and Vulnerable Adults.

(c) Group email messages should be sent using the “blind copy” option to avoid sharing individuals’ personal email addresses with other recipients.

(d) Church Personnel shall not have one-on-one electronic communications with Minors and Vulnerable Adults. Teachers, catechists and other adult volunteers involved in the ministry and parents, as applicable, should be copied on all such electronic communications. It is advisable to print and save “hard copies.”

(e) Electronic communications can easily be misinterpreted; therefore, it is preferable to communicate in person whenever possible. Communications that might possibly be construed as having sexual overtones are to be scrupulously avoided. It is never appropriate to reply to any such email from a Minor or Vulnerable Adult. In the event of the receipt by Church Personnel of any such email or other communication, a hard copy should be made and one’s supervisor notified immediately.

4.08 Social Networking: A social network service utilizes software to build online social networks for communities of people who share interests and activities. These are primarily web-based and provide various ways for users to interact, such as chat, messaging, email, video, voice chat, file sharing, blogging, discussion groups and so on. The Diocese affirms the usefulness of these media within the following parameters:

(a) Church Personnel having personal social networking pages must not advertise or otherwise make the site known to Minors or Vulnerable Adults or “friend” them on their personal pages.

(b) Should the creation of a professional networking page be approved for clarification and dispersal of information regarding a particular Church-related ministry or regular activity, it must be registered in the name of the appropriate diocesan entity – not that of an individual.

(c) All Church-related sites are to be monitored consistently by appropriate Church Personnel (supervisors).

4.09 Blogging: Blogging (an abbreviation of the term “web log”) targeting Minors by Church Personnel should be limited to the following purposes:

(a) Promoting a youth ministry program, school, parish and/or the Diocese, as well as serving as an evangelization tool.

(b) Establishing productive communication between the youth ministry programs or other programs by providing ongoing information about opportunities, expectations, policies and requests for support.

(c) Providing information that will be helpful in becoming disciples of Jesus Christ.

Appropriate content for Church-related blogs includes (but is not limited to): information on upcoming activities, permission forms, calendars of events, descriptions of projects (including procedures and expectations), and biblical studies and other spiritual links and prayer resources. Using Church-related blogs to conduct or promote personal business activities is not permitted.

Church Personnel must not use their blogs to libel or defame or disparage the character of any person, organization or institution or to divulge any personal information about Minors or Vulnerable Adults or jeopardize their safety in any other way.

4.10 Online Games: While it is preferable for Church Personnel not to engage in online games with Minors at all, engaging in such games is prohibited except in connection with Church-related activities, and then only with groups, not one-on-one. The online game identities of all participants shall be protected in connection with such online games in which Church Personnel are engaged.

## **V. THE OFFICE OF CHILD AND YOUTH PROTECTION**

5.01 There shall be an Office of Child and Youth Protection (sometimes referred to herein as the “Office”), the Director of which shall be a Vicar General or other person appointed by the Bishop from time to time. The primary goals of this Office are to: (i) protect Minors and Vulnerable Adults from Sexual Abuse; (ii) create and foster a culture of safety within the Diocese; and (iii) promote the healing of those who have been the Victims of Sexual Abuse.

5.02 The Office of Child and Youth Protection will assist the Diocese in establishing and maintaining “safe environment programs.” The office will cooperate with parents, civil authorities, educators and community organizations to provide education and training for Minors, parents, Church Personnel and others about ways to recognize symptoms of Sexual Abuse and the behaviors of potential abusers and to create, as well as to promote and maintain a safe environment for Minors and Vulnerable Adults within the Diocese.

5.03 As more specifically set forth in Section IX of this policy, the Victim Assistance Coordinator shall work with the Director and others in the Office to aid in the immediate pastoral care of persons who claim to have been victims of Sexual Abuse by Church Personnel. The Victim Assistance Coordinator will coordinate and monitor the spiritual care and pastoral support supplied to Complainants and to the family members of Complainants of Sexual Abuse including but not limited to, counseling, spiritual assistance, support groups, or other social services agreed upon by the Complainant and the Diocese.

## **VI. SAFE ENVIRONMENT TRAINING (EDUCATION)**

Through the Office of Child and Youth Protection, the Diocese will provide educational programming (“Safe Environment Training”) and resources to create and maintain safe environments, along with training on methods of preventing, recognizing, responding to and the reporting of Sexual Abuse of a Minor or Vulnerable Adult. This programming will be provided in English as well as in other languages that are used extensively within the Diocese.

Satisfactory completion of diocesan-approved safe environment training cannot be substituted by any other safe environment training required by another organization, even one affiliated with the Church. The safe environment program includes but is not limited to the following components:

6.01 Prevention Education for Adults: Increasing awareness of and ensuring compliance with the Charter for the Protection of Children and Young People adopted from time to time by the United States Conference of Catholic Bishops and endorsed by the Bishop (the “Charter”) and this Policy by:

- (a) Creating awareness of and compliance with the Code of Conduct at all levels of the Diocese.

(b) Providing education on how to report allegations, including the civil laws and diocesan policies regarding the reporting of the abuse of Minors and Vulnerable Adults.

(c) All Church Personnel must attend an educational session on the prevention of Sexual Abuse of Minors within 14 days of their association with the Diocese.

6.02 Church Personnel are to present a signed Certificate of Completion provided to them by the accepted diocesan program, to their place of work or volunteering within 14 days of their initial employment by or commencement of volunteer service to the Diocese.

6.03 The Diocese will not employ or accept as Church Personnel anyone who refuses or fails to attend an educational session on the prevention of the Sexual Abuse of Minors and the creation of safe environments.

6.04 Church Personnel are subject to re-certification of the safe environment education requirements at the discretion of the Child Protection Office.

6.05 Prevention Education for Minors. On an annual basis, the Diocese of Charleston will offer age-appropriate sexual abuse prevention education to Minors in an effort to increase awareness and provide tools to prevent and report Sexual Abuse to:

(a) All Minors enrolled in a religious education class at a diocesan parish.

(b) All youths enrolled in a youth ministry program at a diocesan parish.

(c) All students of Catholic schools within the Diocese.

6.06 An age-appropriate curriculum of education will be offered for preview by the parents or guardians of all Minors, with the option for them to “opt out” should they prefer to address the information with their Minor themselves.

## **VII. BACKGROUND SCREENING**

7.01 Before receiving a Cleric or Religious into the Diocese from another diocese or eparchy, the Bishop will, as required by Canon Law, request and obtain from the ordinary of the other diocese or religious order any necessary information regarding any past act or Allegation of Sexual Abuse by the Cleric or Religious. The Cleric or Religious will also be required to comply with all pertinent diocesan policies, including but not limited to a background screening and safe environment training before beginning ministry for the Diocese.

7.02 Any Cleric or Religious who is visiting a parish or school who will participate as a priest in any event (including but not limited to a wedding, baptism, funeral or other sacramental function), even if only for one day, must provide a letter of good standing from the ordinary of his home diocese or religious order. This documentation must be obtained and kept by the pastor, administrator, principal or other site representative for the period of three years, in a locked, confidential space.

