



**Diocese of Gary**  
dcgary.org

## **Safe Environment Policy and Procedure**

**Effective July, 2023**

## **Diocese of Gary**

Summary of Sexual Misconduct Toward Minors and Others at Risk/Safe  
Environment Plan/ Code of Conduct

### **Sexual Misconduct Toward Minors and Others at Risk – The Policy of the Diocese of Gary**

7-10-1993

Revised 04-25-2002

Revised 06-27-2002

Revised 04-01-2003

Revised 10-01-2010

Revised 06-29-2015

Revised 06-21-2022

Revised 07-01-2023

### **Safe Environment Plan**

**– In conjunction with the Sexual Misconduct Toward Minors and Others at Risk Policy of the Diocese of Gary**

6-13-2003

Revised 06-11-2004

Revised 09-21-2004

Revised 07-01-2023

### **Diocese of Gary Code of Conduct for a Safe Environment for Our Youth and Others at Risk**

**– This Code of Conduct supports the Diocese of Gary Safe Environment Plan and the policy regarding Sexual Misconduct Toward Minors and Others at Risk Policy of the Diocese of Gary. Prior to the July, 2023 revision, this document was referred to as Guidelines for a Safe Environment for Our Youth**

07-03-2002

Revised 06-13-2003

Revised 04-02-2013

Revised 12-19-2019

Revised 04-24-2023

Revised 07-01-2023

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**Note: All who register in the Safe Environment Database acknowledge receipt of this document before their record is approved.**

## **Introduction**

And now these three remain: faith, hope and love.

But the greatest of these is love.

1 Corinthians 13:13

The work of the Safe Environment of the Diocese of Gary is approached with profound respect for the dignity of everyone. Our Safe Environment Policy and Procedure outlined in the following pages reflect that respect through practical guidelines and general principles. All who have contact with minors and vulnerable adults are expected to comply with these policies and procedures.

# Sexual Misconduct Toward Minors and Others at Risk The Policy of the Diocese of Gary

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THESE POLICIES AND PROCEDURES ARE TO BE IMPLEMENTED IN  
RESPONSE TO AN ALLEGATION OF SEXUAL MISCONDUCT TOWARD  
MINORS AND OTHERS AT RISK.

7-10-93  
*slightly revised* 4-25-02  
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*further revised* 6-29-15  
*further revised* 6-21-22

## ***Introduction***

The sin and crime of sexual abuse of minors and others at risk severely debilitates the victims, the victims' family, the local Church community, the perpetrators, and society in general. This diocesan policy exists to deal in a forthright and compassionate way with situations in which an employee, volunteer, or cleric is accused of sexual misconduct toward a minor or others at risk.

The purpose of this policy is to assure victims of sexual misconduct the healing they need to help reduce the destructive effects of their traumatic experience. It is our strong desire to ensure appropriate pastoral outreach to the affected families and local Church communities. Pastoral concern is also extended to the accused and to those ultimately found guilty of sexual misconduct as they are made aware of the destructiveness of their behavior by prescribing the necessary professional treatment.

With a profound respect for the dignity of each person involved, it is our goal that compassion, and healing be the foundation upon which this policy is based. For those abused, those accused, and those found guilty of sexual misconduct, this is how we approach this work.

## **Policies and Procedures**

### **I. RESPONSE TO COMPLAINTS AND ALLEGATIONS OF SEXUAL MISCONDUCT**

- A. Indiana Code (I.C.) Sections 31-33-5-1, 31-33-5-2, 31-33-5-3, and 31-33-5-4 (See Appendix II) require that staff members of a private institution, school, or facility

who have reason to believe that a minor has been physically or sexually abused shall immediately orally report such belief to the local Child Protection Service or law enforcement agency.

