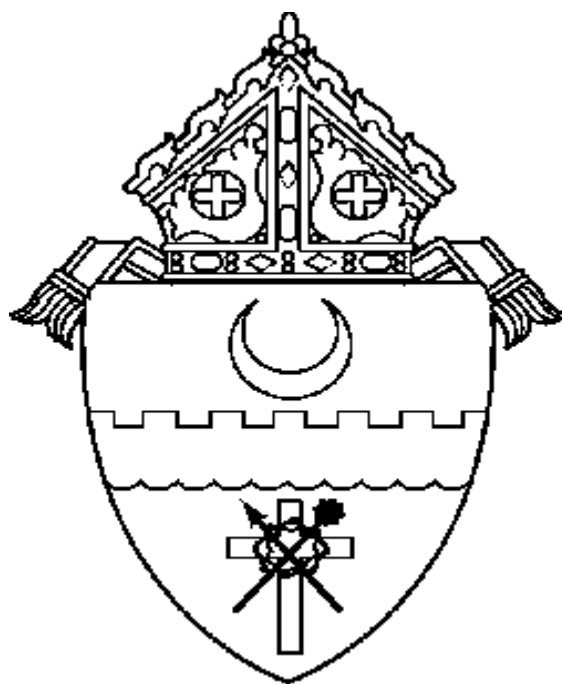


Diocese of Brownsville

Ethical and Responsible Conduct in Ministry



Policies, Procedures, and Guidelines

Revised 2016

Preface

The Lord has set before us the mandate to love one another as he has loved us. Such a love is both ennobling and demanding. The demands of a life of Christian love and service are many and great, and can be grasped only through diligent prayer and reflection on the teaching of Christ and the Church, and can be met only by consistent effort and the help of the Holy Spirit. In order to help those serving the Lord and his people in the Diocese of Brownsville as clergy, religious, and lay employees or volunteers live up to their exalted vocation to love, it is necessary to spell out in some way what such a love entails, for it must first be grounded in respect for the dignity of every person and in a commitment to pursue and protect the good of all.

Admittedly, to express a single, uniform code of conduct which sets precise definitions and limits of acceptable behavior on which all could agree would be most difficult, if not impossible. Nonetheless, the enunciation of sound standards or principles of ethical and responsible behavior is an imperative for the life of any community, and in our case is more fundamentally demanded by the very nature of Christian life.

It is with these realities in mind that the standards of ethical and responsible conduct found in the following pages are given, along with guidelines offered as helpful aids to their application to the diverse activities and relationships found among those serving the Lord and his Church in the Catholic Diocese of Brownsville.

The procedures described for reporting and investigating breaches of ethical and responsible conduct, and for disciplinary actions to be undertaken, are established to help the Christian community monitor itself and to insure, insofar as is possible, a fair and common standard throughout.

Any document such as this invites ongoing review and revision as circumstances and needs change, and will be carried out in due course. For now, all who serve God's people in and through the Diocese of Brownsville, its parishes and institutions, are called on make these policies, procedures and guidelines their own, and to honor them as they carry out all their marvelous forms of dedicated service and activity.

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I. Principles of Ethical and Responsible Conduct in Ministry: Code of Ethics

Relationships among people are the foundation of Christian ministry and are central to Church life. Defining healthy and safe relationships is not meant, in any way, to undermine the strength and importance of personal contact or the ministerial role. Rather, it is to assist all who fulfill the many roles that create the living Church to demonstrate their love and compassion for children and adults in the most sincere and genuine relationships.

It is with the intention that relationships in ministry be experienced at all times as truthful, charitable, and without intention to do harm or allow harm to occur, that the following Code of Ethics has been adopted by the Diocese of Brownsville. All Church personnel are asked to carefully consider each standard in the Code and within the Policies, Procedures, and Guidelines for Ethical and Responsible Conduct in Ministry (often referred to hereafter as “the policies”) before agreeing to adhere to the standards and continue in service to the Diocese.

- I. Church personnel will exhibit the highest Christian ethical standards and personal integrity. (*“Be perfect, just as your heavenly Father is perfect”* Matt 5:48.)
- II. Church personnel will conduct themselves in a manner that is consistent with the discipline and teachings of the Catholic Church.
- III. Church personnel will provide a professional work environment that is free from physical, emotional, psychological, written, or verbal intimidation or harassment.
- IV. Church personnel will not physically, sexually or emotionally mistreat a minor or an adult.
- V. Church personnel will report any suspected abuse or neglect of a minor to the Texas Department of Family and Protective Services, as well as to the appropriate church authority.

II. General Definitions

A. Church Personnel

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

1. The Bishop, and the priests incardinated in the Diocese of Brownsville.
2. Priests who are members of religious institutes who have received a pastoral assignment by the local diocesan bishop to do pastoral work in the Diocese.
3. Priests of other jurisdictions who are assigned by the local diocesan bishop to do pastoral work in this Diocese; priests seeking incardination in this Diocese and have received a temporary pastoral assignment as part of their process for possible incardination; other priests including those who are who are incardinated into this diocese but retired, or who have been granted canonical faculties to do pastoral ministry.
4. Permanent and transitional deacons incardinated in this Diocese; extra diocesan permanent deacons who have been granted faculties to minister in this diocese.
5. Seminarians and those enrolled in the Permanent Diaconate Formation Program.
6. Members of religious communities, men and women, working for the Diocese, its parishes, schools or agencies.
7. Individuals in other forms of consecrated life who are associated with the Diocese.
8. All paid personnel, permanent and probationary employees, and those who contract or subcontract their services, whether employed in areas of ministry or other kinds of services by the Diocese, its parishes, schools or other church agencies.
9. All church volunteers who work with minors and/or vulnerable adults in any manner or ministry. This includes any non parish or non diocesan organization (such as scouting or retreat leaders) who use parish or diocesan buildings or property. Although not paid church personnel, they are associated with the above because they freely serve in a Church sponsored activity.

B. Types of Misconduct

For the purpose of this policy, misconduct includes the four types of behavior listed below, whether in person or in another manner including but not limited to cybersites:

1. Immoral conduct, including the possession of and/or use of pornography. Conduct that is contrary to the discipline and teachings of the Church.
2. Harassment. Conduct or language which creates an intimidating, hostile or offensive working environment.

3. Exploitation. Taking unfair advantage of a relationship for one's own benefit.
4. Abuse of minors or vulnerable adults. Physical, sexual or emotional abuse of children under the age of 18 or adults who are uniquely vulnerable to abuse because of mental, physical, or developmental disability.

C. Definitions

1. **Minor or youth:** children under the age of 18.
2. **Vulnerable adults:** A vulnerable adult is a person age 18 or older who has a mental, physical, or developmental disability as indicated by one of the following:
 - A medical condition;
 - Professional diagnosis;
 - Reported or observed behavior that is consistent with such a diagnosis. The disability must cause a long-lasting and considerable inability to live independently or provide self-care.

For purposes of this *Charter*, “Charter for the Protection of Children and Young People” (*articles 1 & 5*) the offense of sexual abuse of a minor will be understood in accord with the provisions of *Sacramentorum Sanctitatis Tutela* (SST), article 6, which reads:

§1. The more grave delicts against morals which are reserved to the Congregation for the Doctrine of the Faith are:

1o the delict against the sixth commandment of the Decalogue committed by a cleric with a minor below the age of eighteen years; in this case, a person who habitually lacks the use of reason is to be considered equivalent to a minor.

3. **Gaps in service** (for volunteers): resignation from a service or ministry with minors and not serving as a volunteer for more than 30 calendar days.

III. Prevention of Immoral Conduct: Guidelines for Ethical and Moral Behavior

A. Definitions

1. Immoral conduct is defined as behavior that is contrary to God's law and to the discipline and teachings of the Church and may result in scandal to the faithful and/or harm to the Church's life and mission.
2. Scandal is an attitude or behavior, which leads another to do evil. Scandal damages virtue and integrity. It is a grave offense if by deed or omission another is deliberately led into a grave offense (*Catechism of the Catholic Church*, n. 2284).
3. Public trust and confidence are the conditions required for the Church to effectively witness the Lord in whom she desires all people to place their trust. It is essential that Church personnel exercise prudence to assure trust. All Church personnel have a responsibility to uphold the standards of the Catholic Church in their day-to-day work and personal lives.

B. Standards of the Diocese

1. It is fundamental to the mission of the Diocese of Brownsville for Church personnel to pursue the Lord's call to holiness and so to exhibit the highest ethical standards and personal integrity. The purpose of this policy is to insure that all Church personnel follow the moral and ethical standards of the Catholic Church. Therefore, Church personnel should not engage in the following conduct:
 - a. Formally rejecting the teachings of the Catholic Church or the Christian way of life.
 - b. Exhibiting actions that are disruptive to the Church's life and mission.
 - c. Procuring or participating in abortion, homicide or euthanasia.
 - d. Possessing pornographic materials.
 - e. Engaging in adultery, promiscuity, or any illicit sexual relationship or act.
 - f. Abusing alcohol or drugs.
 - g. Stealing or any other form of theft, including misappropriation of Church funds.
 - h. Sexual harassment, exploitation or abuse.
 - i. Physical assault and fighting.