7.03 In an effort to ensure the safety of Minors and Vulnerable Adults in the Diocese, background screening will be performed on all Church Personnel, as defined for purposes of this Policy. A screening packet must be submitted upon application for employment with or to serve as a Volunteer for any diocesan organization.

7.04 The Diocese also requires background screening for certain Church Personnel in matters unrelated to the protection of Minors and Vulnerable Adults. This Policy is not to be construed to indicate that if a person's service does not entail contact with Minors or Vulnerable Adults he or she will not be required to be screened. The Diocese reserves the right to require such screening of any current or potential Church Personnel as a condition of employment or permission to serve as a Volunteer.

7.05 The Diocese reserves the right to determine in its sole discretion the suitability of an individual for service within the Diocese. Employment or the opportunity to volunteer is contingent upon satisfactory completion of the screening process, among other things.

7.06 Refusal to comply and/or cooperate fully in the background screening process will result in the immediate termination, rejection or withdrawal of an offer of employment and/or permission to serve as a volunteer in specified areas. Church Personnel are not qualified to serve until successful completion of the required background screening.

7.07 The Office of Child and Youth Protection oversees the implementation, management and processing of all forms necessary to conduct the appropriate background screening investigations. In addition to any application form that may be required by a specific diocesan entity, department or program, all applicants are required to complete a background screening packet designed by the Office of Child and Youth Protection. A Volunteer who does not have a social security number may be approved to work with Minors or Vulnerable Adults, provided that he or she is supervised at all times when he or she has contact with non-family Minors or Vulnerable Adults, by an employee or Volunteer whose compliance with the Diocese's child and youth protection requirements includes a valid social security number.

7.08 Church Personnel are subject to background screening upon initial application for employment/volunteer service and at other times as may be deemed appropriate by the Diocese of Charleston.

7.09 Background screening will consist of some or all of the following, with such frequency as may be specified by the Office of Child and Youth Protection, as applicable:

- (a) A national criminal history check and/or a state criminal check.
- (b) A check of the National Sex Offender Public Registry of Abusers.
- (c) A driver's history check, if driving is a part of job responsibility as an employee or volunteer.
- (d) A credit check if the job or volunteer responsibilities involve the handling of money or making financial decisions.

7.10 The proper supervisory personnel will be notified as to the suitability of an applicant for the position from the perspective of the protection of Minors and Vulnerable Adults or other criteria involved in the screening process, such as driving record or financial matters.

## **PART TWO - INTERVENTION/ ENFORCEMENT**

It is the goal of the Diocese to prevent even a single occurrence of Sexual Abuse of a Minor or Vulnerable Adult by Church Personnel. Upon receipt of notice of an Allegation of Sexual Abuse, the Diocese is committed to taking immediate action to protect the Complainant and to provide pastoral care and/or

appropriate therapeutic assistance, prevent the continuation or recurrence of abuse, and cooperate fully with the appropriate civil law enforcement agency and/or Minor or Vulnerable Adult protection agencies.

### **VIII. MANDATORY REPORTERS**

8.01 An individual who wishes to report an Allegation of Sexual Abuse of a Minor or Vulnerable Adult to the Diocese is encouraged to contact the Victim Assistance Coordinator at the toll-free number 1-800-921-8122, in addition to contacting the appropriate civil authorities. Except as explicitly provided in this Policy, Church Personnel are not to investigate or attempt to investigate an Allegation.

8.02 Church Personnel will comply with all applicable civil laws with respect to the reporting of allegations of Sexual Abuse of Minors or Vulnerable Adults to civil authorities and will cooperate with their investigation. In every instance, the Diocese shall inform Complainants of the requirement that Church Personnel report as provided in this Policy and of their personal right to also make a report to civil authorities. The Diocese shall also advise a Complainant that it will support his/her decision to personally report or not report the Allegation to civil authorities.

Section 63-7-310 of the S.C. Code of Laws, quoted below in pertinent part, sets forth those persons required to report allegations of Sexual Abuse and/or neglect as defined in the statute, which includes certain categories of Church Personnel (See also Section 8.04 of this policy as to all Church Personnel):

(a) The following persons must report in accordance with this section when, in such person's professional capacity, he has received information that gives him reason to believe that a child has been or may be abused or neglected as defined in S.C. Code Section 63-7-20: a physician, nurse, dentist, optometrist, medical examiner, or coroner, or an employee of a county medical examiner's or coroner's office, or any other medical, emergency medical services, mental health, or allied health professional, member of the clergy including a Christian Science Practitioner or religious healer, school teacher, counselor, principal, assistant principal, school attendance officer, social or public assistance worker, substance abuse treatment staff, or child care worker in a child care center or foster care facility, foster parent, police or law enforcement officer, juvenile justice worker, undertaker, funeral home director or employee of a funeral home, persons responsible for processing films, computer technician, or a judge, or a volunteer non-attorney guardian ad litem serving on behalf of the South Carolina Guardian Ad Litem Program or on behalf of Richland County CASA.

(b) If a person required to report pursuant to subsection (a) has received information in the person's professional capacity which gives the person reason to believe that a child's physical or mental health or welfare has been or may be adversely affected by acts or omissions that would be child abuse or neglect if committed by a parent, guardian, or other person responsible for the child's welfare, but the reporter believes that the act or omission was committed by a person other than the parent, guardian, or other person responsible for the child's welfare, the reporter must make a report to the appropriate law enforcement agency.

(c) Except as provided in subsection (a), any person, including but not limited to, a volunteer non-attorney guardian ad litem serving on behalf of the South Carolina Guardian Ad Litem Program or on behalf of Richland County CASA, who has reason to believe that a child's physical or mental health or welfare has been or may be adversely affected by abuse and neglect may report in accordance with this section.

(d) Reports of child abuse or neglect may be made orally by telephone or otherwise to the county department of social services or to a law enforcement agency in the county where the child resides or is found.

8.03 Similar requirements regarding the reporting of Sexual Abuse of Vulnerable Adults are found in SC Code Section 43-35-5, et seq., except that the mandatory reporting requirements with respect to abuse of Vulnerable Adults are applicable to everyone who has actual knowledge of the abuse, and the statute also applies to all types of abuse and exploitation, including financial.

8.04 Regardless of whether a member of Church Personnel is a mandatory reporter under South Carolina law, it is the policy of the Diocese that all Church Personnel shall report or cause to be reported to civil authorities the Sexual Abuse of a Minor or Vulnerable Adult. There is a South Carolina Attorney General's opinion that there is no legal requirement under South Carolina law to report Sexual Abuse of a person as a Minor if the victim is an adult at the time of the report of the Allegation and could make the report himself/herself. Nevertheless, it is the policy of the Diocese that, even if the Complainant is an adult alleging Sexual Abuse as a child by Church Personnel, Church Personnel will report to the civil authorities such Allegation if the Accused is then living. If Church Personnel have a question as to whether a particular accusation is of a nature that it requires reporting to the civil authorities, they should contact the Safe Environment Manager, the Director of the Office of Child Protection or diocesan General Counsel. A member of Church Personnel shall be entitled to rely upon a representation by diocesan legal counsel or the Director or the Office of Child Protection that an Allegation of Sexual Abuse has been reported to the civil authorities.