1. Note that the statute says to report immediately when a person has “reason to believe” that physical or sexual abuse has occurred. This means that if a report is made of sexual abuse, it must be reported immediately and not after an “in-house” investigation.
  2. The definition of “Reason to Believe,” according to Indiana Statute, means that if presented to individuals of similar background and training, it would cause those individuals to believe it is more likely than not that a child was abused or neglected.
  3. The term sexual abuse as used herein, means any act which involves sexual molestation or sexual exploitation of a minor for the gratification of an adult; and includes, without limitation of the foregoing, any act that would constitute a sex-related criminal offense as set forth from time to time by the laws of the state of Indiana, or by the laws of the United States of America. Sexual molestation or sexual exploitation of a person who habitually lacks the use of reason is to be considered equivalent to sexual abuse of a minor. Sexual abuse includes the acquisition, possession, production or distribution of pornographic images of minors under the age of eighteen, by whatever means or using whatever technology.
- B. It is also the responsibility of every cleric, administrator, employee, or volunteer of the Diocese of Gary who receives a complaint or allegation of sexual abuse related to a minor to report it immediately to the Bishop’s Delegate. If he/she is not available, the report is made to the Victim’s Assistance Coordinator or Bishop’s Vicar for Canonical Services. In all cases of allegations of misconduct, the public authorities will be notified and then the outside authorized licensed professional investigator.
- C. The Essential Norms of the USCCB are followed as particular law at all times for cases of clerics accused of sexual abuse of minors.
- D. The diocese will immediately report and cooperate with the civil authorities in any investigation. The Bishop’s Delegate will refer all rumors, anonymous phone calls and unsigned letters to the independent investigator for further review. Members of the Review Board will be contacted after this process.
- E. The Diocese of Gary will not enter into confidentiality agreements.
- F. Any modifications to this policy will be made after consultation with the Review Board and, if appropriate, other consultative bodies of the diocese. Any modifications must have the approval of the Bishop of the Diocese of Gary. If modifications are made, the United States Conference of Catholic Bishops shall receive a copy of the revised policy within three months after such modifications.

## II. REVIEW BOARD

- A. The Bishop has established a Review Board consisting of qualified people, the majority of which will be lay people not employed by the diocese. One member of the Review Board is the Bishop's Delegate and Chairperson. The concept of the Review Board is to have a small representative group which can act with promptness, fairness, confidentiality, and compassion toward all concerned. Also, the board can review relevant matters and give advice on all aspects of responses required in connection with these cases. All meetings will begin with prayer.
- B. The Team Chairperson's (Bishop's Delegate's) responsibility is to convene the Review Board to ensure that the prescribed process is implemented and that proper procedures are followed. It will also be the Chairperson's responsibility to keep the Bishop informed in a timely fashion of an allegation and the progress of authorized licensed professional investigator concerning the allegation.
- C. The Review Board is a confidential advisory body to the Bishop that assists the Bishop in assessing the credibility of allegations of sexual misconduct by Church personnel and in determining the fitness for ministry of Church personnel accused of sexual misconduct. The "Charter for the Protection of Children and Young People" requires the establishment of a review board for every diocese and eparchy in the United States.
- D. Members of the Review Board are appointed by the Bishop who is to ensure that the Board's composition reflects expertise in the areas addressed by the Board. Members are appointed to a six-year term which is renewable for no more than two consecutive six year terms. The bishop of the Diocese of Gary can extend terms beyond this time frame. The Review Board will be comprised of at least five persons, one of whom is a priest who is an experienced and respected pastor; the majority will be comprised of laity who are not in the employ of the diocese. A majority of the Review Board will be in full communion with the Roman Catholic Church.
- E. Process of Investigation: The Bishop's Delegate for Sexual Misconduct and Vicar for Canonical Services will take initial, preliminary reports to an outside authorized, licensed professional investigator. The investigator will provide a report for the Review Board and present the facts he/she has gathered for the board to review. The review board will decide whether the allegation is credible or not. It will then notify the Bishop of its decision. If the case and the investigation warrant, the Bishop will notify the Congregation for the Doctrine of Faith that sufficient evidence exists of sexual abuse of a minor and that canonical penal processes should be invoked.
- F. Final decisions with respect to the recommendations of the Review Board are reserved to the Bishop of the Diocese of Gary.

- G. The Review Board will meet proactively on a semi-annual basis. The Review Board will recommend to the Bishop such amendments to these policies and procedures as the Board believes circumstances require. The work of the Review Board is confidential.

### **III. VICTIM ASSISTANCE COORDINATOR**

The Bishop will appoint a Victim Assistance Coordinator. The Victim Assistance Coordinator ensures that appropriate professional and pastoral care is provided to the alleged victim and family to assist in the healing process. After services are initiated, the Victim Assistance Coordinator will provide follow-up monitoring to ensure that the services being provided are appropriate. The scope, type, and duration of this service will be determined by the Victim Assistance Coordinator on a case-by-case basis. The Victim's Assistance Coordinator may not be a member of the review board.