- j. Engaging in any word or action that offends against the sanctity of human life, the dignity of every person, and the holiness of the human body.
2. Church personnel should not harm the reputation of others through:
 - a. Disclosing the faults or failings of others to persons who have no just cause to know them.
 - b. Making false allegations against another.
 3. No newly assigned pastor or parish administrator will terminate any parish employee within the first 90 days of assuming his position as pastor or parish administrator, except for egregious conduct, for cause, or for a serious and major violation of the Policies, Procedures and Guidelines for Ethical and Responsible Conduct in Ministry.

IV. Prevention of Harassment: Guidelines for Professionalism

A. Definitions

Harassment encompasses a broad range of physical, written, or verbal behavior or that includes, but is not limited to, the following:

1.
 - Physical or mental abuse;
 - Racial insults;
 - Derogatory ethnic slurs;
 - Unwelcome touching
 - Improper sexual advances;
 - 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.
2. Harassment may be defined as an offensive use of power where the purpose or the effect is to create a hostile or intimidating work environment.
3. Harassment may be severe and/or pervasive.
 - a. Severe conduct is sufficient to alter a workplace environment even though it may occur only once.
 - b. Pervasive conduct is a persistent pattern of offensive conduct.

B. Standards of the Diocese

1. Church personnel shall not engage in physical, psychological, written, or verbal harassment of employees, volunteers, or parishioners and shall not tolerate such harassment by other Church personnel.
2. Church personnel shall provide a professional work environment that is free from physical, psychological, written, or verbal intimidation or harassment.

V. Prevention of Exploitation: Guidelines for Helping Relationships

A. Definitions

1. Exploitation in the context of this policy refers to Church personnel taking unfair advantage of a helping relationship (e.g., spiritual direction, practical guidance, attending to a person's emotional or material needs) for the benefit of the helper.
2. Sexual exploitation is sexual contact between Church personnel and the recipient of his or her services of help, regardless of who initiates the contact.
3. Conflicts of interest exist when Church personnel take advantage of helping relationships in order to further their own personal, religious, political, or business interests.
4. Prudential caution is expected of Church personnel to avoid situations and conduct that are or may give the appearance of exploitation or conflicts of interest.

B. Standards of the Diocese

1. Church personnel shall not step beyond their competence in helping situations and shall refer to other professionals when appropriate.
2. Church personnel must never engage in sexual activity with the persons they help. This includes but is not limited to consensual contact, forced physical contact, the use of pornographic materials, and sexually explicit communications not related to helping issues.
3. Church personnel shall not engage in sexual intimacies with relatives, friends, or other individuals who are close to the client, when there is a risk of exploitation or potential harm to the client. Church personnel should presume that potential exploitation or harm exists in such intimate relationships.
4. Church personnel assume the full burden for setting and maintaining clear, appropriate boundaries in all helping and help-related relationships.
5. Physical contact should be respectful and consistent with the intent to provide a safe and comfortable helping environment.
6. Help should be given in appropriate settings, at appropriate times, and should not be held at places or times that would tend to cause confusion about the nature of the relationship for the person being helped.
7. No help should be offered in private living quarters.

8. Church personnel are encouraged to maintain a log of the times and places of sessions with each person being helped.
9. Church personnel who are not professionally licensed as counselors should not refer to themselves as counselors or purport to offer counseling.

C. Confidentiality

1. In accordance with the norm of canon law (c.983), the sacramental seal is inviolable; therefore, it is absolutely forbidden for a confessor to betray the confidence of a penitent in any way and for any reason. This is applicable whether the penitent is living or dead.
2. Church personnel should discuss the nature of confidentiality and its limitations with each person being offered guidance.
3. Information obtained in the course of sessions shall be strictly confidential, except for compelling professional reasons or as required by law.
 - a. If there is clear and imminent danger to the client or to others, the Church personnel is to disclose the information necessary to protect the parties involved and to prevent harm.
 - b. Before disclosure is made, if feasible, the Church personnel should inform the person being helped about the disclosure and the potential consequences.
4. With the exception of knowledge gained in the Sacrament of Penance, knowledge that arises from professional contact may be used in teaching, delivering homilies, or other public presentations only when effective measures have been taken to absolutely safeguard both the individual's identity and the confidentiality of the disclosures. In the rare event that such disclosures are used, good pastoral judgment is of the utmost importance when making decisions about the use of information in public ministry.
5. If Church personnel discover, while helping a minor, that there is a serious threat to the welfare of the minor and that communication of confidential information to a parent or legal guardian is essential to the child's health and well-being, the pastoral helper or spiritual director should disclose only the information necessary to protect the health and well-being of the minor.

D. Conflicts of Interest

1. Church personnel should avoid situations that might present a conflict of interest between a helper and a person being helped. Even the appearance of a conflict of interest can call integrity and professional conduct into question.

2. If a conflict of interest exists or arises, Church personnel should inform all parties. Resolution of the issues must protect the person being helped.
3. Church personnel must establish clear, appropriate boundaries with anyone with whom they have a business, professional, or social relationship.

VI. Prevention of Abuse: Guidelines for Working with Minors and Vulnerable Adults

In response to the call by the United States Conference of Catholic Bishops to break the “cycle of abuse,” the Diocese of Brownsville establishes the following child abuse education and prevention policies.

A. Definitions

1. A minor is defined as anyone under the age of 18. For the purposes of this policy, the term “minors” also includes adults who would be considered uniquely vulnerable to abuse because of physical, mental, or developmental disabilities.
2. Physical abuse of a minor is non-accidental, physical injury which is intentionally inflicted upon a minor.
3. Sexual abuse, when spoken about in these Policies, includes sexual molestation or sexual exploitation of a minor or any vulnerable adult including the possession of and/or use of pornography and other behavior by which an adult uses a minor or any vulnerable adult as an object of sexual gratification. Sexual abuse has been defined by different civil authorities in various ways, and these Policies do not adopt any particular definition provided in civil law. Rather, the transgressions in question relate to obligations arising from divine commands regarding human sexual interaction as conveyed to us by the sixth commandment of the Decalogue. Thus, the norm to be considered in assessing an allegation of sexual abuse of a minor is whether conduct or interaction with a minor qualifies as an external, objectively grave violation of the sixth commandment. A canonical offense against the sixth commandment of the Decalogue (c.1395, 2) need not be a complete act of intercourse. Nor, to be objectively grave, does an act need to involve force, physical contact, or a discernible harmful outcome. Moreover “imputability (moral responsibility) for a canonical offense is presumed upon external violation unless it is otherwise apparent” (c. 1321, 3. Cf. cc 1322-27).
4. Emotional abuse is mental or emotional injury to a minor that results in an observable and material impairment in the minor’s growth, development or psychological functioning.
5. Neglect is the failure to provide for a minor’s basic needs or the failure to protect a minor from harm.
6. Abuse of minors or any vulnerable adult is contrary to the teachings of the Church and is prohibited by the Diocese. Church personnel have a responsibility to actively protect minors or any vulnerable adult from all forms of abuse.

B. Standards of the Diocese (which apply to both church personnel and volunteer ministers who work with minors and vulnerable adults).

The following guidelines are intended to assist Church personnel in making decisions about interactions with minors in Church sponsored and affiliated programs. They are not designed or intended to address interactions within families. For clarification of any policy statement or to inquire about behaviors not addressed here, contact your pastor, agency director, principal or the Vicar General at 956 784-5067.

1. Church personnel and volunteer ministers are responsible for releasing minors in their care only to parents, legal guardians, or other persons designated by parents or legal guardians at the close of services or activities. In the event that Church personnel or volunteer ministers are uncertain of the propriety of releasing a minor, they should immediately locate or contact their immediate supervisor before releasing the child.
2. Church personnel and volunteer ministers should report uncontrollable or unusual behavior of minors immediately to parents.
3. Church personnel and volunteer ministers are prohibited from the use, possession, or being under the influence of alcohol or any illegal drugs while working with minors, except for the possession and use of wine during the celebration of the Mass.
4. Church personnel and volunteer ministers may occasionally be in a position to provide transportation for minors. The following guidelines should be strictly observed when Church personnel and volunteer ministers are involved in the transportation of minors:
 - a. The “rule of three” is to be observed. Never be alone with the minor; always insure the presence of a third, responsible person over the age of 21.
 - b. Ordinarily, minors should never be transported without written permission.
 - c. Minors should be transported directly to their destination. No stops should be made which have not been authorized by the proper supervisor.
 - d. Church personnel and volunteer ministers should avoid unnecessary and/or inappropriate physical contact with minors while in vehicles.
 - e. Drivers who are assigned to transport minors must be at least 25 years old.
5. Church personnel and volunteer ministers are prohibited from speaking to minors in a way that is shaming, derogatory, demeaning, or humiliating. In addition, church personnel and volunteers are expected to refrain from using vulgar or profane language in the presence of minors.
6. Church personnel and volunteer ministers are prohibited from engaging in any sexually oriented conversations with minors. However, it is expected that from time to time instruction of and discussion with teenagers may address human sexuality issues related to dating and sex. These lessons will convey to youth the Church’s theological and moral teachings on these topics, while refraining from treating the more intimate and

delicate aspects of the nature of human sexuality and the sexual act. If youth have further questions not answered or addressed by their individual teachers they should be referred to their parents or guardians for further help. In addition, Church personnel and volunteer ministers are not permitted to discuss with minors their own sexual activities.

