
Capuchin Province of St. Joseph
Code of Professional Responsibility
Approved Nov 2013

Preamble

We, members of the Capuchin Province of St. Joseph (Province) and those associated with us in our ministries, issue the following Code of Professional Responsibility. In this document we hope to define the professional standards that should be observed by our members and those associated with us in our ministries. As leaders in the Church founded by Christ, we must always seek to uphold Christian values and conduct.

In addition to following the Gospel and its mandates, we want to act properly at all times in the light of contemporary society and its needs. This Code does not presume to address all of our responsibilities in the face of the great diversity of our ministries and in the variety of cultural contexts in which we operate. Instead, it establishes a set of minimal professional standards. These will help to delineate the boundaries within which behavior can be evaluated. This Code is not intended to supersede canon or civil law or the Province of St. Joseph's Misconduct Policy. It is intended as a supplement, particularly as a means to help prevent misconduct.

General Principles

Responsibility—The public and private conduct of friars, employees and volunteers can inspire and motivate people and draw them into deeper relationship with God. It can also scandalize and undermine their faith. Friars, employees and volunteers must, at all times, be aware of the responsibilities that accompany their work and trust that God's goodness and grace supports them in their ministry.

Responsibility for adherence to the Code of Professional Responsibility rests with the individual. Friars, employees, and volunteers who disregard this Code of Professional Responsibility will be subject to disciplinary action by the Province. Corrective action may take various forms—from a verbal warning to removal from the ministry. The Province of St. Joseph will provide programs to assist our ministers in understanding and living these standards, when such programs are deemed useful and necessary.

Integrity—As friars, employees and volunteers, we are expected to be persons of integrity and must conduct ourselves in an honest and open manner, free from deception and manipulation. We shall handle the responsibilities of our ministries in a conscientious fashion. As leaders in a Church that expects high moral standards of its members, we have a responsibility to lead by example.

Competence—We shall strive to maintain the highest levels of professional competence in our

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particular ministries. Training, education and experience all contribute to make us competent and credible in our areas of expertise. We shall not provide services in those areas in which we lack competence, for competence also means knowing our limitations. Continuing formation and education are essential for us; time must be made for both. It is critical that we also ensure that our own faith lives are strong, so we shall seek spiritual guidance through reading, reflection, and prayer.

Commitment to the Spirit of the Gospel— We embrace the teachings of Jesus and work to promote the Gospel. We shall cultivate a growing knowledge of the Gospels and be able to relate them to daily situations encountered in our ministry. We shall show a special care and concern for the needs of the poor and oppressed of society. We will address community social concerns by active reflection on Catholic social teachings. We will share a spirit of ecumenism and inter-religious dialogue in our relations with people of other faiths.

Respect for Others— We shall respect the rights, dignity and worth of each person we serve. We honor all individuals as creations of God without regard to their economic or social status. We will strive to be sensitive to cultural differences among people and to appreciate the opportunities that diversity brings. We will take time to understand the individual and collective journeys of the people we serve.

Sexual Conduct— As our Provincial Policy states: “The Province of St. Joseph of the Capuchin Order is opposed to, will diligently strive to prevent, and will act promptly to eradicate all forms of sexual misconduct.” Sexual misconduct includes sexual abuse of minors, sexual exploitation of adults, and sexually immoral conduct in violation of the moral teachings of the Catholic Church.

1. We will not exploit another person for the purpose of our sexual gratification.
2. Those of us who have made a commitment to a celibate lifestyle are called to witness this in all our relationships.
3. We will familiarize ourselves with the Province’s Policies on Sexual Misconduct and abide by its directives.

Pastoral Standards

Standard 1— Conduct for Pastoral Counselors and Spiritual Directors

For the purposes of this code, “pastoral counselors and spiritual directors” are defined as friars, staff, and volunteers who provide pastoral, spiritual, and/or therapeutic counseling services to individuals, families, or other groups. Pastoral counselors and spiritual directors must respect the rights and advance the welfare of each person.

1.1 Pastoral Counselors and Spiritual Directors shall not step beyond their competence in counseling situations and shall refer clients to other professionals when appropriate.

1.2 Pastoral Counselors and Spiritual Directors should carefully consider the possible consequences before entering into a counseling relationship with someone with whom they have a pre-existing relationship (i.e., employee, professional colleague, friend, or other pre-existing relationship).

1.3 Pastoral Counselors and Spiritual Directors should not, absent compelling circumstances, audiotape or videotape sessions.

1.4 Pastoral Counselors and Spiritual Directors must never engage in sexual intimacies with the persons they counsel. This includes consensual and nonconsensual contact, forced physical contact, and inappropriate sexual comments.