### **IV. INTERVENTION PROCESS**

- A. The person who made the allegation, the parents of the minor or other at risk, and, if advisable, the alleged victim of the sexual misconduct will be interviewed by an authorized licensed independent investigator.
- B. The alleged victim will be advised of his/her right to make a report to the public authorities.
- C. The cleric against whom the allegation is made will be informed of the allegation and advised of his/her right to legal counsel and/or canonical counsel. The accused party will have the opportunity to present his/her response to the authorized licensed professional investigator.
- D. Every interview will be respectful and courteous. The goal is to determine each person's account of the alleged incident.
- E. If, after careful review of the facts presented by an authorized independent licensed investigator, the Review Board judges the complaint to be without merit, the Bishop's Delegate will fully inform all parties in a timely fashion of the results of the investigation. All necessary steps will be taken to protect the accused from defamation and to restore the peace of the community.
- F. If, after careful review, the complaint is judged to be credible, that is, more likely than not to have occurred, the Review Board will recommend that the bishop take immediate administrative action toward the accused.
- G. If the accused is a Priest or Deacon the following procedure will then apply in accordance with the Essential Norms:



1. Where sexual abuse of a minor by a priest or deacon is deemed credible after an appropriate preliminary investigation in accordance with Canon Law and the Essential Norms, the following will apply:

The local authorities will be notified immediately.

The accused will be encouraged to retain the assistance of civil and canonical counsel and will be promptly notified of his rights and obligations and the results of the investigation.

When there is sufficient evidence that sexual abuse of a minor may have occurred, the Congregation for the Doctrine of the Faith shall be notified to determine how the formal canonical investigation shall proceed.

The Bishop shall then apply the precautionary measures mentioned in CIC, canon 1722, or CCEO, canon 1473, and withdraw the accused from exercising the sacred ministry or any ecclesiastical office or function, impose or prohibit residence in a given place or territory, and prohibit public participation in the Most Holy Eucharist or other ministry pending the outcome of the process.

The alleged offender may be requested to seek, and will be urged voluntarily to comply with, an appropriate medical and psychological evaluation at a facility mutually acceptable to the diocese and to the accused.

- H. If the accused is a volunteer or an employee, the following procedure will apply:

1. Where sexual abuse of a minor or vulnerable adult by a volunteer is found credible:

Based upon the findings of civil investigations, the volunteer will be immediately relieved of all volunteer duties, responsibilities, and activities, and deemed ineligible to serve the Diocese of Gary in the future. If after civil authority's investigation, we still have questions, we will investigate further.

2. Where sexual abuse of a minor or vulnerable adult by an employee is found credible:

The employee may be immediately terminated or placed on administrative leave at the discretion of the Bishop who will determine whether or not the leave will be with or without pay as well as further employment action.

- I. When even a single act of sexual abuse of a minor by a priest or deacon is admitted or is established after the formal canonical investigation mentioned in G., and in accord with Canon Law, the offending priest or deacon will be

removed permanently from ecclesiastical ministry, not excluding dismissal from the clerical state if the case so warrants. Throughout the process the Bishop of the Diocese of Gary has the executive power of governance, through an administrative act, to remove an offending cleric from office, to remove or restrict his faculties, and to limit his exercise of priestly ministry.

Priestly or Diaconal Ministry  
See Essential Norm 9.

1. In the case of a minor, where the penalty of dismissal from the clerical state has not been applied for reasons such as advanced age or infirmity, the offender is to lead a life of prayer and penance. A priest-offender will not be permitted to celebrate Mass publicly, wear clerical garb, or present himself publicly as a priest.

J. For clerics accused of boundary violations involving minors:

When allegations of boundary violations are brought against a cleric, the Bishop may seek the counsel of the Review Board. Possible outcomes may include, but are not limited to, the following:

1. a ministerial assignment with various conditions
2. the cleric receiving no ministerial assignment within the diocese;
3. canonical process for laicization;
4. Retraining through the approved safe environment protocols

## **V. FOLLOW-UP**

A. For the victims of sexual misconduct:

The Bishop's Delegate and/or the Victim Assistance Coordinator will continue to monitor the pastoral needs of the victim as well as to confirm that proper medical/psychological care, group support, or other social services are available for an appropriate period of time. Similar pastoral care and reconciliation will be offered to the affected community.

B. For clerics accused but found not guilty of sexual misconduct:

If it has become public knowledge, every possible appropriate step will be taken by the Bishop's Delegate, in collaboration with the Bishop and the falsely accused cleric, to repair any damage to the cleric's reputation.