7. Church personnel and volunteer ministers should never be nude in the presence of minors in their care. Changing and showering facilities or arrangements for adults should be separate from facilities or arrangements for minors.
8. Church personnel and volunteer ministers are prohibited from possessing any sexually oriented or morally inappropriate printed or digital materials (magazines, cards, videos, films, images, clothing etc.) on Church property or in the presence of minors.
9. Church personnel and volunteer ministers are prohibited from sleeping in the same beds, sleeping bags or small tents with minors.
10. As provided for in the Supplementary Norms for Clergy and Religious, houses used for residences of priests and religious are exclusively for their use. With the exception of occasional visits from immediate family members, minors are not permitted to be overnight guests in the residence of a priest or religious.

C. Physical Contact with Minors

The Diocese of Brownsville promotes a positive, nurturing environment for our children and youth ministries while protecting our children and our Church personnel and volunteer ministers from misunderstandings. The following guidelines are to be followed by all Church personnel and volunteer ministers working in programs for children and youth.

1. Church personnel and volunteer ministers are prohibited from using physical discipline in any way for behavior management of minors. No form of physical discipline is acceptable. This prohibition includes spanking, slapping, pinching, hitting, or any other physical force as retaliation or correction for inappropriate behaviors by minors.
2. Appropriate affection between Church personnel or volunteer ministers and minors is important for a child's development and a positive part of Church life and ministry. The following forms of affection may be appropriate examples for most Church sponsored and affiliated programs:
 - Side hugs.
 - Shoulder to shoulder or "temple" hugs.
 - Pats on the shoulder or back.
 - Handshakes.
 - Hand slapping.
 - Verbal praise.
 - Touching hands, faces, heads, shoulders and arms of minors.
 - Holding hands while walking with small children.

- Sitting beside small children.
 - Kneeling or bending down for hugs with small children.
 - Holding hands during prayer.
 - Pats on the head when culturally appropriate. (For example, this gesture should typically be avoided in some Asian communities).
3. Some forms of physical affection have been used by adults to initiate inappropriate contact with minors. In order to maintain the safest possible environment for minors, the following are examples of affection that should **not** be used in Church sponsored and affiliated programs:
- Inappropriate or lengthy embraces.
 - Kisses on the mouth.
 - Touching bottoms, chests or genital areas.
 - Showing affection in isolated areas such as bedrooms, closets, staff-only areas or other private rooms.
 - Laying with a minor.
 - Sleeping in bed with a minor.
 - Touching knees or legs of minors.
 - Wrestling with minors.
 - Tickling minors.
 - Piggyback rides.
 - Any type of massage given by minor to adult.
 - Any type of massage given by adult to minor.
 - Any form of unwanted affection.
 - Inappropriate compliments that relate to physique or body development.

D. Screening Church Personnel who Work with Minors

1. All applicants for Church personnel positions will be required to complete the following without exception:
 - a. A standard application that includes a release of information to conduct background checks.
 - b. Criminal records check for the State of Texas and any other state where the applicant has resided during the past five years.
 - c. These background checks need to be conducted initially and then every 5 years or when an employee or a minister returns from any gap of more than 30 days in continuous ministry.
2. For employees who have worked in the parish or school for two years or more, the application and criminal records check will complete their screening process.

3. Additional screening procedures, such as reference checks and face-to-face interviews are recommended for new applicants as well as existing employees who have held their positions for less than two years.
4. Church personnel working with minors who transfer within the Diocese should request that their personnel files be transferred to the new parish or school.
5. Criminal records checks may be conducted sporadically of Church personnel's employment or volunteer positions.
6. Church personnel are required to review the Diocese of Brownsville Policies, Procedures and Guidelines on Ethical and Responsible Conduct in Ministry and agree to comply with Diocesan Code of Ethics (See Appendix B). These agreements will be signed and placed in their personnel file.

E. Screening of Volunteers who Work with Minors

1. Volunteers for programs working with minors or vulnerable adults in parishes should be members of the parish for at least six months before being placed in a volunteer position with minors. After careful consultation, exceptions may be made for parents of minors in the specific programs in which their child or children are participating.
2. Volunteers who work with minors or vulnerable adults must complete an application for a criminal background check and sign the Code of Ethics.
3. Criminal background checks need to be conducted initially and then every 5 years or when a minister returns from any gap of more than 30 days in continuous ministry.

F. Training for Church Personnel and Volunteers who Work with Minors

1. Members of the clergy, religious, employees and all volunteers who work with minors or vulnerable adults will be required to participate in training which addresses their role in protecting minors in the Diocese of Brownsville.
2. "Protecting God's Children" training needs to be conducted initially for all church personnel and volunteers and then every 5 years or when an employee or a minister returns from any gap of more than 30 days in continuous ministry. DREs are to show "Keeping the Promise Alive" **annually** to all Religious Education teachers and volunteers. When this training is done and recorded in the parish files and diocesan data base, this updates the date of the requirement of training every 5 years.

G. Supervision of Programs that Involve Minors

1. Parents are encouraged to be a part of any and all services and programs in which their children are involved in the Diocese of Brownsville. Parents have an open invitation to

observe programs and activities in which their children are involved. However, parents who desire to participate in or have continuous, ongoing contact with their child's programs in the church, will be required to complete the volunteer application process.

2. Programs for minors should not be sponsored or administered by only one adult. The "rule of three" must be followed for all Church sponsored or administered programs.
3. Church personnel and volunteers under the age of 21 must work under the direction of a supervisor who is at least 21 years of age.
4. Church personnel in leadership roles must be aware of all programs for minors or vulnerable adults that are sponsored by a parish or school. A list of these programs should be maintained in the central office of the parish or school and include activities, purpose, sponsors or coordinators of the programs, meeting times and locations. Leaders should examine these programs and consider whether they have adequate supervision.
5. Individual Church personnel are not permitted to implement new programs for minors or vulnerable adults without proper review and consent within the parish, school, or other institution. Requests to develop new programs should be submitted in writing to the pastor, principal, or institution head, who should consider whether the plan for a new program includes adequate adult supervision and will be structured to comply with the guidelines for interactions with minors defined in Section VI, B.

H. Office 365 & LAN Usage Policy

The Catholic Diocese of Brownville (CDOB) has established a policy with regard to access and disclosure of any electronic files (email and text messages, documents, pictures, video and audio files, etc.) created, sent or received by Diocesan employees using either the CDOB Office 365 System and/or the CDOB LAN. These two systems will be referred as "CDOB IT System"

CDOB Office 365 System

CDOB manages a Microsoft Office 365 System, which includes: Email System (Exchange / Outlook), Lync, Yammer, OneDrive and SharePoint. This system is provided by the CDOB to assist in conducting business with the Diocese.

CDOB LAN

CDOB Manage a Local Area Network (LAN) which includes: Networking Equipment, Servers, Storage Devices, Desktop Computers, Laptop Computers, Mobile Devices, Printers and other devices. This LAN is provided by the CDOB to assist in conducting business with the Diocese.

Proprietorship

All content (email and text messages, documents, pictures, video and audio files, etc.), composed, sent or received by any CDOB IT System are and remain the property of the CDOB. They are not the private property of the employee, and employees may not consider any email messages or material as private or as their personal possession.

Personal Business

The use of any CDOB IT System is reserved solely for the conduct of business at the CDOB. Personal business should not interfere with the day-to-day operations of the CDOB.

Solicitations

Any CDOB IT System may not be used to solicit for commercial ventures, political causes, outside organizations or other non-job related solicitations.

Offensive Messages/Content

Any CDOB IT System is not to be used to create any offensive or disruptive messages/content. Among those which are considered offensive are any messages/content which contain sexual implications, racial slurs, gender specific comments or any other comment that offensively addresses someone's age, sexual orientation, religious or political beliefs, national origin, ancestry or disability. In addition, any CDOB IT System must not be used to communicate other improper messages (e.g. messages or material that is defamatory, derogatory, obscene or otherwise inappropriate). The CDOB IT System should not be used to commit any crime, including but not limited to sending obscene emails/txt messages or files with the intent to annoy, abuse, threaten or harass another person.

Chain Letters

Employees must not execute, send or forward chain letter emails.

Viruses

Employees may not use the CDOB IT System to develop or send any virus or otherwise destructive program. Employees should not open emails or attachments if unsure of the identity of the sender. Employees should use extreme caution when opening emails with attachments even when knowing the identity of the sender. If something looks strange in any part of an email, please contact the Help Desk.

Copyrighted Material

The CDOB IT System may not be used to send or receive copyrighted materials, trade secrets, proprietary financial information or similar materials without proper authorization.