1.5 Pastoral Counselors and Spiritual Directors shall not engage in sexual intimacies with individuals who are close to the client—such as relatives or friends of the client—when there is a risk of exploitation or potential harm to the client. Pastoral Counselors and Spiritual Directors should presume that the potential for exploitation or harm exists in such intimate relationships.

1.6 Pastoral Counselors and Spiritual Directors assume the full burden of responsibility for establishing and maintaining clear, appropriate boundaries in all counseling and counseling-related relationships.

1.7 Physical contact of any kind (i.e., touching, hugging, holding) between Pastoral Counselors or Spiritual Directors and the persons they counsel can be misconstrued and should be avoided..

1.8 Sessions should be conducted in appropriate settings at appropriate times.

1.8.1 No sessions should be conducted in private living quarters.

1.8.2 Sessions should not be held at places or times that would tend to cause confusion about the nature of the relationship for the person being counseled.

1.9 Pastoral Counselors and Spiritual Directors shall maintain a log of the times and locations of sessions with each person being counseled.

Standard 2—Confidentiality

Information disclosed to a Pastoral Counselor or Spiritual Director during the course of counseling, advising, or spiritual direction shall be held in the strictest confidence possible.

2.1 Information obtained in the course of sessions shall be confidential, except for compelling professional reasons or as required by law.

2.1.1 If there is clear and imminent danger to the client or to others, the Pastoral Counselor or Spiritual Director may disclose only the information necessary to protect the parties affected and to prevent harm.

2.1.2 Before disclosure is made, if feasible, the Pastoral Counselor or Spiritual Director should inform the person being counseled about the disclosure and the potential consequences.

2.2 Pastoral Counselors and Spiritual Directors should discuss the nature of confidentiality and its limitations with each person in counseling. Pastoral Counselors and Spiritual Directors are encouraged to use the applicable provisions of this Code for clarification in such discussions.

2.3 If Pastoral Counselors and Spiritual Directors maintain records of sessions with counselees and directees, those records should be the minimum necessary.

2.4 Knowledge that arises from professional contact may be used in teaching, writing, homilies, or other public presentations only when effective measures are taken to absolutely safeguard both the individual's identity and the confidentiality of the disclosures.

2.5 While counseling a minor, if a Pastoral Counselor or Spiritual Director discovers 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 and well-being, the Counselor or Spiritual Director should:

- Attempt to secure written consent from the minor for the specific disclosure.
- If consent is not given, disclose only the information necessary to protect the health and well-being of the minor.
- When possible, the appropriate supervisory personnel should be consulted before disclosure.
- If the minor is being abused or is at risk of being abused, that information must be reported to appropriate civil authorities as well as the Province.

2.6 These obligations are independent of the confidentiality of the confessional. Under no circumstances whatsoever can there be any disclosure—even indirect disclosure—of information received through the confessional.

Standard 3—Conduct With Youth

Friars, employees, and volunteers working with youth shall maintain an open and trustworthy relationship between youth and adult supervisors. For the purposes of this Section, "minor" is defined as any person under 18 years of age.

3.1 Friars, employees, and volunteers must be aware of their own and others' special responsibilities when working alone with minors. A team approach is strongly recommended for all youth activities.

3.2 Physical contact with minors can be misconstrued and should occur (a) only when completely nonsexual and otherwise appropriate, and (b) never in private.

3.3 Friars, employees, and volunteers should never possess or use illegal drugs. Due to the dangers of second-hand smoke, they should not use tobacco products in the presence of minors. Friars, employees and volunteers should never offer alcohol, tobacco or other drugs to minors; nor should they knowingly permit minors to possess or use those substances.

3.4 Friars should not allow individual minors to stay overnight in their private accommodations or residence.

3.5 Friars, employees and volunteers should not provide shared, private, overnight accommodations for individual minors including, but not limited to, accommodations in any Church-owned facility, private residence, hotel room, or any other place where there is no other adult supervision present.

3.5.1 In rare, emergency situations, when accommodation is necessary for the health and well-being of the minor, the friar, staff, or volunteer should take extraordinary care to protect all parties from the appearance of impropriety and from all risk of harm.

3.5.2 Use a team approach to managing emergency situations.

3.6 Friars, employees, and volunteers shall not engage in sexually inappropriate Vocabulary, recordings, films or games with minors.

3.7 Friars, employees, and volunteers shall not take photographs of minors while they are unclothed or dressing.

3.8 Friars, employees, and volunteers shall not take an overnight trip alone with a minor who is not a relative.

3.9 When counseling a minor, friars, employees, and volunteers must not meet in isolated environments. They should meet at appropriate times (not late at night) and use locations that

are visible to others, e.g., rooms with windows or glass doors. If such rooms are not available, then the entry door should be left open.