C. For volunteers and lay employees accused but not found guilty of sexual misconduct:

Every possible appropriate step will be taken by the Bishop's Delegate to repair any damage to the volunteer's and lay employee's reputation.

## APPENDIX I

### **DEFINITION OF TERMS:**

In this Policy, regarding allegations of sexual misconduct towards minors and others at risk, the following terms are defined:

- Cleric*** For the purpose of this Policy, the term "cleric" shall include and be limited to diocesan priests, religious priests, and transitional and permanent deacons.
- Employee*** For the purpose of this Policy, the term "employee" means any person employed by the diocese or any subdivision thereof. An employee may be a cleric, a lay person, or a member of a religious order.
- Volunteer*** For the purpose of this Policy, the term "volunteer" shall mean any person who serves as a volunteer in a Church-sponsored activity, or under the auspices of the diocese or a subdivision thereof. This would include, but is not limited to, student teachers, aides, coaching assistants, special instructors, catechists, scout leaders, server coordinators, etc.
- Minors*** For the purpose of this Policy, the term "minors" shall be limited to persons under eighteen (18) years of age. For purposes of this Policy, the term "others at risk" shall include developmentally disabled persons, who habitually lack the use of reason.
- Boundary Violation*** Any behavior that can reasonably be considered a violation of Guidelines for a Safe Environment including but not limited to communication with children or vulnerable adults through social media.
- Vulnerable Adult*** A vulnerable adult is 18 years if age of older who habitually lacks the use of reason (Canon 99) or who, because of mental or physical disability, is incapable of protecting himself/herself from sexual abuse.
- Sexual Abuse*** The term sexual abuse as used herein, means any act which involves sexual molestation or sexual exploitation of a minor for the gratification of an adult; and includes, without limitation of the foregoing, any act that would constitute a sex-related criminal offense as set forth from time to time by the laws of the state of Indiana, or by the laws of the United States of America. Sexual molestation or sexual exploitation of a person who habitually lacks the use of reason is to be considered equivalent to a

minor. Sexual misconduct includes the acquisition, possession, production or distribution of pornographic images of minors under the age of eighteen, by whatever means or using whatever technology.

## **APPENDIX II**

### **INDIANA CODE 31-33-5-1 DUTY TO MAKE REPORT**

Sec. 1. In addition to any other duty to report arising under this article, an individual who has reason to believe that a child is a victim of child abuse or neglect shall make a report as required by this article. *As added by P.L.1-1997, Sec. 16.*

### **INDIANA CODE 31-33-5-2 NOTIFICATION OF INDIVIDUAL IN CHARGE OF INSTITUTION, SCHOOL, FACILITY OR AGENCY; REPORT**

Sec. 2 (a) If an individual is required to make a report under this article in the individual's capacity as a member of the staff of a medical or other public or private institution, school, facility, or agency, the individual shall immediately notify the individual in charge of the institution, school, facility, or agency or the designated agent of the individual in charge of the institution, school, facility, or agency.

(b) An individual notified under subsection (a) shall report or cause a report to be made. *As added by P.L.1-1997, Sec. 16.*

### **INDIANA CODE 31-33-5-3 EFFECT OF COMPLIANCE ON INDIVIDUAL'S OWN DUTY TO REPORT**

Sec. 3 This chapter does not relieve an individual of the obligation to report on the individual's own behalf, unless a report has already been made to the best of the individual's belief. *As added by P.L.1-1997, Sec. 16.*

### **INDIANA CODE 31-33-5-4 IMMEDIATE ORAL REPORT TO LOCAL CHILD PROTECTION SERVICE OR LAW ENFORCEMENT AGENCY**

Sec. 4 A person who has a duty under this chapter to report that a child may be a victim of child abuse or neglect shall immediately make an oral report to:

- (1) the local child protection service; or
- (2) the local law enforcement agency. *As added by P.L.1-1997, Sec. 16.*

## **APPENDIX III**

### **AGENCIES FOR REPORTING SEXUAL ABUSE OR NEGLECT**

<i>LAKE COUNTY</i>	Child Protection Services If closed, contact local police or the Sheriff's Department at:	(219) 881-6944  (219) 755-3400
<i>LA PORTE COUNTY</i>	Child Protection Services If closed, contact local police or the Sheriff's Department at:	(219) 878-6370  (219) 326-7700
<i>PORTER COUNTY</i>	Child Protection Services If closed, contact local police or the Sheriff's Department at:	(219) 462-7555  (219) 477-3000
<i>STARKE COUNTY</i>	Child Protection Services If closed, contact local police or the Sheriff's Department at:	(574) 772-3411  (574) 772-3771