Auditing

CDOB reserves and intends to exercise the right to review, audit, intercept, access and disclose all content created, received, sent or stored in any CDOB IT System for any purpose. Any content properly obtained for legitimate business purposes may be disclosed without the permission of the employee.

Confidentiality

The confidentiality of any message or file should not be assumed. Even when messages/files are deleted, it is still possible to retrieve and read them. Therefore, the use of passwords for security does not guarantee confidentiality.

Retrieval of Emails

CDOB has the right to retrieve and read any email messages.

Email messages must be treated as confidential by the employees and accessed only by the intended recipient. Employees are not authorized to retrieve or read any email messages that are not sent directly to them. Any exception to this policy must receive

prior approval by the I.T. Department. This does not apply to emails where an employee has been designated as a “Delegate” for another employee’s email etc.

I. Use of Parishioner Homes for Parish or Diocesan Meetings.

No meetings or activities involving children or youth or vulnerable adults, sponsored by a Parish, School, a Volunteer Minister who works with children or youth, or a Diocesan entity may be held at a private residence. This includes CCD classes, CYO practices or games, Music Ministry, Youth Ministry meetings and gatherings and sacramental preparation. All sponsored gatherings involving children or youth or vulnerable adults must be held at a parish, school property, or rental/donated facility approved by the Pastor/Principal/Administrator. The exception to this policy: Pastors or Parish Administrators may approve an exception to meeting in private homes for CCD or other meetings or events that take place in off parish premises. The expectation is allowed if (1) all leaders and adults over age 21 who will supervise these meetings or activities have viewed “Protecting God’s children”, have submitted to a criminal background check, have signed the code of ethics, and (2) the group has the written permission of the pastor or Parish Administrator. At no time are minors to be outside the direct supervision of multiple approved adult leaders. This exception will be reviewed annually by the pastor or Parish Administrator.

NOTE: If there is space at the parish or school, the exception shall not be granted.

J. Social Media Policy for the Diocese of Brownsville.

- **Policy Coverage.**

With the continuing evolution of new media and next generation communications tools, the way in which the Diocese, parishes, schools, employees, and students can communicate internally and externally continues to develop at a rapid pace. While this creates new opportunities for communication and collaboration, it also creates new responsibilities. This policy has been developed to define the responsibilities of parishes, schools, and other affiliates in the use of these communication tools.

- **Authorization.**

A parish, school, or affiliate (such as cemeteries) may have a social media presence only with the expressed, written consent of the pastor, principal, or affiliate director.

- **Accountability.**

Each site must have at least two site administrators, a primary and a back-up, who can monitor and, if necessary, respond timely to communication on the site. All administrators must be adults who have been screened and had a background check. (Similar to the expectations of our parent chaperones). Passwords and names of sites should be registered in

a central location, and more than one adult should have access to this information (i.e., site administrators and the pastor and/or principal).

- **Official Sponsorship.**

Electronic communications coming from a parish, school, or affiliate must be made through officially-sponsored technology meaning the entity being represented has to own the site, service, or account. In furtherance of this policy:

1. Every parish, school, or affiliate, to the extent that it has a website, must have its own appropriate domain (website address, also known as a URL).
 - Example: www.hsparish.org for Holy Spirit Parish McAllen
2. Any electronic communication coming from a parish, school, or affiliate must be on a domain for the corresponding parish, school, or affiliate.
 - Example: Secretary@hsparish.org, Info@hsparish.org.
 - Priests are encouraged to use an email from either the Diocese (cdob.org) or one with the parish name incorporated.
 - It is expected that parish staff eliminate the use of free domains such as AOL, Gmail, Hotmail, Yahoo and other such services when representing the parish via email correspondence. Adherence to this recommendation will establish an authenticity of the correspondence and reduce the potential for misrepresentation/impersonation.
3. Personal sites, email addresses, etc., must never be employed as a substitute. For example, a Facebook announcement regarding an event for parish youth must be through a Facebook page for the parish, not a youth minister's personal Facebook page.
4. All clergy and personnel are encouraged to archive email and calendar activities affiliated with church business or pastoral care.
5. The Diocese of Brownsville maintains a record of all unit domains and email addresses of primary staff/volunteers and passwords. This information should be provided annually during the directory update process conducted by the diocesan director of communications. The Diocese of Brownsville reserves the right to modify postings as it deems necessary.
6. Every effort should be made to channel Facebook pages (ministries) through a central administrator – The Diocesan IT Director.

7. Official web pages must incorporate a brief but immediately apparent Code of Conduct for visitors to the page. Anyone who does not abide by the Code of Conduct should be blocked by the page administrator.

- **Adult Electronic Interaction with Minors.**

Electronic communication with minors must not be undertaken lightly. School, parish, and organization employees and volunteers must consistently adhere to Catholic values and transparency with respect to such communications.

1. All communication with minors (in person, via social media, websites, text messages, etc.) must adhere to:
 - The Charter for the Protection of Children and Young People (<http://usccb.org/issues-and-action/child-and-youth-protection/charter.cfm>)
 - The Children's Online Privacy Protection Act (<http://www.ftc.gov/ogc/coppa1.htm>)
2. Adults must not be in electronic communication with youth (under 18) unless the parents/guardians have authorized the communication. The authorization must identify the type of communication (e.g., email), the youth's specific contact information (e.g., email address), and contact information for the parents/guardians to ensure they receive copies of such communications. Parents must have access to everything provided to their children and be made aware of how social media is being used, be told how to access the sites, and be given the opportunity to be copied on all material sent to their children via social networking (including text messages).
3. Electronic copies of communications with minors must be preserved.
4. Schools receiving federal funding for computer technology through E-Rate must comply with the Children's Internet Protection Act (CIPA), 47 U.S.C. § 254(h)(5), which requires monitoring internet use by minors; filters to restrict access to obscenity, child pornography, or other material harmful to minors; and educating minors about appropriate online behavior, social networking safety, and cyber bullying.

- **Transparency, Honesty, and Discretion in the Use of Social Media on Behalf of Parishes, Schools, or Organizations.**

Employees and volunteers are responsible for the information they divulge through social media. Employees and volunteers are subject to the following rules when posting information in connection with a parish, school, or organization:

1. Be honest about the facts and your identity.
2. Do not claim to represent the official position of the organization or the teachings of the Church unless authorized to do so.
3. Do not disclose confidential or proprietary information. Think carefully about whether the information being disclosed is ready for public consumption.
4. Do not disclose information protected from disclosure by law, such as medical information about employees or their identifying information (e.g., social security number).
5. Do not use diocesan, school, parish, or organizational trademarks or logos unless you are specifically authorized to do so.
6. Use good taste and discretion in all communication, including the content of photos and videos. Ensure that all content and links comply with the Children's Internet Protection Act which, among other things, prohibits content that is obscene, pornographic, or otherwise harmful to minors.
7. Never cite others, or post text, photos, or videos of another person without permission.
 - Abide by civil law, including intellectual property protections, copyright and fair use laws, and IRS financial disclosure regulations.
8. Include a disclaimer stating that the views expressed are your own and not those of the diocese, or your parish, school, or organization, when commenting on an issue if you do not have specific authorization to speak on behalf of the Diocese, or your parish, school, or organization.
9. Do not violate the terms of agreement of the social media platform you are using.
10. Do not post pictures or video without first obtaining a signed Media Relations/Promotion Form for each individual shown.
 - Do not post pictures, video, or any other information that may identify a minor (e.g., name or contact information) without first obtaining written permission from the parent or guardian and a signed Media Relations/Promotion Form.
11. Obtain parental/guardian permission for in-classroom social media activities.

Adhering to the Church's Doctrines and Teachings and to Diocesan/Parish Policies and Guidelines.

The content of electronic communication must not be at variance with the doctrinal and moral teaching of the Church. All communication by means of social media by parish/school/organization personnel is a reflection on the employee's parish/school/

organization, as well as on the entire Diocese. As a result, this communication must be representative of the policies and practices of the Diocese of Brownsville. The following rules have been adopted to support the foregoing policy:

1. Write in thoughtful language consistent with the message of Diocese of Brownsville and the Catholic faith.
2. Do not utter insults, slurs, or obscenities. Do not post anything that might be viewed as pornographic, proprietary, harassing, abusive, or creating a hostile work environment.
3. Do not disparage other individuals, other community groups, or other faiths.
4. Understand that electronic communications and social media activities are subject to other personnel policies, including non-discrimination/non-harassment and electronic communications policies.
5. Report social media activities that potentially violate this policy.

Personal Use of Social Media.