8.05 S. C. Code Section 63-7-330 provides for the confidentiality of the identity of those making reports of Sexual Abuse of a Minor by the civil authorities to whom a report is made, and S.C. Code Section 63-7-390, quoted below, provides certain immunity from liability for those who make such reports:

A person required or permitted to report pursuant to Section 63-7-310 or who participates in an investigation or judicial proceedings resulting from the report, acting in good faith, is immune from civil and criminal liability which might otherwise result by reason of these actions. In all such civil or criminal proceedings, good faith is rebuttably presumed. Immunity under this section extends to full disclosure by the person of facts which gave the person reason to believe that the child's physical or mental health or welfare had been or might be adversely affected by abuse or neglect.

8.06 In addition to complying with the provisions of this Section VIII, as it pertains to reporting to civil authorities, whenever Church Personnel receive an Allegation that a Minor or Vulnerable Adult has been the victim of Sexual Abuse, they shall also follow the process set forth in Section XI of this Policy. Nothing in this Policy shall be deemed to require the violation of the privileged communications covered by the clergy-penitent privilege, the seal of confession, the attorney-client privilege, or any other privilege recognized by civil law; however, if a person reveals an act of Sexual Abuse to Clergy or other Church Personnel other than through such privileged communications, the information must be reported in accordance with this Policy.

8.07 In addition to any applicable civil penalties, Church Personnel who fail to comply with the provisions of this Section shall be subject to discipline, including immediate discharge.

## **IX. VICTIM ASSISTANCE COORDINATOR**

9.01 The Victim Assistance Coordinator will be a licensed mental health professional appointed by the Bishop to serve in matters related to Sexual Abuse of a Minor or Vulnerable Adult by Church Personnel.

9.02 After receiving an Allegation of Sexual Abuse, the Victim Assistance Coordinator will immediately contact the Victim or the family of the Victim, if the Victim is still a Minor at the time of the Allegation, to offer to arrange pastoral counseling and spiritual help and, in appropriate situations, medical or therapeutic assistance. This offer of care and assistance is to be made without admission of civil liability and, at least initially, without regard to the validity of the Allegation.

9.03 A separate telephone line will be maintained in the Office of the Victim Assistance Coordinator.

9.04 The Victim Assistance Coordinator will notify the person or persons designated in Section XI as provided therein.

9.05 The Victim Assistance Coordinator does not provide direct counseling services but will maintain a network of referral resources and providers who may be of assistance to Complainants, families, congregations and Accuseds.

## **X. SEXUAL ABUSE ADVISORY BOARD**

10.01 The Sexual Abuse Advisory Board shall consist of at least five (5) persons appointed by the Bishop who shall possess outstanding integrity and good judgment and who are in full communion with the Church. Each member of the Advisory Board serves at the pleasure of the Bishop and will be appointed for a term of five (5) years or until a replacement has been named. The majority of the members of the Advisory Board shall consist of laypersons not in the employ of the Diocese, at least one of whom shall have particular expertise in the treatment of the Sexual Abuse of Minors. One member of the Board shall be an experienced and respected priest in the Diocese. The members of the Advisory Board, in their role as Board members, are not acting as experts in psychology, law, Sexual Abuse or any other area. The Promoter of Justice shall ordinarily participate in meetings of the Board, but shall not be a voting member. Conflicts of interest, either actual or perceived, shall be avoided by lay members of the Board.

10.02 The Board is a confidential consultative and advisory body to the Bishop in matters related to Allegations of Sexual Abuse by Clergy and Religious. The Board's review is not an adversarial or adjudicative process, and its meetings are not in the nature of hearings. Functions of the Board include:

(a) Advising the Bishop in a confidential manner as to whether an Allegation of Sexual Abuse involving a Cleric or Religious, in the judgment of a majority of the Advisory Board, has a Semblance of Truth or is Plausible, Substantiated or No Determination is being made. If the Board advises that it makes No Determination, it should advise the Bishop whether such determination is because the Board has concluded (i) there is insufficient information from which a determination may be made, or (ii) the facts, even if true, do not reflect an allegation that is within the purview of the Board under this Policy.

(b) Advising the Bishop, upon his request, as to the suitability of a Cleric or Religious for continued ministry and further actions that might be taken regarding fitness of such individuals for continued ministry.

(c) Reviewing diocesan policies and procedures for dealing with allegations of Sexual Abuse by Church Personnel and recommending to the Bishop any modifications in those policies and procedures that may be deemed appropriate.

10.03 The Advisory Board shall conduct its business at meetings, which shall be scheduled to occur as often as necessary to perform its duties, but at least annually. While it is preferable that meetings be attended in person, the Chairperson may, under circumstances deemed appropriate by him or her, have virtual or telephonic meetings in which all persons attending can hear each other.

10.04 Advisory Board meetings are sessions at which the Advisory Board receives and considers information, deliberates, and formulates its recommendations. The Advisory Board may rely upon information provided to it by the Bishop and/or other diocesan staff and/or independent investigators. The Board may request additional information, if the Chairperson deems it appropriate, but it shall have no duty of independent verification. A Victim may request to be allowed to appear before the Advisory Board, in coordination with the Victim Assistance Coordinator and/or the Director of Child Protection Office. In the event that a Victim appears before the Advisory Board, the Accused shall also be given the opportunity to appear before the Board. If the Accused is deceased or mentally or physically unable to appear on his or her own behalf, the Promoter of Justice or other person appointed by the Bishop shall represent the Accused. A Victim or an Accused may request to have legal counsel or another representative present at the meeting of the Advisory Board.

10.05 The Chairperson of the Advisory Board shall provide a written report of the Board's recommendations to the Bishop, who shall make the decision as to whether to accept the Board's recommendations and what actions shall be taken with respect to the Allegation.

10.06 The Director of the Office of Child and Youth Protection, the Promoter of Justice, the Victim Assistance Coordinator and the diocesan General Counsel shall ordinarily attend the meetings of the Board but shall not be present during the final deliberations of the Board, except as may be specifically requested by the Chairperson of the Board, and shall not have a vote.

10.07 Minutes of the Board's meetings shall contain only the date and place of the meeting, the names of the voting members attending and absent, other persons attending, the Board's recommendations to the Bishop and such other information as the Chairperson of the Board deems appropriate or the Bishop may request.