#### **VICTIM ASSISTANCE COORDINATOR**

Ms. Cheryl Sopo  
Whiting School Corporation  
1500 Center Street  
Whiting, IN 46394  
(219) 588-9089

#### **BISHOP'S DELEGATE FOR SEXUAL MISCONDUCT CASES**

Mrs. Kelly Venegas, SPHR  
Diocese of Gary  
9292 Broadway  
Merrillville, Indiana 46410  
Phone: (219) 769-9292, ext. 88224  
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# SAFE ENVIRONMENT PLAN

In conjunction with the  
“Sexual Misconduct Toward Minors and Others at Risk”  
Policy of the Diocese of Gary

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6-13-03  
Revised 6-11-04  
Revised 9-21-04  
Revised 7-01-23

## PURPOSE

The Diocese of Gary has established the Sexual Misconduct Toward Minors and Others at Risk in July 1993. To implement this policy as revised on April 1, 2003, a Safe Environment Plan has been established in order to:

- provide a safe and secure environment for the children and youth in the faith communities within our Diocese of Gary
- assist the Diocese in evaluating a person’s suitability to work with children, youth or the elderly
- satisfy the concerns of parents and staff members with a screening process
- provide a system to respond to the victims and their families, as well as the accused
- reduce the possibility of false accusations against clergy, employees, and volunteers
- reduce the risk exposure of the parishes and the Diocese of Gary

## DEFINITIONS

### Background Check

The verification of information provided on Application for Employment or Volunteer Service.

### Child Abuse

Consists of any of the following:

- a. Sexual Abuse includes any act or interaction whether it involves genital or physical contact, with or without consent, even if initiated by the child, which involves sexual contact, molestation or sexual exploitation of a child by a parent or any other person who has permanent or temporary care or custody or responsibility for supervision of a child, whether physical injuries are sustained or not, to include:
  1. The intentional touching of the genitals or intimate parts including the female breast, the genital area, groin, inner thigh and buttocks of a child or of a perpetrator by a child for purposes of sexual arousal or gratification
  2. Rape, sexual intercourse (vaginal or anal), oral/genital, oral/anal contact

3. The intentional touching and/or displaying of one's own genitals or intimate parts including the female breast, the genital area, groin, inner thigh and buttocks in the presence and view of a child for purposes of sexual arousal or gratification
  4. Permitting, causing, encouraging or assisting in the depiction of or posing for viewing by any person, either in person or by way of graphic means including digital or photographic image of the partially or fully unclothed body of a child, displaying intimate parts, in motion or not in motion, alone or with other persons, or the depiction of a child in apparent observation of sex acts by others in the child's presence
  5. Displaying or distributing to a child any picture, photograph, book, pamphlet, digital image, movie or magazine the cover or content of which is principally made of descriptions or depictions of sex acts or contact, or which is principally made up of descriptions or depictions of sexual acts or contact, or which consists of pictures of nude or partially denuded figures posed or presented in a manner which the average person applying contemporary community standards would find, taken as a whole, appeals to the prurient interest.
- b. Physical Abuse includes any act which
1. Willfully causes or inflicts physical injury to a child or
  2. Willfully causes mental injury or psychological injury to a child by intentionally engendering fear of physical injury to that child.
  3. It is the policy of the Diocese of Gary that corporal punishment of a child is prohibited in all entities under the auspices of the Diocese of Gary.
  4. Physical abuse does not include the appropriate physical restraint of a child who is attempting to injure another person or him/herself, or the appropriate physical direction of a child away from danger or the minimum restraint necessary to place a child in "time out" or other appropriate limitation of movement to promote the child's regaining of safety and emotional control.
- c. Neglect includes
1. Abandonment of a child by a parent, custodian or guardian
  2. Lack of care by not providing appropriate and necessary food, shelter, clothing and education
  3. Not providing care or control in respect to physical or emotional health; the refusal or inability to discharge parental or custodial obligations; and expressions of intention by parent, guardian or institution to discontinue care.

#### Criminal Background Check

The submission of form to provide information on existence and content of a criminal arrest record.

## Substantial Contact

Contact with children in which the duration and scope in both time and exposure to children is neither trivial nor limited and may occur on a routine and/or ongoing basis.