Personal sites of church and school personnel should reflect Catholic values. Church and school personnel must understand that they are witnessing to the faith through all of their social networking, whether “public” or “private.” In furtherance of this policy, the Diocese has adopted the following rules:

1. "Friending" youth on social networks can be misinterpreted. Diocesan policy is to prohibit teachers, priests, and other employees from using their personal blogs, web pages, Facebook accounts, or e-mail to communicate with students or other parish youth. Such communications, if any, must be through officially sponsored social media pages to which the Diocese has access.
2. Employees and volunteers must exercise care with respect to privacy settings, personal profile information, and posted content to ensure that their use of social media and the internet does not reflect poorly on the churches, schools, or organizations for whom they work or conflict with Catholic beliefs and values.
3. Employees and volunteers must not identify themselves as employees or volunteers of the diocese or of any particular parish, school, or organization within the diocese on their personal social media pages unless they include a clear disclaimer stating "The views expressed on this site are mine alone and do not necessarily reflect the views of my employer."
4. Employees are not permitted to use the logos, trademarks, official photographs, or any other intellectual property of the Diocese of Brownsville or its parishes

(churches), schools, organizations, or programs in their personal blogs, web pages, or social media activities.

K. Overnight lodging logistics

For every event, overnight lodging logistics should be planned, and the details and information communicated to parent(s) or legal guardian. Both the parent(s) or legal guardian and the chaperones must sign a form with the details of the lodging logistics and copies of those documents be kept on file for any youth that participates.

a. A minor may not spend the night in the private accommodations or residence of clergy, teachers, or any adult supervisor without the presence of the parent or legal guardian.

b. In making lodging arrangements, select an option that provides sleeping arrangements which are easily supervised. Depending on the event, lodging options might include hotel room, lodge, bunk house, and multipurpose room, etc.

i. All sleeping, changing, and shower areas must be clearly segregated between males and females.

a. All changing and shower areas must be clearly segregated between adults and minors (male and female). In the event that this is not possible, separate times should be designated for adult and minor bathroom and shower use.

b. All sleeping areas should be segregated between adults and minors (male and female), making sure that provisions have been made for the supervision of minors by two or more adults.

c. In the event that there are not enough restrooms, two adult chaperones will monitor restrooms so that no adults use them while there are minors using the restrooms.

c. In larger lodging rooms or cabins housing many minors (male and female separated), at least two chaperones should make sure the quarters of minors are supervised at all times.

d. Hotel rooms: chaperones may not stay alone in the same room with a minor or minors (male and female separated). All rooms should be on the

same floor with chaperone rooms on either side of minors' rooms.
Chaperones should take turns staying awake to monitor rooms.

i. A parent may stay in a room with their own child, but no other minors.

e. Contact the Victim Assistance Coordinator at 956-784-5066 in advance of an event to evaluate other types of lodging challenges.

VII. Reporting of Incidents, Allegations and Concerns

A. Reporting of *Immoral Conduct, Harassment or Exploitation*

1. Church personnel have a duty to report violations of the Policies, Procedures, and Guidelines on Ethical and Responsible Conduct in Ministry.
2. When there is an indication of illegal actions by Church personnel, Church personnel will notify the police or other civil authorities immediately. It is advisable that they notify the appropriate church authority as well.
3. When there is an indication that the actions of Church personnel may constitute immoral conduct, harassment or exploitation: report according to the following plan:
 - a. When the church personnel is one of the laity, report to the pastor of the parish; school principal, or institution head.
 - b. When the church personnel is one of the clergy or religious:
 1. report to the Vicar General or the Bishop by calling 956-784-5067 or 956-542-2501
 2. or reports may also be made to current Victim Assistance Coordinators
 3. or submit a letter to any person authorized to receive this type of report to P.O. Box 2279, Brownsville, TX 78522-2279.
4. Allegations of immoral conduct, harassment or exploitation will be taken seriously and Diocesan procedures will be followed to protect the rights of all involved.
5. If there are questions about the applicability of these policies, consult the Vicar General at 956 784-5067.
6. If infractions of Diocesan policy are confirmed, lay church personnel will be subject to disciplinary action up to and including termination and possible prosecution. Disciplinary action will follow the Progressive Discipline Process outlined in Section VIII of these policies. (See the Supplementary Norms for actions to be taken when misconduct is by clergy or religious.)

B. Reporting of *Suspicious or Inappropriate Behaviors with Minors or Vulnerable Adults*

1. Because the Diocese of Brownsville is dedicated to maintaining no tolerance for abuse, it is imperative for every member of this community to participate actively in the protection of minors or vulnerable adults. In the event that Church personnel observe any suspicious or inappropriate behaviors on the part of other Church personnel, it is

their personal responsibility to immediately report their observations. Examples of suspicious or inappropriate behaviors would be policy violations, neglectful supervision, poor role-modeling, seeking private time with minors, taking minors on over-night trips without other adults, profanity or making suggestive comments to minors.

Inappropriate behaviors or policy violations that relate to interactions with minors or vulnerable adults should be reported according to the following plan:

- a. When the church personnel is one of the laity, report to the pastor of the parish, school principal, or institution head.
- b. When the church personnel is one of the clergy or religious:
 1. report to the Vicar General or the Bishop by calling 956-784-5067 or 956-542-2501
 2. or reports may also be made to current Victim Assistance Coordinators
 3. or submit a letter to any person authorized to receive this type of report to P.O. Box 2279, Brownsville, TX 78522-2279.
2. All reports of suspicious or inappropriate behavior with minors will be taken seriously. Diocesan procedures will be carefully followed to ensure that the rights of all those involved are protected.
3. When suspicious or inappropriate behaviors are reported to a pastor or pastoral administrator or a principal, he or she is asked to gather additional information about the nature of the concern and immediately contact the Vicar General for consultation. Regardless of the outcome of initial information gathering, a Notice of Concern (See Appendix C) should be completed and mailed to the Vicar General (P.O.Box 2279, Brownsville, TX 78522-2279) or faxed to his confidential fax line in the Vicar General's office. To obtain the fax number, please call 956.550.1510 and request it.
4. If at any point in gathering information about suspicious or inappropriate behavior and there is belief of sexual abuse of a minor or vulnerable adult, the Texas Department of Family and Protective Services will be contacted and a report filed. (See Section VII C below for additional procedures in the event that there is a suspicion of abuse of minors or vulnerable adult.)
5. If at any point, policy violations with minors are confirmed, Church personnel will be subject to disciplinary action up to and including termination. Disciplinary action will follow the Progressive Discipline Process outlined in Section VIII of these policies. (Again, the Supplementary Norms govern actions to be taken when one of the clergy or religious is involved.)

C. Reporting *Abuse of Minors*

1. Any person who has cause to believe a minor may have been or is being abused must report his or her suspicions to the Texas Department of Family and Protective Services. Child Protective Services maintains a 24-hour child abuse hotline at 1.800.252.5400. The *Notice of Confidential Concern* form (See Appendix C) may be used to maintain documentation of the report.
2. Failure to report suspected abuse of a minor in Texas is a crime punishable by fine, imprisonment or both. Reports may be made confidentially or anonymously. A person who mistakenly reports suspected abuse is immune from civil or criminal liability as long as the report was made in good faith and without malice. (Only a *deliberate* false report constitutes a criminal act.)
3. In addition to reporting to the Texas Department of Family and Protective Services, Church personnel are strongly encouraged to report any suspected or known abuse of minors that may have been perpetrated by Church personnel directly to the Diocese of Brownsville, so that immediate and proper steps may be taken to ensure the safety of alleged victims. Reports of suspected or known abuse may be made confidentially according to the plan indicated above.
4. If the Diocese becomes aware that suspicious behavior, inappropriate behavior or suspected abuse has been reported to the Texas Department of Family and Protective Services, the Diocese should seek to determine if TDFPS believes a crime has been committed that would require an investigation by civil authorities. If the situation meets the criteria for a TDFPS investigation and/or a police investigation, the Diocese will cooperate fully with the investigation by TDFPS.
5. The Bishop or the Vicar General will see to it that an internal investigation is promptly carried out, whether or not the situation meets the TDFPS or police criteria for investigation, and even when an investigation by TDFPS results in a finding of “unable to determine.” They may do this by themselves or by assigning Promoters of Justice to conduct the internal investigation (one of whom must be a priest [diocesan or religious] and the additional individual(s) with expertise in the area of Child Protective Services investigation or criminal investigation. Whoever conducts the internal investigation, will follow the steps for a preliminary investigation outlined in the “Diocesan Review Board Resource Booklet.
6. During investigations by civil authorities or internal investigations, the Church personnel who is the subject of the investigation will normally be temporarily removed from Church responsibilities and duties.
7. Internal investigations of clergy will be documented. Documentation of internal investigations of clergy will be retained, per canon law, for 10 years and stored in the confidential records/files of the diocese.

8. Internal investigations of employees will be documented. Documentation of internal investigations of employees will be stored in the personnel file of the employee who is the subject of the investigation in the HR file for six years after he/she leaves Diocesan employment.
9. In conducting an internal investigation arising from an allegation of misconduct against non-ordained, non-religious Church personnel, the Vicar General will seek suitable consultation if he deems it advisable.
10. In conducting an internal investigation arising from an allegation of misconduct against a cleric or religious, the Bishop or, if he so delegates, the Vicar General, will see to it that an investigation is promptly begun and properly carried out, in harmony with Canon Law, as provided for in the Supplementary Norms for Clergy and Religious.
11. At the conclusion of an internal investigation, the findings will be submitted to the Bishop for his assessment and action. In his judgment and action, he may choose to undertake appropriate consultation, as circumstances and needs warrant it.
12. If abuse of a minor is confirmed, Church personnel will be subject to termination immediately in accordance with Section VIII 4, which provides for termination in cases of serious and major offenses. If abuse by a member of the clergy is confirmed, the procedures outlined in the Supplementary Norms for Clergy and Religious will be followed.
13. If abuse of a **minor** is **confirmed** through an internal investigation, the Texas Department of Family and Protective Services shall be advised.