## **XI. INTERNAL REPORTING, INVESTIGATION AND PROCESS**

Allegations that Church Personnel have engaged in Sexual Abuse of a Minor or Vulnerable Adult may come from any number of sources: in person, a telephone call, email or other written communication, the media, litigation, civil authorities, etc. **Whenever the Diocese is informed by any manner of such an Allegation, in addition to the recipient of the Allegation reporting it to the appropriate civil authorities as provided in Section VIII above, this Section XI provides the internal process to be followed.**

11.01 Any Allegation of Sexual Abuse of a Minor or Vulnerable Adult will be directed by the person receiving it first to the Victim Assistance Coordinator, who will notify the Director of the Office of Child and Youth Protection (the "Child Protection Office"), as well as the Vicar General with authority over the Child Protection Office (if not the same person as the Director), or in the event they are not available, to their designee(s). Such notifications will be made as soon as reasonably practicable, but within twenty-four (24) hours after receipt of the Allegation, if at all possible. The Director of the Child Protection Office or the Vicar General with authority over that office or their designee shall be responsible for

notifying the Bishop of the Allegation. The Secretary of Communications and/or the Director of Media Relations shall also be notified by the Director of Child Protection Office or his or her designee.

11.02 The Complainant will be advised at the beginning of any conversation or interview related to the Allegation that anonymity cannot be guaranteed and that the Allegation will be reported to the appropriate civil authorities as may be required by law.

11.03 Anonymous Allegations or Allegations that contain insufficient information shall ordinarily be processed by the Director (or those acting pursuant to the Director's instructions) in the following fashion:

(a) Based on the limited data available, other appropriate diocesan agencies will be requested to forward for review by the Director all relevant files and any other pertinent information, so that the Allegation can be investigated to the degree possible.

(b) If the Accused can be identified, a determination will be made as to whether to inform him/her and offer him/her the opportunity to respond.

(c) All such Allegations involving Clergy or Religious will be reported to the Advisory Board at its next regularly scheduled meeting so that the Advisory Board may review the Allegation and the actions taken and recommend such further action as it may deem appropriate.

11.04 The Bishop or the Director of the Office of Child Protection (or, if a Vicar General is not also serving as the Director, the Vicar General designated by the Bishop or the Vicar for Priests), will ordinarily notify the Accused that an Allegation of Sexual Abuse of a Minor or Vulnerable Adult involving him/her has been reported. The decision may, however, be made not to notify the Accused immediately if, in the view of the Bishop or the Director, circumstances warrant otherwise. When the Allegation involves a lay employee, the Director of Human Resources shall be notified and be involved in decisions related to the employee.

11.05 As soon as reasonably practicable after receipt of an Allegation of Sexual Abuse by Church Personnel, unless the Bishop determines that the Allegation has no Semblance of Truth (and except as otherwise provided in Section 11.09 below), the Director or the Vicar General designated by the Bishop will advise diocesan General Counsel (or other Diocesan legal counsel or other person designated by the Bishop) to initiate or cause to be initiated any non-canonical investigation that may be needed to gather information from the Complainant and other relevant sources regarding the Allegation. Care must be taken not to interfere with any civil investigation, and the investigation by the Diocese may be suspended or delayed as may be necessary to avoid such interference.

11.06 If an Accused admits the Allegation or the Bishop determines that an Allegation of Sexual Abuse against a member of the Clergy or Religious has a Semblance of Truth, the Accused shall be:

(a) Notified in a timely manner of the nature of the Allegation, subject to the provisions of Section 11.04;

(b) Placed on Administrative Leave, i.e., relieved of his or her active ministerial duties pending the outcome of the Bishop's investigation; and

(c) Directed to remain away from any school, parish office, parish facility, agency, and other location or diocesan property at which the Accused has priestly responsibilities until the Bishop has determined what actions will be taken regarding Allegation.

11.07 Placing an Accused on Administrative Leave does not in any way constitute a preliminary finding or even an implication of guilt or innocence, nor does it affect the presumption of innocence of an Accused. Rather, such action is taken in an abundance of caution, for the protection of the Accused, the Complainant and the public, and so that a fair, impartial and unhampered investigation may be conducted.

11.08 In the event that the Allegation involves a Cleric or Religious, the non-canonical investigation will be initiated and conducted in harmony with Canon Law. While the investigation described in this Policy is not the same as the “preliminary investigation” provided by Canon Law, information from this investigation may, in appropriate circumstances as determined by the Bishop in consultation with the Judicial Vicar and civil legal counsel, also be used in a canonical proceeding.

11.09 Notwithstanding anything to the contrary in this Policy, an investigation is not required in the event that an Accused admits the allegation or if the acquisition of the results of civil proceedings are sufficient for the Diocese’s purposes in lieu of it conducting its own investigation.

11.10 Unless an Allegation is admitted or otherwise determined to be Substantiated (such as by a criminal conviction or verdict in a civil court), the Sexual Abuse Advisory Board will be convened to receive the results of an investigation involving Clergy or Religious. The Advisory Board will make a recommendation to the Bishop as to whether the Allegation should be considered Plausible, Substantiated or No Determination is made. If the Advisory Board believes that additional information should be sought and presented to the Board before a recommendation is made, or if it determines that an Allegation is Plausible but believes further investigation is necessary to determine if it is Substantiated, the Board shall make that recommendation to the Bishop. Unless otherwise requested by the Bishop, recommendations of the Advisory Board will be submitted to the Bishop in writing by the Chairperson of the Board, and the Bishop shall make a determination as to whether to accept the Board’s recommendations.

11.11 Even if the Bishop determines that an Allegation involving a Cleric or Religious has no Semblance of Truth, the Allegation and the circumstances surrounding it shall be reported to the Advisory Board at its next meeting.

11.12 Church Personnel and those individuals participating in the diocesan investigative process will proceed with pastoral care for the Complainant and his or her family and the Accused. Care shall be taken to seek to protect the good name of all involved pending the outcome of an investigation as to the Allegation and, if the Allegation is determined by the Bishop to not be Substantiated, every step possible shall be taken to restore the good name of the Accused, should it have been harmed.

11.13 If the Accused is a Cleric or Religious, the Bishop will, as and when applicable, authorize a canonical investigation as appropriate and proceed in accordance with the requirements of Canon Law. The Bishop or his designee will also advise the Accused of the opening of the canonical investigation and afford him the opportunity to undergo counseling. If the Accused is a Religious or a Cleric of another diocese, the responsibility for actions subsequent to removal of the Accused’s faculties in this Diocese may in appropriate circumstances be delegated to the ordinary of the religious order or the bishop of the home diocese of the Accused. This Policy is not intended to and does not address in detail the applicable provisions of Canon Law to be followed.

11.14 If the Accused is a Cleric or Religious, (i) Administrative Leave will include a suspension of the faculties of the Accused, (ii) the Accused will be advised of the right to both civil and/or canonical counsel during any and all stages of the proceedings and (iii) when necessary, the Bishop, the ordinary of the religious order or the bishop of the home diocese of the Accused will supply canonical counsel.

11.15 If the Accused is a Religious or a priest of another diocese, the Bishop or his designee will immediately notify the Accused's appropriate superior or ordinary of the Allegation, except in the event that civil authorities have been notified of the allegation and the Bishop has reason to believe that immediate notification of the Accused's superior or ordinary may impede the investigation by the civil authorities.

11.16 If the Bishop has knowledge that a Cleric or Religious with a Credible Allegation (as defined under prior diocesan policies regarding Sexual Abuse) or a Plausible or Substantiated Allegation against him (or her, if a female religious) will be visiting or moving to another diocese or religious order location, he will notify the ordinary of that diocese or religious order of the Allegation and the circumstances surrounding it.