## EDUCATION

### Purpose and Objective

This policy applies to the programs that provide specific training in the prevention, recognition and reporting of child abuse that are developed and/or offered by the Diocese and is

- a. **Required** of all Diocesan personnel and volunteers directly involved or in contact with children
- b. Required of all children and youth who participate in activities, services and programs under the auspices of the Dioceses and
- c. **Recommended** of parents and other adults who participate or have children who participate in activities, services and programs under the auspices of the Diocese.

The objective of these programs is to prevent, recognize and appropriately report child abuse through educational programs, such as seminars, workshops and meetings, provided by the Diocese and completed by all Diocesan personnel who have substantial contact with children, on an annual basis.

### Personnel

The following Diocesan personnel shall participate in the “Protecting God’s Children” program on child abuse:

- a. All active priests, deacons and members of religious communities in the Diocese of Gary
- b. All principals, administrative staff, teachers, guidance counselors, librarians, all volunteers and staff at all levels, including aides, janitors, food service workers, school nurses, and office personnel of all Catholic elementary, middle and high schools
- c. All directors, catechists, staff, and volunteers of religious education programs and youth ministry programs
- d. All Diocesan personnel providing child care services
- e. All youth ministry coordinators, directors/coaches of children’s activities (e.g., athletics, scout troops, choir, camp counselors, etc.) and similar Diocesan personnel who provide such services.

The Bishop shall have the authority to direct additional personnel of the Diocese (other than those specified in a-e) to attend the annual education programs.



## Educational Curriculum

VIRTUS will provide the training program for adults. Each parish will have two people trained as facilitators. The facilitators will provide the training sessions for the adults according to the timeline.

### Deadlines for Completing Training

New staff and volunteers who will have substantial contact with children shall receive appropriate preventive education programs at the date of hire/beginning of volunteer service..

Pastor/parochial administrators, principals and agency directors will ensure that all personnel required to receive training do so within the requisite time period or are removed from contact with children for failure to attend appropriate training programs. Parishes, schools and agency offices will maintain lists of those who have completed the training requirement.

### Educational Programs for Students

The Principal, the Director of Religious Education, the Youth Director or Campus Minister will ensure that age-appropriate abuse prevention education programs are available at both the elementary (K-8<sup>th</sup> grade) and secondary (9<sup>th</sup>-12<sup>th</sup> grade) levels. Each school, religious education program and youth program is required to submit the curriculum to the School Office.

Such programs shall be provided annually to children in all grades of every Catholic school and religious education programs in the Diocese.

### Assessment and Evaluation of Educational Efforts

With a view toward assessing the progress of the educational efforts called for by this Policy, records shall be kept of:

- a. The number of training courses offered
- b. The number of training courses attended by
  1. Priests, permanent deacons and religious
  2. Staff members
  3. Volunteers
  4. Parents
  5. Children and youth
- c. Proportion of new staff and volunteers trained by deadlines
- d. Participant evaluations of training content and learning opportunities
- f. Virtus

A subcommittee of the Review Board in consultation with the appropriate constituent groups will review the child abuse prevention curricula every three years.

## REQUIREMENTS

Each Diocesan entity shall:

- Appoint a Safe Environment Coordinator (clergy, staff or volunteer) to oversee the Safe Environment Program.
- Implement an annual Parish Self-Assessment.

## SCREENING PROCEDURES

The following screening procedures are to be used with all clergy, staff, and volunteers who work with children, youth, at risk senior citizens and other vulnerable adults. All collected information is to be treated as confidential.

- Screening. Volunteers should have attended the parish an adequate length of time to become well known by the other adults and leaders.
- Criminal Background Check. Conduct a criminal background check on clergy, staff, and volunteers who work with children, youth at risk senior citizens and other vulnerable adults.
- Criminal background checks will be completed every five years on active clergy, staff, and volunteers. There is a fee involved, contact the Safe Environment Office for the information.

## Results of Criminal Background Checks

- When the criminal background check on a candidate is not clear, the pastor will be notified.
- A questionable criminal background check will be reviewed by the Pastor. The Pastor can decide if the background check will be appealed.

- Anyone with a pending conviction or who has been convicted of sexual misconduct will not be permitted to work or volunteer. Use of the Criminal Records & Eligibility for Service chart is necessary for consistency for creating a safe environment for youth and others at risk.

Subcommittee members of the Review Board are comprised of Review Board Members, Bishop's Delegate for Sexual Misconduct Cases, Vicar for Canonical Services, Safe Environment Coordinator, Director of Religious Education, and Director of Youth Ministry.