VIII. Progressive Discipline Procedure

A. Standards of the Diocese

1. It is the policy of the Diocese of Brownsville to seek to maintain the highest quality personnel who exhibit exemplary conduct and superior performance. To this end, all Church personnel are to be informed by their supervisors of what is expected of them in the performance of their duties, how to conform to Diocesan policies and how well their performance meets expectations.
2. When lay Church personnel performance or conduct does not meet the expectations of the Diocese of Brownsville, it is the responsibility of supervisors to address the problem(s) in a timely and equitable manner. The procedure would normally include four steps: 1) Admonishing, 2) Formal Warning, 3) Probation, and 4) Termination.
3. All documents associated with the Progressive Discipline Procedure are to be retained in the personnel file of the Church personnel. Formal Warning Documents should also be immediately forwarded to the Vicar General if it involves a minor or issue that affects more than the parish or if the church personnel is an employee of the Diocese.
4. Procedures for progressive discipline of clergy and religious are to be found in the appropriate norms of Canon Law, and are greatly spelled out in the Supplementary Norms for Clergy and Religious.

B. Steps in Progressive Discipline

1. Admonition/Guidance. A large portion of performance and conduct deficiencies are identifiable and in many cases, can be addressed and resolved through informal admonition and guidance of the Church personnel by the supervisor. Effective admonition and guidance include the following:
 - a. Clear identification of the problem with specific examples,
 - b. A mutually agreed upon action plan to resolve the problem,
 - c. Documentation of the admonition/guidance and communication which is kept in the personnel file of the individual who receives guidance.
2. Formal Warning. Formal Warnings should be initiated when 1) Admonishing and guiding fail to resolve the problem, or 2) the problem is of such a serious nature that immediate and formal resolution is required.
 - a. Formal Warnings ought to follow the format provided in the “Formal Warning Document” of these policies (See Appendix D). The document should ideally include:
 1. A specific statement of the problem.

2. Reference to any admonishing/guiding that was attempted.
 3. A statement of the policy that was violated.
 4. A summary of corrective actions to be taken.
 5. A statement of the consequences of failure to resolve the problem(s).
 6. A reasonable timeframe for resolution (often 15 to 30 days).
- b. Formal Warnings should be presented at a meeting with the supervisor.
 - c. Church personnel should be required to sign the Formal Warning Document.
 - d. Formal Warning Documents and all accompanying materials should be stored in the personnel file of the individual who receives the warning.
 - e. Formal Warnings relate to ethical and responsible conduct in ministry: Copies of Formal Warning Documents must to be forwarded to the Vicar General.
3. Probation. Probation is the third step in the Progressive Discipline Procedure prior to dismissal.
- a. Probation should be initiated when a warning process has not succeeded or when the misconduct is such that a second infraction would clearly warrant termination.
 - b. The probation process consists of the same elements as the formal warning process with an emphasis on the fact that failure to meet the conditions of the probation will result in termination if significant improvement is not demonstrated consistently in the probation period (typically 30 days).
 - c. A second Formal Warning Document should be completed when the Church personnel is placed on probation.
 - d. At the successful conclusion of probation, Church personnel should be notified in writing that he or she is no longer in a probationary status.
 - e. Copies of any documentation of probation that relates to ethical and responsible conduct in ministry must to be forwarded to the Vicar General.
4. Termination. Termination should be administered under one of two conditions:
- a. Failure to improve conduct during the steps of Progressive Discipline, or
 - b. Serious and major offenses, including but not limited to, violations of the Policies, Procedures, and Guidelines on Ethical and Responsible Conduct in Ministry.

IX. The Church's Pastoral Response to Misconduct in Ministry

The Diocese of Brownsville has, first and foremost, utmost concern for those persons who are directly impacted by misconduct. The Diocese is likewise solicitous to remove any scandal caused to the faithful and to society by moral offenses.

A. Care of the One Who Brings an Allegation of Misconduct

1. The Diocese of Brownsville will take all allegations seriously and will immediately and thoroughly investigate all concerns. Investigations will be conducted according to the provisions of these Policies.
2. The Diocese of Brownsville will respond immediately and effectively to deal with any accusation of misconduct brought against Church personnel. The willingness of the Diocese to respond to an allegation is in no way a judgment of the person being accused. Innocence is always presumed until facts prove otherwise. It is always important for all members of the Church to be sensitive to the needs and feelings of those who allege misconduct, and to treat them with respect and the charity of Christ.
3. The Church will offer help to the victim of misconduct to enable healing. This assistance for an individual victim may vary with circumstances and support from the Diocese will be determined in proportion to the defined course of help.

B. Care of Church Personnel Accused of Misconduct

1. The Diocese of Brownsville has a deep concern for any Church personnel who is accused of misconduct.
2. The Diocese will take great care in ensuring that a proper investigation is conducted following any allegation of misconduct. All investigations will follow Diocesan procedures as set forth in these Policies. The rights of the accused will be taken into consideration throughout the investigation process and every effort will be made to protect the interests of an individual who may be falsely accused.
3. During investigations of allegations, the accused may be removed from contact with alleged victims to ensure the integrity of the investigation and the safety of alleged victims during the information-gathering process. This action should in no way be interpreted as a presumption of guilt. In the event that allegations are not founded, the accused Church personnel will resume his or her position as quickly as possible.
4. In the event that allegations are founded and the accused is not permitted to resume work within the Diocese, the Diocese will offer pastoral care to the extent that it is able.

5. Any allegation of misconduct involving a priest, deacon or religious will be taken seriously and the process of investigation described in the Supplementary Norms for Clergy and Religious will be initiated. The Bishop, in reaching final decisions, will always be guided by the appropriate norms of canon law.

C. Care of the Community Affected by Misconduct

1. The Diocese also has a special concern for the parishes and other Diocesan communities, groups, and organizations served by personnel who are accused of misconduct.
2. The Diocese will make every effort to respond in a manner that is appropriate to a specific situation, and in all events to provide pastoral care and spiritual assistance to the individuals affected in/by a parish or other Diocesan entity or organization that experiences an incident or allegation of misconduct.
3. Once a cleric or lay person has been found unsuitable for ministry or of risk to children or youth or vulnerable adults, this information [that the person was found unsuitable for ministry **OR** of risk to children or youth or vulnerable adults] will be shared by the Chancellor in a confidential manner to:
 - a. the Director of Human Resources,
 - b. Director of Diocesan Media Relations,
 - c. Superintendent of Catholic Schools,
 - d. the Director of Catechesis,
 - e. the Director of Youth Ministry,
 - f. the Director of Campus Ministry,
 - g. and Pastors (who is responsible for any paid staff or ministers in his parish).

They are to contact the Vicar General or the Victim Assistance coordinator if that person should apply for ministry or paid employment or volunteer services with children or youth or vulnerable adults or contracted work in the parish or diocese.

D. Communication

1. The Diocese of Brownsville is committed to a general stance of openness and transparency, while recognizing the need to balance these goods with the good of protecting the privacy of those who are directly impacted by breaches of ethical and responsible conduct.

2. The Diocesan Relations Office of the Diocese of Brownsville will work with Church personnel and the public to provide information that will increase awareness and understanding of the need for ethical and responsible conduct in ministry, especially in regard to the prevention, identification and treatment of child abuse and neglect.
3. The Diocesan Relations Office will seek to lend information and support to parishes, schools and diocesan offices on safe environment programs, on a diocesan Web-based system for criminal record checks, and on ongoing implementation of the Policies, Procedures, and Guidelines on Ethical and Responsible Conduct in Ministry.
4. Communications with an affected faith community (parish, school or other agency), the media and the broader diocesan community will strive to be timely and clear. These communications will attempt to respect the confidentiality and privacy of all involved, in a manner that promotes collaboration in the community and in accord with any applicable civil and/or canon laws.
5. The Diocesan Relations Office will work with the bishop, the Vicar General, whoever is involved in pastoral response and care, and any other appropriate diocesan and/or parish personnel in providing information to the staff of the affected faith community and the faith community when a serious allegation is made.
6. The Diocesan Relations Office shall be responsible for coordinating all contacts with the media. The staff of an affected faith community shall be made aware of the requirement to direct all media inquiries to the director of the Communications Office, and be provided with essential contact information for the director. The staff will also contact the Communications director if they receive any media inquiries, to facilitate communication between the Diocese and the media. Media personnel will always be given professional courtesy and respect.