11.17 If the Accused is a Volunteer or lay employee and the Allegation is determined to have a Semblance of Truth, such person will be relieved of any assignment, duty or responsibility associated with his or her position of employment or as a Volunteer. The Director of the Office of Child and Youth Protection (in consultation with the Director of Human Resources, in the case of a lay employee) will ensure that the Accused is notified that he or she is restrained from appearing at or being present on such diocesan property or attending diocesan social, athletic or other events as may be specified by the Bishop or his designee.

11.18 If the Bishop determines the Allegation to be Substantiated, the Bishop will take such action as may be appropriate in accordance with Canon Law. Nothing in this Policy shall be construed so as to require or limit the Bishop from exercising his rights and responsibilities, as provided in Canon Law, or from taking such prudent action as he deems appropriate regarding a member of the Clergy under his charge. Even if the Bishop does not assess the allegation to be Substantiated, the Bishop may impose appropriate restrictions if he believes the safety of Minors and/or Vulnerable Adults requires (or, in an abundance of caution, may require) such action.

11.19 When even a single act of Sexual Abuse by a Cleric or Religious is admitted or is established after an appropriate process in accordance with Canon Law, the offending Cleric or Religious will be removed from ecclesiastical ministry, including dismissal from the clerical state, if the case so warrants.

11.20 In every case involving canonical penalties, the process as provided by Canon Law must be observed.

11.21 An Accused may, at any time, request a dispensation from the obligations of the clerical state. In exceptional cases, the Bishop may request from the Holy Father the dismissal of the Accused from the clerical state, even without the consent of the Accused.

11.22 In the event of an Accused's admission of an act of Sexual Abuse or if established by a canonical process, if a canonical penalty has been applied, but not the penalty of dismissal from the clerical state, the Accused will not be permitted to celebrate Mass publicly, to administer sacraments (except in extremis as provided by Canon Law), to wear clerical garb, or to present himself publicly as a priest. The Accused will be encouraged to live a life of prayer and penance.

11.23 If the Bishop has determined that an Allegation against an Accused Cleric or Religious has a Semblance of Truth, and the Accused desires to transfer his residence to another diocese or religious province, the Bishop will forward in a confidential manner to the local Bishop or Religious Superior (as applicable), prior to the Accused's relocation, the proposed place of the Accused's residence, together with all information concerning any Allegation of Sexual Abuse and any other information indicating that the Accused has been, or may be, a danger to Minors or Vulnerable Adults. This provision will apply even if

the Accused Cleric or Religious goes to reside in the local community of an institute of consecrated life or society of apostolic life.

11.24 Except as otherwise required by Canon Law, a Cleric or Religious against whom an Allegation of Sexual Abuse has been made may not be transferred for ministerial assignment to another diocese or religious province until a determination with respect to the Allegation has been made by the Bishop following the process provided in this Policy.

11.25 Before receiving a Cleric or Religious from outside the Diocese, the Bishop will obtain the necessary information regarding any past act or Allegation of Sexual Abuse by the Cleric or Religious. All Clerics and Religious must submit to a background screening and safe environment training before beginning ministry for the Diocese.

11.26 The Diocese will not enter into confidentiality agreements with respect to alleged Sexual Abuse, except in cases where confidentiality is requested by the Victim and such request is noted in the text of the confidentiality agreement.

## **XII. MEDIA, COMMUNICATION AND COLLABORATION**

12.01 The Diocese of Charleston, which collaborates with other entities sharing the goal of preventing Sexual Abuse, is committed to openness and transparency, especially in all matters related to the protection of Minors and Vulnerable Adults, subject to the requirements of Canon Law.

12.02 The Bishop will meet periodically with delegates of clerical institutes present in the Diocese of Charleston to ensure coordination of their roles concerning the issue of Allegations made against a cleric member of a religious institute.

12.03 The communications officer designated by the Bishop or a Vicar General authorized by him shall oversee all authorized media communications when an Allegation of Sexual Abuse is made against Church Personnel. This shall include, but is not limited to, the following authorized communications: letters to parishioners or parish staff, letters to school parents or school staff, any communication with the media and any external communication on social media, etc. Additionally, all Church Personnel must abide by the Diocese of Charleston Media Communications Policy.

12.04 The Diocese will always cooperate with law enforcement in connection with any criminal investigation, including but not limited to the timing of communicating with the faithful and the public about an Allegation, the Accused or the status of the Accused.

## **XIII. REVIEW OF THIS POLICY**

The Diocese of Charleston Policy Concerning the Protection of Minors and Vulnerable Adults from Sexual Abuse by Church Personnel (2022) will be reviewed periodically, but at least every five years, by the Sexual Abuse Advisory Board.

**ADOPTION OF  
POLICY CONCERNING PROTECTION OF  
MINORS AND VULNERABLE ADULTS  
FROM SEXUAL ABUSE BY CHURCH PERSONNEL (2022)**

This Policy Concerning the Protection of Minors and Vulnerable Adults from Sexual Abuse by Church Personnel (2022) and the Code of Conduct for Church Personnel and Ministerial Standards and Guidelines for Dealing with Minors and Vulnerable Adults have been adopted as of the date set forth below.

This Policy supersedes any and all prior policies governing the screening of Church Personnel, the reporting of allegations of Sexual Abuse of Minors and Vulnerable Adults (as defined herein) and the investigation of such allegations.

The Code of Conduct for Church Personnel and Ministerial Standards and Guidelines set forth in the Appendices supersede any and all prior Codes of Conduct and related materials of the Diocese of Charleston.

This Policy and the Code of Conduct for Church Personnel and Ministerial Standards and Guidelines are hereby approved by the undersigned as of the 21<sup>st</sup> day of February, 2022, This Policy and the Code of Conduct may subsequently be amended separately or as one document, in which event they shall be approved and effective as of the date set forth therein.

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Most Reverend Robert E. Guglielmone  
Bishop of Charleston

**Official Witness:**

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Sister Sandra Makowski, SSMN, JCL  
Chancellor

## **APPENDIX I**

### **CODE OF CONDUCT FOR CHURCH PERSONNEL AND MINISTERIAL STANDARDS AND GUIDELINES FOR DEALING WITH MINORS AND VULNERABLE ADULTS**

#### **Preamble**

The Diocese of Charleston holds Church Personnel (as defined in the Diocese's Sexual Abuse Policy) accountable for maintaining the integrity of all ministerial and professional relationships. The purpose of this Code of Conduct ("Code") is to set forth the basic principles, standards and guidelines applicable to interactions by Church Personnel with Minors and Vulnerable Adults. It would be impossible to create a comprehensive list of specific acts constituting violations of this Code. In addition to strict compliance with legal requirements, Church Personnel in the Diocese are expected to be guided by the basic principles of the Catechism of the Catholic Church in the conduct of diocesan affairs and to comply with all diocesan policies, including compliance with the Diocese of Charleston Policy Concerning the Protection of Minors and Vulnerable Adults from Sexual Abuse by Church Personnel, as amended from time to time ("Sexual Abuse Policy"). Church Personnel should also adhere to the Ministerial Standards and Guidelines contained in this Code.