3.10 When friars, employees, and volunteers must transport a minor in a car, another adult should accompany them; if possible, permission of the parent should be obtained first.

3.11 Friars, employees, and volunteers shall not speak to minors in a way that could be construed by an observer as harsh, threatening, shaming, or humiliating.

3.12 Friars, employees, and volunteers are prohibited from using physical discipline in any way for behavior management of minors. This includes spanking, slapping, hitting, or any other physical force as retaliation or correction for inappropriate behavior by minors. If necessary, physical restraint may be used to prevent harm to the minor, to the friar, employee or volunteer, or to others.

3.13 There can be appropriate forms of affection between friars, employees, and volunteers and minors. The following forms of affection are regarded as appropriate:

- hugs
- pats on the shoulder or back
- hand-shakes
- verbal praise
- touching hands, faces, shoulders, arms
- arms around shoulders
- holding hands while walking with small children
- kneeling or bending down for hugs with small children

The following are examples of forms of affection that are not to be used by friars, staff, and volunteers with minors:

- inappropriate or lengthy hugs/embraces
- kissing on the mouth
- touching buttocks, chests, thighs, or genital areas
- being in bed with a minor
- wrestling with minors
- tickling minors
- any type of massage with a minor
- any type of unwanted affection

Standard 4—Sexual Conduct

Friars, employees, and volunteers must not, for sexual gain or intimacy, exploit the trust placed in them by the faith community.

4.1 Friars, religious, employees, and volunteers who are committed to a celibate lifestyle are called to be an example of celibate chastity in all relationships at all times.

4.2 Friars, employees and volunteers who provide pastoral counseling or spiritual direction services must avoid developing inappropriately intimate relationships with minors, other staff, or those we serve. Friars, employees and volunteers must behave in a professional manner at all times.

4.3 No friar, employee, or volunteer may exploit another person for sexual purposes.

4.4 Allegations of sexual misconduct should be taken seriously and reported to the Provincial Minister and to civil authorities if the situation involves a minor.

The Misconduct Policy of the Province of St. Joseph of the Capuchin Order will be followed to protect the rights of all involved.

4.5 Friars, employees, and volunteers should be familiar with the contents of the child abuse regulations and reporting requirements for the states in which they minister and should follow those mandates.

Standard 5—Harassment

Friars, employees, and volunteers must not engage in physical, psychological, written, or verbal harassment of employees, volunteers, or those we serve and must not tolerate such harassment by other Church employees or volunteers.

5.1 Friars, employees, and volunteers shall provide a professional work environment that is free from physical, psychological, written, or verbal intimidation or harassment.

5.2 Harassment encompasses a broad range of physical, written, or verbal behavior, including without limitation the following:

- Physical or mental abuse.
- Racial insults.
- Derogatory ethnic slurs.
- Unwelcome sexual advances or touching.
- Sexual comments or sexual jokes.
- Requests for sexual favors used as: a condition of employment, or to affect other personnel decisions, such as promotion or compensation.
- Display of offensive materials.

5.3 Harassment can be a single severe incident or a persistent pattern of behavior where the purpose or the effect is to create a hostile, offensive, or intimidating work environment.

5.4 Allegations of harassment should be taken seriously and reported immediately to the Province—either the Provincial Minister or the Office of Pastoral Care and Conciliation. The Misconduct Policy of the Province of St. Joseph of the Capuchin Order will be followed to protect the rights of all involved.

5.5 No retaliation is permitted against any person who in good faith brings forward a complaint of harassment. Any friar, employee or volunteer who knowingly makes or communicates a claim that is not made in good faith may be subject to appropriate disciplinary action.

5.6 All ministry sites shall display the Province's written policy on sexual harassment and procedures for reporting such harassment. These will be displayed in the area customarily provided for other employee and volunteer announcements.

Standard 6—Province and Ministry Records and Information

Confidentiality will be maintained in creating, storing, accessing, transferring, and disposing of provincial and ministerial records in a manner consistent with Provincial Policies and civil and canon law.

6.1 While sacramental records are documents of public events, their content should be guarded with care. When providing access to these records or compiling and publishing statistical information from them caution must be taken to protect the privacy of individuals.

6.2 Most sacramental records older than 70 years are open to the public.

6.2.1 Information regarding adoption and legitimacy remains confidential, regardless of age.

6.2.2 Only those who are duly authorized to access the records and supervise their use shall handle requests for more recent records.

6.3 Provincial or ministry records, including employee and friar personnel records, are confidential unless review is required by the Province, a Diocese or an appropriate government agency. The Provincialate and/or Human Resources Office should be consulted upon receipt of any request for release of financial records to decide whether or not a requested release is appropriate. In some instances, a signed release executed by the affected friar or employee may be necessary.