E. Victim Assistance Coordinator

The Diocese of Brownsville will provide a competent person to coordinate assistance for the immediate pastoral care of persons who have been directly hurt by allegations or incidents of serious misconduct, principally the one who is claimed to have been wronged. Through the agency of the victim assistance coordinator, the pastoral and spiritual good of that person, and of all concerned, will be pursued, drawing on social service agencies and other churches if the case requires, and, as needs dictate, allowing for counseling, spiritual assistance, and possibly other services agreed to by the person and the Diocese. The victim assistance coordinator or any other person in conjunction with the VAC may also be utilized by the Bishop in responding to others who have been affected. The Victim Assistance Coordinator will meet with victims of clergy sexual abuse until the individual no longer wishes services. When necessary, the VAC may have a third party present.

In the case of an allegation of the sexual abuse of one who is a minor by church personnel, the victim assistance coordinator will convey pertinent information to civil authorities and advise the one making the an allegation of their duty to report. In the case of an alleged

victim who is no longer a minor, the victim assistance coordinator will advise him/her of their right to make a report to civil authorities.

F. Review Board for the Protection of God's People

1. The Diocesan Review Board for the Protection of God's People (hereafter Review Board), originally established as a confidential, consultative body to advise the Bishop in matters of sexual abuse of minors by clergy (See Supplementary Norms, X), will also be available as a confidential, consultative body to assist the Bishop, at his discretion, in fostering ethical and responsible conduct in ministry; in implementing, evaluating, revising these policies; in addressing allegations of violations of them, and in offering advice on suitable pastoral response.
2. The Bishop may seek a recommendation from the Review Board concerning a non-ordained church personnel's fitness for ministry.
3. The identity of Review Board members will not be made publicly known, but will remain confidential. The Diocesan Director of Communications will serve as the spokesperson for the Diocese, if a public statement is deemed necessary. All discussions regarding allegations and instances of abuse are strictly confidential. (For further detail, see Supplementary Norms, X).

G. Administrative roles

1. Pastors, Parish Administrators, and Principals of Catholic Schools who are not connected to a diocesan parish will send the Bishop the annual recertification letter indicating compliance with the Protecting God's Children training for all paid staff AND any volunteers who work with children; that the parish has offered two of the "Touching Safety" lessons each year to children in the CCD program; that the parents, whose children are in the Sacramental preparation programs (Eucharist and Confirmation), were offered the opportunity to view "Protecting God's Children" or a similar awareness DVD; that the parish maintains records for all of the above items.
2. Pastors or Parish Administrators will work with the DRE or the equivalent position in the parish, to schedule two of the "Touching Safety" lessons each year and to offer the opportunity to the parents, whose children are in the Sacramental preparation programs (Eucharist and Confirmation), to view "Protecting God's Children" or a similar awareness DVD.
3. Pastors or Parish Administrators will submit background check requests
 - a. for all paid staff to the Director of Human Resources
 - b. for all volunteers who have regular contact with children to the Director of Catechesis

- c. or do a statewide criminal background check for any paid staff or any volunteers who have regular contact with children
 - d. and maintain a confidential file for all results returned to him.
4. Background checks are to be completed when a person is hired as parish staff AND for all persons in the parish who have regular contact with minors. A subsequent background check is to be requested every 5 years OR when a person has a gap of more than 30 days in ministry service at the parish.

X. Procedure for Grievance

Introduction

Grievance is defined as an employee's claim of misapplication or misinterpretation of terms of the employee's job description or alleged violation of established personnel policies at the local or diocesan level.

In order for this policy to work, each employee and supervisor must embrace it in good faith, cooperate and participate in the process. The purpose of the Grievance Procedure is to give each employee the opportunity to resolve any grievance. The employee may have a representative present at any step of the grievance procedure.

These procedures are the only method of resolving grievances that cannot be resolved through an initial communication with the immediately supervisor. If the employee has a grievance that cannot be resolved through an initial communication with the immediately supervisor, the employee is expected to utilize this procedure. If the employee fails to exercise this procedure or bypasses it in any way, any future consideration of that grievance may be denied and the opportunity to pursue it may be forfeited.

A. Grievances

1. The Diocese of Brownsville strives to maintain a Christian working environment for everybody, to promptly resolve employee concerns, and to protect lay church employees as defined in Section II, letter A., number 8.
2. The Diocese encourages employees who have a grievance to talk it over with their immediate supervisor. If the grievance involves the immediate supervisor, the employee must go to the next-higher-level supervisor. The employee may meet with the Diocesan Director of Human Resources to discuss it. The Diocesan Director of Human Resources will decide if the grievance is one that should first be redirected back to the supervisor. Talking things over usually helps. If not, the employee may wish to file a formal grievance and go through the Grievance Procedure. Under this Grievance Procedure, the grievance must be in writing, giving specific details about any event, condition, rule or practice about which the employee has a grievance.
3. When an employee has a grievance the immediate supervisor is the person to see first. However, if the grievance is of such a nature that resolution would be hampered by the grievance process, the Diocesan Director of Human Resources may take the appropriate action to resolve it. In either case, the grievance must be presented in writing within ten (10) working days of the occurrence upon which the grievance is based.
4. The employee may have a representative present at any step of the grievance procedure provided that any other party involved is notified two (2) working days prior to the intended meeting and provided that the identity of the representative is indicated. Once

notified that the grieving person will have a representative any other party involved may also seek to have a representative present.

5. In order to provide for prompt and efficient evaluation of and response to grievances, the Diocese has established a formal Grievance Procedure for all lay church employees. No retaliation will be taken against any employee because he/she reports a problem in good faith.

When the formal grievance procedure is initiated, the following steps must be taken:

First Step

SEE THE IMMEDIATE SUPERVISOR.

If the employee has a grievance he/she must request an appointment to discuss the matter confidentially. The immediate supervisor is to grant an appointment within fifteen (15) working days of receiving notification of the grievance from the employee. If the discussion does not lead to a satisfactory conclusion within fifteen (15) working days of the meeting with the immediate supervisor, the employee may proceed to the next step. If the grievance is about the immediate supervisor, the employee should go to the next-higher-level supervisor.

Second Step

PUT IT IN WRITING and GIVE IT TO IMMEDIATE SUPERVISOR.

If talking with the immediate supervisor did not solve the grievance, the employee is to put the grievance in writing (see attached form). Anonymous grievances will not be addressed. Often, in order to investigate grievances, further follow-up is needed, thus contacting the grieving individual may be necessary. If, within fifteen (15) working days, the supervisor cannot resolve the grievance to the employee's satisfaction, he/she may appeal to Diocesan Director of Human Resources.

Third Step

GIVE GRIEVANCE TO THE DIOCESAN DIRECTOR OF HUMAN RESOURCES.

If the grievance is against the immediate supervisor or if after discussions with the employee, the situation remains unsettled, the matter should be referred to the Diocesan Director of Human Resources. The employee may be required to elaborate the grievance by naming witnesses, mentioning times, dates and places

of occurrences, etc. The supervisor will prepare a summary of the communications with the employee on the subject, and place it in a sealed envelope and deliver it to the Diocesan Director of Human Resources.

Fourth Step

GRIEVANCE CONFERENCE.

Within fifteen (15) working days of receiving the grievance the Diocesan Director of Human Resources will schedule an appointment with the employee in question. The Diocesan Director of Human Resources may invite whomever he/she thinks needs to participate in the discussions. At this conference, the employee is free to openly discuss the grievance and substantiate the reasons for feeling the way he/she does. The Diocesan Director of Human Resources will consider the employee's input and render a decision in writing within fifteen (15) working days. The decision of the Diocesan Director of Human Resources is final and binding.

Appendix A1. Application for Employees

Name: _____ Social Security

Maiden Name: _____

Driver License: State ____ Number _____

Street address: _____

Check here if you have had a criminal records check with one of the Diocese of Brownsville's Catholic schools in the past three years. Approximate date of records check: _____

City: _____ State: _____ Zip: _____ How long at current address: _____

Phone: Home (_____) _____ Work Phone (_____) _____

E-mail: _____ Are you a member of <Parish Name>? Yes ____ No ____

If yes, for how long? _____ If no, are you a member of another parish? _____

Please list your addresses in the past five years: _____

For what position are you applying? _____

What interests you about the position for which you are currently applying? _____

What has prepared you for the position for which you are currently applying? _____

Employment history

| Dates of employment (Start with most recent) | Company name and address (City, State Zip) | Immediate supervisor name and phone number | Position held | Reason for leaving position |
|---|---|--|---------------|-----------------------------|
| Started ___/___/___ Ended ___/___/___ | | | | |
| Started ___/___/___ Ended ___/___/___ | | | | |
| Started ___/___/___ Ended ___/___/___ | | | | |

Educational history

| Dates (Start with most recent) | School name and address (City, State Zip) | Type of School | Name of Program or Degree | Program completed? |
|---|--|-----------------------|----------------------------------|---------------------------|
| Started ___/___/___ Ended ___/___/___ | | | | |
| Started ___/___/___ Ended ___/___/___ | | | | |
| Started ___/___/___ Ended ___/___/___ | | | | |

Volunteer experience

Please list your volunteer experiences with other churches, civic or non-profit organizations (use back if needed.)

| Organization | Duties | Dates | Contact | Phone |
|---------------------|---------------|--------------|----------------|--------------|
| | | | | |
| | | | | |
| | | | | |
| | | | | |

References

| Reference Name | Address (City, State, Zip) | Daytime Phone | How long have you known this person? | Has this person agreed to provide a reference? |
|-----------------------|---------------------------------------|----------------------|---|---|
| Professional/Civic | | | | |
| Professional/Civic | | | | |
| Personal | | | | |
| Personal | | | | |
| Family member | | | | |

Have you ever been accused of physically, sexually or emotionally abusing a child or an adult? _____

If yes, please explain. _____

<Parish Name> appreciates your willingness to share your faith, gifts and skills. Providing safe and secure programs for our members is of utmost importance to us. The information gathered in this application is designed to help us provide the highest quality Catholic programs for the people of our community. Please initial each of the statements below.