While the individuals who prey on Minors and/or Vulnerable Adults are a very small minority, they have nevertheless placed Church Personnel in a difficult situation regarding their interactions and relationships with Minors and/or Vulnerable Adults. Although the current situation is not your fault, you are a secondary victim of those who have abused the trust of Minors and Vulnerable Adults. Because of the criminal acts and abuses of trust by a small minority of Church Personnel, the public often views all Church Personnel with skepticism and distrust. To protect yourself as well as Minors and Vulnerable Adults, it is very important that you learn and comply with the Diocesan Policy, Code of Conduct and Ministerial Standards and Guidelines. It is also necessary that you be aware of and comply with the requirements to report Sexual Abuse of Minors or Vulnerable Adults under diocesan policy and South Carolina law.

While there is an expectation that common sense will be used, this Code is provided for the purpose of explicitly drawing attention to the special care that must be taken by Church Personnel in ministering to Minors and Vulnerable Adults. Diocesan Clergy, Religious, seminarians, employees and Volunteers must take special care to avoid contact with Minors or Vulnerable Adults, whether within or outside the conduct of their ministry, that could be misconstrued by reasonable people to involve illicit intentions or that could cause injury, regardless of whether injury is intended by such person.

#### **Application of this Code**

The Diocese expects you to conduct yourself in accordance with this Code and to support others in doing so. If you do not comply with the Diocesan Sexual Abuse Policy or this Code or if you permit a member of Church Personnel under your supervision to fail to comply, you are not meeting your responsibilities to the Minors and Vulnerable Adults in your care or that of the Church. If you know or suspect non-compliance with this Code or the Policy, you are expected to report the non-compliance to the Office of Child and Youth Protection at 843-261-0430.

## **Principles Applicable to Church Personnel**

The following principles, standards and guidelines are provided to assist you in complying with the standards of conduct contained in this Code of Conduct and to avoid situations that could result in an allegation of Sexual Abuse, regardless of your good intentions. Principles, standards and guidelines, although not exhaustive, are intended to provide guidance and direction with respect to issues that may arise in the course of your day-to-day work.

Church Personnel of the Diocese of Charleston shall:

- Actively support the teachings of the Catholic Church and work to build up the body of Christ in thought, word and action.
- Respect the rights, dignity and worth of each person from conception to natural death and conduct public relationships with others in a manner that is consistent with Catholic teaching. This is an even higher obligation for supervisors and others with the responsibility of guiding and teaching others.
- Maintain high ethical and professional standards in their interactions with Minors and Vulnerable Adults, and always seek to act in their best interest.
- Keep all information received in the course of counseling, spiritual direction or other professional or ministerial contact in the strictest confidence, except as mandated by canon or civil law.
- Refrain from making false or uninformed accusations against another or revealing the faults and failings of another to those who have no need or right to know.
- Be responsible stewards of Church resources, human and financial, and comply with all applicable civil and canon law obligations.
- Maintain a high level of competence in their particular ministry and prudently attend to their own physical, spiritual, mental and emotional well-being.
- Avoid accepting or conferring an office, position, assignment, compensation or benefit that may present even the appearance of a conflict of interest.
- Review, understand and comply with the contents of the Policy, including this Code of Conduct, as well as the reporting requirements of the Diocese of Charleston and South Carolina law, before engaging in any form of ministerial work.
- Promptly report incidents of ethical misconduct or Sexual Abuse by other Church Personnel to the proper Church authority and/or civil authorities.

## **Ministerial Standards and Guidelines To Be Observed When Dealing With Minors And Vulnerable Adults To Protect You And Those To Whom You Minister**

Ministerial Standards and Guidelines for Clergy, Religious, Volunteers and lay employees include, but are not limited to, those set forth below. These standards and principles are not intended to apply to otherwise legal rights of parents and guardians.

1. Church Personnel, unless they are a parent and/or guardian of the Minor or Vulnerable Adult, are prohibited from using physical discipline in any way to manage the behavior of Minors and Vulnerable Adults, except insofar as restraint may be necessary to prevent them from inflicting harm on themselves or others, in which case a detailed written record of the incident shall be made as soon as possible and maintained on file.
2. Church Personnel may never show, provide or make available in any way sexually explicit or morally inappropriate materials to Minors or Vulnerable Adults. In essence, any discussions, materials and personal interactions with Minors and Vulnerable Adults are prohibited if they could not occur or be used in the presence of the Minor's or Vulnerable Adult's parent or guardian. This does not preclude the use of diocesan-approved curricula in schools or religious education programs.
3. Church Personnel should avoid being alone in a room with a Minor or Vulnerable Adult unless they are a relative or the door remains open. If, however, the Minor or Vulnerable Adult insists on more privacy, there should be either a window or glass-paneled door into the room.
4. Church Personnel are prohibited from using, possessing or being under the influence of any mind or mood-altering substances, including alcohol, while working with Minors. The foregoing prohibition against the use of alcohol does not apply to gatherings attended by adults and Minors at which a parent or guardian of the Minor is present. Church Personnel are prohibited from providing Minors with any alcoholic beverage, tobacco, drugs or any substance prohibited by law. Medications of any kind may be administered to Minors or Vulnerable Adults only with written parental or guardian permission.
5. Church Personnel should schedule one-on-one counseling sessions or meetings with Minors and Vulnerable Adults at times and locations that promote accountability. Pastors, principals or the administrator of the appropriate diocesan agency and parent(s) or guardians must be notified in writing of any scheduled meeting involving a Minor or Vulnerable Adult. Informal/unscheduled meetings should be the exception, not the rule; however, if a Minor or Vulnerable Adult approaches you and seeks immediate assistance, this should be documented and communicated as soon as reasonably practicable to the pastor, principal, administrator or supervisor of the appropriate diocesan agency and a parent or guardian.
6. Clergy or Religious shall never take an overnight trip with a Minor or Vulnerable Adult or allow Minors or Vulnerable Adults in their personal residence unless a parent or guardian is present, or if the Minor or Vulnerable Adult is a relative; however, even if a Minor or Vulnerable Adult is a relative, Clergy and Religious must have written permission of the Bishop before allowing them to stay in a rectory or other church property with the Clergy or Religious.
7. Church Personnel shall not sleep in the same bed, van, hotel room, sleeping bag or tent with a Minor or Vulnerable Adult, unless they are a sibling or other relative who has permission of the parent or guardian. Except as provided in the foregoing sentence, sharing a bedroom, other than a dormitory style room in which a number of people are present is to be avoided. Church Personnel should not take an overnight trip alone with a Minor or Vulnerable Adult who is not a relative. Church Personnel should avoid being alone with a Minor or Vulnerable Adult who is not a relative in a locker room or restroom, dressing room, changing room or showering facility. Furthermore, Church Personnel may not take photographs of

Minors or Vulnerable Adults who are unclothed or dressing, for example, in a locker room or bathing facility.