6.4 Individual contribution records of the Province or its ministries shall be regarded as private and shall be maintained in strictest confidence. This provision, however, shall not prohibit the Province from sharing its donor lists with other parties where such sharing is governed by an appropriate contract and protections.

Standard 7—Conflicts of Interest

Friars, employees and volunteers shall avoid situations that might present a conflict of interest. Even the appearance of a conflict of interest can call integrity and professional conduct into question.

7.1 Friars, employees and volunteers shall disclose all relevant factors that potentially could create a conflict of interest.

7.2 Friars, employees and volunteers shall inform all parties when a real or potential conflict of interest arises. Resolution of the issues must protect the person receiving ministry services.

7.2.1 No friar, employee, or volunteer shall take advantage of anyone to whom they are providing services in order to further their personal, religious, political, or business interests.

7.2.2 Pastoral counselors and spiritual directors should not provide counseling or spiritual direction services to anyone with whom they have a business, professional, or social relationship. When this is unavoidable, the client must be protected. The counselor shall establish and maintain clear, appropriate boundaries.

7.2.3 When pastoral counseling or spiritual direction services are provided to two or more people who have a relationship with each other, the Pastoral Counselor or Spiritual Director must:

- Clarify with all parties the nature of each relationship;
- Anticipate any conflict of interest;
- Take appropriate actions to eliminate the conflict; and
- Obtain from all parties written consent to continue services.

7.3 Conflicts of interest may also arise when a Pastoral Counselor's or Spiritual

- Prior dealings;
- Becoming personally involved; or
- Becoming an advocate for one (person) against another.

In these circumstances, the Pastoral Counselor or Spiritual Director shall advise the parties that he or she can no longer provide services and refer them to another Pastoral Counselor or Spiritual Director.

Standard 8—Reporting Ethical or Professional Misconduct

Friars, employees, and volunteers have a duty to report their own ethical or professional misconduct and the misconduct of others.

8.1 Friars, employees, and volunteers must hold each other accountable for maintaining the highest ethical and professional standards. When there is an indication of illegal actions by any friar, employee, or volunteers, the proper civil, provincial and other ecclesial authorities should be notified immediately.

8.2 When an uncertainty exists about whether a situation or course of conduct violates this Code of Professional Responsibility or other religious, moral, or ethical principles, consult with:

- The local ministry supervisor;
- The Provincial Human Resources Director;
- Others knowledgeable about ethical issues, or
- The Province's Office of Pastoral Care and Conciliation.

8.3 When it appears that a friar, employee, or volunteer has violated this Code of Professional Responsibility or other religious, moral, or ethical Principles:

- Report the issue to a supervisor or next higher authority, or
- Refer the matter directly to the Province's Office of Pastoral Care and Conciliation and/or the Human Resources Office, as appropriate.

8.4 The obligation of Pastoral Counselors and Spiritual Directors to report client misconduct is subject to the duty of confidentiality. However, any agreement or duty to maintain confidentiality must yield to the need to report misconduct that threatens the safety, health, or well-being of any of the persons involved except as provided for in Section 2.5.

Standard 9— Administration

Employers and supervisors shall treat friars, employees, and volunteers justly in the day-to-day administrative operations of their ministries.

9.1 Personnel and other administrative decisions made by friars, employees, and volunteers shall meet civil and canon law obligations and also reflect Catholic social teachings and this Code of Professional Responsibility.

9.2 No friar, employee, or volunteer shall use his or her position to exercise unreasonable or inappropriate power and authority.

9.3 Each volunteer providing service to children and youth must read and sign the Volunteer Code of Conduct before providing services.

Standard 10— Friar, Employee and Volunteer Well-being

Friars, employees, and volunteers have the duty to be responsible for their own spiritual, physical, mental, and emotional health.

10.1 Friars, employees, and volunteers shall be aware of warning signs that indicate potential problems with one's spiritual, physical, mental, and/or emotional health.

10.2 Friars, employees, and volunteers shall seek help immediately whenever they notice behavioral or emotional warning signs in their own professional and/or personal lives. In addition, they should develop the ability to directly but discretely and sensitively communicate concerns when they find that a fellow minister shows signs of such problems.

10.3 Friars, employees, and volunteers must address their own spiritual needs. Support from a Spiritual Director is highly recommended.

10.4 Inappropriate or illegal use of alcohol and drugs is prohibited.

Note: The above material is taken largely from the Archdiocese of Chicago, the Province of Mary, Mother of the Good Shepherd, the Diocese of Great Falls-Billings, the CMSM Handbook Instruments of Hope and Healing, and particularly the Model Code of Pastoral Conduct produced by VIRTUS (The National Catholic Risk Retention Group, Inc.).