- I declare that all statements contained in this application are true and that any misrepresentation or omission is cause for rejection of my application, or dismissal from my ministry involvement.
- I hereby authorize < Parish Name > to conduct a personal and professional background check for the purposes of my application at < Parish Name >. < Parish Name > may contact any references, past and current employers, church, youth organizations, agencies where volunteer service has been completed, and any individual or organization which might be relevant to my desired position. I hereby release all of the above stated persons from any and all liability for damages that might occur during the <Parish Name's> contact with the individuals for purposes of employment or volunteer services.
- I also hereby give complete permission for < Parish Name > to conduct a criminal background check, arrest records check, abuse registry check, and driving record check for the purposes of my employment or volunteer services.
- I waive any right that I may have to inspect any information provided about me by the persons previously mentioned. I have also read and understood the above stated information within this release and am signing below of my own free will.
- I understand that a criminal background check will be conducted prior to and during my service. I authorize investigations of all statements contained in the application.
- I agree to observe all of <Parish Name> guidelines and policies for the program in which I am applying.
- I understand that <Parish Name> has NO TOLERANCE FOR ABUSE and takes all allegations of abuse seriously. I further understand that <Parish Name> cooperates fully with the authorities to investigate all cases of alleged abuse. Abuse of minors or vulnerable adults is grounds for immediate dismissal and possible criminal charges.
- I understand that I can withdraw from the application process at any time.
- I understand and agree that false statements and/or omissions regarding past conduct and/or present situation may be grounds for denial of the application to provide employment and/or volunteer services and that refusal to inform <Parish Name> of the contents of a sealed criminal record will result in the automatic denial of the application.
- My signature indicates that I have read and understand the above. **Do not sign until you have read and initialed the above statements.**

Applicant Signature: _____ **Date:** ____/____/____

I have reviewed this application and have noted any missing information.

Screening Committee Member Signature: _____ **Date:** ____/____/____

Appendix A2. Application for Volunteers who will have Regular Contact with Minors

| | | | |
|---|-----------------|---------------|-----------------------|
| Name (Last, First, Middle) | Preferred name: | Date of Birth | Home & Work Telephone |
| Address (Street, City, State, ZIP Code) | | | SSN |
| What is your driver's license number? | State: | Number: | |
| Have you had any moving violations in the past two (2) years? | YES: | NO: | |

Education (Check highest level completed):

| | | | | | |
|--|--|--------------------------------------|---|----------------------------------|--|
| <input type="checkbox"/> Elementary School | <input type="checkbox"/> Middle School | <input type="checkbox"/> High School | <input type="checkbox"/> Vocational or Technical Training | <input type="checkbox"/> College | <input type="checkbox"/> Graduate School |
|--|--|--------------------------------------|---|----------------------------------|--|

| |
|--------------------------------------|
| Why do you want to be a volunteer? |
| Type of volunteer service preferred: |

Previous volunteer experience:

| Organization: | Position: | Responsibilities: |
|---------------|-----------|-------------------|
| _____ | _____ | _____ |
| _____ | _____ | _____ |

| | | |
|---|------------------------------|-----------------------------|
| Within the last 10 years have you pled "no contest" to or been convicted of a felony against a person or family, public indecency, or the Texas Controlled Substance Act? | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| Have you ever pled "no contest" to or been convicted of a misdemeanor against a person or family, or public indecency? | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| Are you under indictment for, or has a district/county attorney accepted an official complaint about offenses listed above? | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| Have you ever been accused in a written complaint of inappropriate behavior with a minor? | <input type="checkbox"/> Yes | <input type="checkbox"/> No |

Please provide the following additional information. The Diocese of Brownsville will use this information when conducting a Background History Check, including a criminal background check for some positions. Please provide your ethnicity. Use the other spaces below to list any other names (aliases) you have used, such as maiden name, previous married name, etc.

| | | |
|--|-------|-------|
| Ethnicity | Alias | Alias |
| <input type="checkbox"/> Anglo <input type="checkbox"/> Black <input type="checkbox"/> Hispanic <input type="checkbox"/> Other | | |

Please list three (3) personal references (excluding relatives):

| Name: | Address: | Telephone #: |
|-------|----------|--------------|
| _____ | _____ | _____ |
| _____ | _____ | _____ |
| _____ | _____ | _____ |

Volunteer Agreement

| | |
|--|------|
| <p>I affirm that the information that I have provided is true and correct to the best of my knowledge. I agree to conform with the Diocese of Brownsville rules and regulations to the best of my ability. I agree to respect the confidential nature of case information and any personal contact with clients. I agree to inform the Diocese if I am named in complaints or indictments or convicted of offenses listed above. I understand that the Diocese will conduct a history background check to verify information provided above. I understand that I will begin service on a reciprocal trial basis and agree to participate in orientation and training.</p> | |
| Signature of Volunteer | Date |

Appendix B. Code of Ethics

Church personnel will exhibit the highest Christian ethical standards and personal integrity.

Church personnel will conduct themselves in a manner that is consistent with the discipline and teachings of the Catholic Church.

Church personnel shall provide a professional work environment that is free from physical, psychological, written, or verbal intimidation or harassment.

Church personnel will avoid taking unfair advantage of a helping relationship for their own benefit.

Church personnel will not physically, sexually or emotionally mistreat or neglect a minor or adult.

Church personnel will share concerns about suspicious or inappropriate behavior with their pastor, their principal, the Vicar General or the Bishop.

Church personnel will report any suspected abuse or neglect of a minor to the Texas Department of Family and Protective Services.

Church personnel will accept their personal responsibility to protect minors and adults from all forms of mistreatment.

Acknowledgement

I acknowledge the Policies, Procedures, and Guidelines on Ethical and Responsible Conduct in Ministry adopted by the Diocese of Brownsville. I understand the policies and voluntarily agree to abide by these policies and conduct myself in complete accordance with them.

Please Print

Date _____

Name _____

Position _____

Signature _____

Name of Parish, School or Other _____

City _____

Appendix C. Confidential Notice of Concern

Date of occurrence: _____

Time of occurrence: _____

Type of Concern:

_____ Harassment

_____ Exploitation

_____ Policy violation with a minor

_____ Possible risk of abuse

_____ Known or suspected abuse. Has this been reported to TDFPS at 1.800.252.5400?

If yes, Report # _____ Time/Date of Report _____

_____ Other concern: _____

Describe the situation: What happened, where it happened, when it happened, who was involved, who was present, who was notified? If reported to TDFPS, what was their recommendation about investigating?

Has this situation ever occurred previously? _____

What action was taken? How was the situation handled, who was involved, who was questioned, were police called?

What is the follow-up plan? Does anyone else need to be notified? Will the situation need monitoring? Would you like someone to call you to discuss this situation?

Submitted by: _____ Telephone number: _____

Location and address: _____

Signature: _____ Date: _____

Reviewed by: _____ (Vicar General's Signature)

Policies, Procedures, and Guidelines for Ethical and Responsible Conduct in Ministry
Diocese of Brownsville

Appendix D. Formal Warning Document

Church personnel name: _____ Position: _____

Purpose:

_____ Formal Warning

_____ Probation

Statement of the problem: (violation of policies, standards, poor performance)

Prior discussions or cautions of the problem: (oral or written, dates)

Statement of Diocesan policy on the subject:

Summary of corrective action to be taken by Church personnel:

Consequences of failure to complete and maintain corrective action:

Signature of Supervisor: _____ Date _____

Signature of Church personnel: _____ Date _____

Appendix E. Grievance Form

DATE:

EMPLOYEE NAME/POSITION:

SUPERVISOR NAME/POSITION:

WORK LOCATION:

STEP 1

EMPLOYEE STATEMENT:

(Describe basis of your grievance. Include names, dates, and all information supporting your grievance, etc.)

EMPLOYEE PROPOSED RESOLUTION:

(Provide at least two options for resolving your grievance that are acceptable to you.)

SUPERVISOR STATEMENT:

(Describe your response, proposed resolution (if different from employee=s) and outcome of meeting.)

STEP 2

EMPLOYEE APPEAL:

(Describe your response to supervisor and what part of supervisor=s proposed resolution is acceptable and what part is not and submit all materials, including grievance, to the Diocesan Director of Human Resources).

DETERMINATION:

By _____

Date _____