8. Church Personnel observing or becoming aware of anyone (adult or Minor) abusing a Minor or Vulnerable Adult must take reasonable immediate steps to intervene to provide a safe environment for the Minor or Vulnerable Adult and report the abuse in accordance with Diocesan policies and civil law.

9. Church Personnel shall never date or give the appearance of dating a Minor or Vulnerable Adult.

10. Church Personnel should not tutor, counsel or meet in their personal residences with Minors or Vulnerable Adults unless they are a relative, or a friend of the family with permission of the parent or guardian. Sleep-overs with the child of Church Personnel by friends of a child are not prohibited.

11. Church Personnel shall not engage in: (a) verbal harassment, such as derogatory comments, jokes or slurs; (b) visual harassment, such as derogatory or sexually explicit posters, cards, calendars, cartoons, graffiti, drawings, messages, notes or gestures; or (c) sexual advances, requests for sexual favors, or other verbal or physical conduct of a sexual nature.

12. Unless Church Personnel have a parent's or guardian's knowledge and consent and, in the case of church or school sponsored activities, they have been cleared by the Diocese, they are not to drive Minors, unless there is an emergency or they are a relative of the Minor or Vulnerable Adult.

13. Church Personnel shall report uncontrollable or unusual behavior of a Minor or Vulnerable Adult to a parent or guardian as soon as possible.

14. Parents and guardians shall be encouraged to participate in services and programs in which their Minors or Vulnerable Adults are involved.

15. Parental or guardian permission shall be obtained, including a signed medical treatment authorization form, for overnight church or school-related trips.

16. Written parental or guardian approval must be obtained before permitting any Minor and Vulnerable Adult to participate in athletic or other activities that involve potential risk.

**The following “Do’s” and “Don’t’s” are designed to assist Church Personnel in Complying with this Code of Conduct and the Ministerial Standards and Guidelines**

**DO’S**

Do love the Minors and Vulnerable Adults to whom you minister with a carefully disciplined love.

Do make sure that any physical contact with a Minor or Vulnerable Adult is done in a manner that is beyond reproach and in a very public place.

Do treat every Minor and Vulnerable Adult with the dignity he or she deserves by virtue of his or her creation by God in His image and likeness.

Do offer comfort and solace to those who are upset or grieving, but try not to do it by physically holding or hugging a Minor or Vulnerable Adult, if possible, unless you are a relative.

Do realize that a Vulnerable Adult who is unable to speak can say “no” to physical affection through his/her body language.

Do dress appropriately at all times, particularly when in the presence of a Minor or Vulnerable Adult.

Do always plan to provide adequate supervision before, during and after parish, school and other diocesan functions.

From time to time, you may find yourself unavoidably left with a Minor or Vulnerable Adult because of a parent or guardian’s failure to arrive on time to pick up that Minor or Vulnerable Adult at the conclusion of a diocesan-sponsored program. While this is always a difficult and frustrating situation, it must be understood by all concerned that the safety and welfare of that Minor or Vulnerable Adult under those circumstances should continue to be the paramount concern of you and those associated with your program. In view of the foregoing, the following guidelines are provided as to how such situations should be handled:

- Under no circumstances should any Minor or Vulnerable Adult under your care or control be left unattended. That Minor or Vulnerable Adult remains your responsibility until such time as a relative or other responsible adult takes physical custody of that Minor or Vulnerable Adult.

- All reasonable efforts should be undertaken to contact the parent, guardian or other responsible relative of the Minor or Vulnerable Adult to arrange for his/her pickup by the parent, guardian or a person designated by a parent, guardian or responsible relative or other person authorized by a parent or guardian.

- In the event that the adult appearing to pick up the Minor or Vulnerable Adult is neither the parent nor the designated emergency contact person according to current records, or other person authorized by a parent or guardian, you must confirm the identity of the adult and his/her relationship to the Minor or Vulnerable Adult and use sound judgment in determining whether the adult is an appropriate person to take custody of the Minor or Vulnerable Adult.

- If none of the above efforts is successful, you should attempt to call another adult to join you.

- In the event that all of these efforts are unsuccessful, you should call the local police authority and report the situation to them and request the police to come take custody of the Minor or Vulnerable Adult or otherwise assist you in returning the child to a parent, guardian, emergency contact or relative. The timing and decision to call local police authorities should be based on your good judgment and assessment of the situation.

- You should not undertake to transport the Minor or Vulnerable Adult in your automobile to another location unless you have the permission of the parent or guardian, or there is an emergency.

- In the event that a parent or guardian's failure pick up in a timely manner a Minor or Vulnerable Adult is a repeated or consistent problem, this matter should be handled in the same way as any other issue involving breach of program policies and procedures. This may result in the parent/guardian being directed to withdraw the Minor or Vulnerable Adult from the program.

## **DON'TS**

Don't use crude or profane language when speaking with a Minor or Vulnerable Adult.

If you are hosting a social event in your home that includes Minors or Vulnerable Adults, another responsible adult should be in attendance when feasible.

Don't permit a Minor or Vulnerable Adult to have possession of a key or unsupervised access to any parish, school or other diocesan facility.

Don't use open bathroom facilities in the presence of a Minor or Vulnerable Adult unless you are a relative or another adult is present.

Don't dress or undress yourself in the presence of a Minor or Vulnerable Adult or allow a Minor or Vulnerable Adult to dress or undress in your presence unless you are a relative.

Don't provide toileting assistance for a Minor or Vulnerable Adult unless you are a relative, or in the case of a nursery or other group situation, another adult is present. If a Minor or Vulnerable Adult regularly needs assistance in the bathroom, family members, a guardian, medical personnel, or official caregivers should provide this assistance. If a Vulnerable Adult needs emergency bathroom assistance, two responsible adults of the same gender as the Vulnerable Adult should assist. You should plan for this assistance before the need arises.

Don't fail to make plans for dressing, toileting, transferring and bathing assistance needs well in advance of any weekend/overnight retreat or conference. If a family member, guardian, medical personnel or official caregivers are not available, only previously trained staff and previously trained responsible adult Volunteers should provide this function. If none of those persons is available, the Minor or Vulnerable Adult should not attend.

Don't provide any Minor or Vulnerable Adult with alcohol, tobacco, legal or illegal prescription or non-prescription drugs, unless you are a medical professional administering a prescription or other medication with the written consent or a parent or guardian and in accordance with the applicable school or other organizational policy.

Don't accompany a Minor or Vulnerable Adult to any place that is principally engaged in the sale of alcohol (a bar, liquor store or night club), unless accompanied by a parent or guardian. The preceding sentence shall not, however, prohibit your accompanying such Minor or Vulnerable Adult to a place in which the availability of alcohol is only incidental to other recreational or social activities at said location (ballgame, concert or restaurant), provided that permission has been obtained from the Minor's or Vulnerable Adult's parent or guardian in advance of attendance at any such event and another adult is present.

Don't allow a Minor or Vulnerable Adult to self-medicate in your presence, unless you are their parent or guardian, or it is in a school or other environment in which the parent or guardian has given written permission for the self-medication, consistent with any applicable school or other organizational policy.