### Confidentiality

Like all personal records, information obtained through the Screening, Application, Reference, Interview, and Criminal Background Check process must be kept confidential. It is recommended that all material be kept electronically and if in writing kept in a locked file cabinet with access restricted to administrators.



# DIOCESE OF GARY CODE OF CONDUCT

7-03-02  
Revised 06-13-03  
Revised 04-02-13  
Revised 12-19-19  
Revised 04-24-23  
Revised 07-01-23

## Diocese of Gary Code of Conduct for a Safe Environment for Our Youth and Others at Risk

This Code of Conduct supports the Diocese of Gary Safe Environment Plan and the policy regarding "*Sexual Misconduct Toward Minors and Others at Risk.*" The Code of Conduct describes actions and/or responses that are rooted in sound, appropriate, approved practices.

Youth are identified as those who have not graduated from high school nor have reached their 18th birthday. Others at Risk are people who habitually lack the use of reason.

### **EXPECTATIONS**

#### Adult Supervisors and Clergy

- Conduct themselves in a manner that reflects the teachings of the Roman Catholic Church in word and deed.
- Are in compliance with the Diocese of Gary Safe Environment requirements this includes young adults 18-21 years of age.
- Are 21 years of age or older; young adults 18-21 may be allowed to serve in a supervisory role provided that they are accompanied by at least one adult 21 years of age or older who is Virtus trained.
- Have authorized criminal background checks.
- Are aware of state laws regarding mandated reporting of abusive or inappropriate behaviors toward youth and others at risk.
- Report incidences or suspicions of abusive and/or inappropriate behaviors toward youth to immediate superiors and appropriate authorities.
- Submit a "Diocese of Gary Adult Driver Information Form" as needed, to the appropriate authority; provide appropriate license and insurance information. To be stored at the Parish Office for as long as the form is valid.

### **SUPERVISION**

#### Adult Supervisors and Clergy

- Ensure that a consent to participate is completed by parent/guardian when activities are held away from the parish/school; a health form is submitted before allowing youth to participate in on-going athletic events.
- Provide for an adequate number of adults at all youth events; a recommended ratio of adult leaders to youth is 1:7; with the ratio not to exceed 1:10. There must be at least 2 adults in the car when driving youth for a parish/diocesan sponsored trip.



# DIOCESE OF GARY CODE OF CONDUCT

- Secure additional adults for any event involving youth in high risk or overnight settings; secure male and female chaperones when both sexes of youth are present.
- Never schedule activities that conflict with curfew laws governing minors.
- Closely monitor facilities, church services and other environments when youth are present; never give youth keys to any church/school facilities,
- Never administer medication of any kind to youth without written parent/guardian permission.
- Never use any form of physical discipline.
- Release youth only to the custodial parent, guardian, or other adult designated by parent.
- Use a "buddy system" when events are held away from church/school property, e.g., never permit a child to leave the group or cross a road alone while in custodial care.

## **BEHAVIORAL**

### Adult Supervisors and Clergy

- Never engage in topics, humor, vocabulary, recordings, films, games, or the use of technology that could not be used comfortably in the presence of parent/guardian.
- Always hold one-on-one meetings with youth in areas that are visible and accessible, if such an area is not available the door to the meeting room is left open and another staff member is notified.
- Never drive alone with a youth or meet with a youth alone in a residence, hotel, locker or rest rooms, a dressing facility or in any other closed or isolated area.
- Never share a bed with youth; no adult should share a sleeping room with youth unless they are a direct family member.
- Never take unaccompanied youth on a trip, e.g., to a cottage, without other adults present.
- Never purchase or share alcohol, drugs, cigarettes, videos or reading materials that are inappropriate with youth.
- Never be in possession of or drink alcohol while supervising minors or participating in a youth event.
- Take care to avoid initiating hugs; if a youth initiates physical contact, a limited response is appropriate.

## **WEBSITES/SOCIAL MEDIA**

### Adult Supervisors and Clergy

- Are informed of terms of use, age restrictions and privacy options and controls for any site prior to establishing a ministry presence.
- Always inform parents that a social networking site is being used as a standard part of the ministry.
- Establish separate sites and pages for personal and professional/ministerial use; the official organizational logo or standard images appear on the organization's official site to identify it as such.