Don't permit a Minor or Vulnerable Adult to leave the diocesan church, school or other facility during a scheduled class, event or function without adult supervision, except in a situation in which the parent or guardian or other responsible relative is present and permits the person to leave.

Don't view, acquire or possess child pornography in any form or permit a Minor or Vulnerable Adult to possess or view pornography in your presence.

Don't take photos of a Minor or Vulnerable Adult without the consent of their parent or guardian, unless you are a relative.

Don't accompany or agree to meet a Minor or Vulnerable Adult at an amusement park or other recreational activity or social event without the permission of a parent or guardian, unless the individual is a relative or it is a parish or school-sponsored field trip. Religious and Clergy must never accompany a Minor or Vulnerable Adult to any activity alone, unless the person is a relative and the consent of a parent or guardian has been obtained.

Don't agree to meet a Minor or Vulnerable Adult outside of parish/school hours or parish/school event hours unless you are a relative of the Minor or Vulnerable Adult or in group situations.

Don't use or allow music to be played that contains sexually expressive or vulgar language in the presence of a Minor or Vulnerable Adult.

Don't allow a Minor or Vulnerable Adult under your care or supervision to remain in the presence of only one other person who is not the Minor or Vulnerable Adult's relative or medical personnel or authorized caregiver. Arrangements should be made in advance to address such situations.

Don't give personal gifts to Minors or Vulnerable Adults unless you are a relative or it is a small gift given to members of a group of Minors or Vulnerable Adults, such as a school class or parish group.

Don't discuss details of your personal life, or the lives of clergy, educators, employees, staff or volunteers, with a Minor or Vulnerable Adult, except age-appropriate information shared for educational or inspirational purposes in a group setting.

Don't have any physical contact while dancing with a Minor or Vulnerable Adult unless you are a relative or in the context of group activities with Vulnerable Adults.

Don't accept a baby-sitting or house-sitting assignment for any Minor or Vulnerable Adult served by your ministry unless you are a relative with permission of a parent or guardian.

Don't visit Minors or Vulnerable Adults at their homes without the permission of the parent or guardian, unless you are a relative.

Don't email, text, call or otherwise communicate individually with Minors or Vulnerable Adults or provide them with your personal phone number or email address, unless the Minor or Vulnerable Adult is a relative or the parent or guardian has given you written permission to communicate with the Minor or Vulnerable Adult in this fashion. Clergy and Religious should not communicate individually with Minors or Vulnerable Adults even with the permission of a parent or guardian.

Don't date any Minor or Vulnerable Adult served by your ministry.

**APPENDIX II**

**DIOCESE OF CHARLESTON  
ACKNOWLEDGEMENT OF RECEIPT AND AGREEMENT TO COMPLY**

By signing below, I acknowledge that I have received or accessed online and have carefully read, understand and agree to abide by The Diocese of Charleston Policy Concerning the Protection of Minors and Vulnerable Adults from Sexual Abuse by Church Personnel (2022) and Code of Conduct For Church Personnel and Ministerial Standards and Guidelines For Dealing With Minors and Vulnerable Adults to protect you and those to whom you minister.

I understand that the Diocese will rely on this signed Acknowledgment of Receipt and Agreement to Comply to ensure my acceptance of and agreement to comply with all Diocesan safe environment policies, standards and guidelines. I further acknowledge that nothing in the foregoing documents or this Acknowledgement shall be deemed to constitute a contract of employment.

\_\_\_\_\_  
Printed Name

\_\_\_\_\_/\_\_\_\_\_/\_\_\_\_\_  
Date of Birth

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

## **APPENDIX III**

### **AGREEMENT FORM FOR REGISTERED SEX OFFENDERS AND PARISH/SCHOOL CLARIFYING LIMITS OF REGISTRANT'S ALLOWED INVOLVEMENT IN ACTIVITIES**

#### **Agreement for Registered Sex Offenders**

#### **Instructions to School/Parish**

On occasion, a person identified as a “registered sex offender” may seek legitimate involvement in the life of a parish or have a Minor enrolled in a Catholic school of the Diocese of Charleston. In these circumstances, an agreement must be signed by him/her regarding the limits of his/her involvement. Violation of the agreement will result in the “registered sex offender” being immediately and possibly permanently banned from any and all involvement with the school, and/or limited to such involvement with the parish or school as may be expressly permitted by the pastor. Attached is a copy of the required agreement.

The following document should be copied onto parish/school letterhead. If you re-type the agreement, you may not change anything in the wording or phraseology of the document itself. It must be signed by the registered sex offender without any changes or additions.

Three copies are required:

1. One copy for the registrant
2. One copy for the parish/school files
3. One copy to be mailed to the Office of Child and Youth Protection, Diocese of Charleston, at:

901 Orange Grove Road, Charleston, SC 29407

(Mark the envelope: Personal and Confidential)

If there are any questions regarding the agreement, please contact the Office of Child and Youth Protection, Diocese of Charleston, 843-261-0430.

**AGREEMENT OF REGISTERED SEX OFFENDER**

This Agreement is given by the undersigned Registrant to the School/Parish named below as of the date set forth on the signature page of this Agreement.

A. The following person, whose name is included on a registered sex offender list, is referred to as "Registrant": \_\_\_\_\_  
(Type or Print Name)

B. Registrant is the parent/guardian of a child who is enrolled in or attends the following School/ Parish:\_\_\_\_\_.

For valuable consideration, Registrant agrees as follows:

1. Registrant may not hold any position, title, or office related to the School/Parish that places Registrant in contact with children other than Registrant's own child(ren), nor may Registrant participate in any ministry, activity, group or program involving children (persons under age 18).

2. The School/Parish shall maintain the name of Registrant on a list of parents of children in the School/Parish who are known to the School/Parish to be registered sex offenders, which list may be accessed by parents/guardians desiring to review the list of Registrant parents whose child(ren) attend the School/Parish.

3. The School/Parish will maintain a list of all individuals known to the School/Parish to be registered sex offenders whose child attends the School/Parish. The list will be made available to be viewed by any parent/guardian who requests access to this list during normal School/Parish office hours.

4. Registrant is excused from any obligation in the event that a School requires service hours of parents of students at the School.

5. Except otherwise as provided herein, Registrant will not appear on the School/Parish campus or grounds unless accompanied by another adult who is aware of Registrant's status, and who has been previously approved by the school principal or parish pastor and who has agreed to serve as a supervisor of Registrant. While present on a School/Parish campus or grounds, Registrant will use only restrooms designated by the School principal or Parish pastor and he/she must be accompanied by the approved supervisor.

6. While on School/Parish campus or grounds, Registrant must also make his/her presence known to the School principal or designee upon entering the campus property. Except as provided in Section 5 above, only a member of the School administration or faculty may be Registrant's designated chaperone.

7. Registrant further agrees and understands that he/she is allowed the limited privilege of access to specific locations in or on the School/Parish buildings or property as necessary for purposes involving Registrant's child.