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- Be vigilant that on personal or networking sites you represent yourself as a minister of the Catholic Church in all interactions that may be viewed publicly.
- Allow at least two other adults, who function in an official parish, school and/or organizational capacity, full administrative access to the account/sites; provide them with email alerts of page updates and activity.
- Never advertise or make personal pages and/or information accessible to youth.
- Always avoid anything that might cause scandal to your ministry; never mention inappropriate use of alcohol, advocacy of inappropriate music/movies, inappropriate language, inappropriate dress or the expression of opinions that are contrary to the teaching of the Catholic Church.
- Never initiate a request, subscription or follow. Only for ministerial purposes with parental/guardian consent
- Never "tag" or identify, by name, youth in photographs; it is recommended that the "no tagging" option be set on the original social networking site.
- Never post personal photographs or information of parish, school, or organization staff or volunteers; this includes family pictures, social events, home phone numbers and addresses, personal email accounts, etc.
- Never accept request, subscription or follow without parental/guardian consent.

### **EMAIL AND TEXT/INSTANT MESSAGING**

#### **Adult Supervisors and Clergy**

- Always inform parents/guardians it is recommended that written consent is obtained for the use of email or instant messaging for communication purposes with minors as a standard part of youth ministry.
- Always maintain separate email accounts for personal/professional communication.
- Use the parish, school, or organizational email account when communicating parish, school, or organizational business never a home or personal account.
- Ensure that all communications are professional and that these are being rendered on behalf of the parish, school, or organization.
- Use email and direct messaging only in matters that deal with one's professional relationship or in matters related to the ministry/activity.
- Remember that there is no such thing as a private email/direct message.
- Observe the same boundaries used in oral/personal communication when communicating via email/text messages,
- Do not overstep the boundaries of adult/youth relationships; do not communicate what might be construed as having sexual overtones; never reply to any such email; make and keep a copy of any such inappropriate communication and notify a supervisor if necessary.
- Do not engage in any postings/communications that could be misconstrued or misinterpreted remembering that email, text messages and direct messages can be logged, archived, and forwarded to other parties.
- Always double check messages to see if a reader might read something into it that is not intended or if the message might be misinterpreted or misunderstood.



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- Remember that communications are organizational in nature, may be viewed by the organization at any time and may be subject to legal action.
- Do not engage in sending a message in haste or when emotions are involved.
- Establish clear guidelines/parameters with regard to times of communication between adults and youth; predetermine a time when it is too late to take a professional call, except in the case of serious urgency.

### **DIGITAL COMMUNICATION**

#### Adult Supervisors and Clergy

- Ensure that all professional/ministerial settings, posted information, opinions, references and resources are in compliance with the teachings of the Catholic Church and are being rendered on behalf of the parish, school or organization.
- Inform parents/guardians of the use of digital communication/individual or group messaging with minors as a standard part of youth ministry.
- Utilize digital communication to promote upcoming events or programs and for the purpose of evangelization providing resources and information within ministry settings
- Ensure that if youth are to engage in blogging as part of an officially sanctioned activity, the activity is monitored by at least two adults, no youth is identified by name or personal information and inappropriate blogs or social media posts are removed.
- Separate personal/professional communications; do not use blogs or social media posts to conduct or promote outside business and/or personal activities; never make information regarding personal blogs available to youth.
- Never divulge the name or any personal information regarding those being ministered to.
- If something suspicious is seen through digital communication, report it.

### **TWO WAY VIDEO AND AUDIO COMMUNICATION**

#### Adult Supervisors and Clergy

##### Before Holding a Two-way Video and/or Audio Conference:

- Clear communications must be provided to parents regarding two-way video and audio conferences so that they are informed of the dates, times, and reasons for the conferences and have an opportunity to decide that their child not participate. (Email or direct phone call with parents are acceptable).
- Parents must be given the ability and the corresponding links or phone numbers to join the two-way video and audio conferences at any time (Email or text message are acceptable).
- Do not publicly post the corresponding link and/or phone number. Invite participants through a closed vehicle such as a specific list of students in a class or in the youth ministry group. Parents/guardians of youth should also receive the meeting information.
- Youth ministers must notify youth and parents that broadcasting a video stream from their end is optional. They must be given the opportunity to join with only an audio connection on the two-way conference.
- Parents and youth must be notified that the two-way video and audio conferences will be recorded for the safety of everyone (Email or text message are acceptable).
- Review the settings of the platform or program that you are using.



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- Make the participants ask to “enter” the session. This may be called using a “waiting room function.”
- Set videos and microphones to “off” for all participants, especially when they enter.
- Know how to turn on and off the microphones for participants.
- Know how to remove people from the meeting.
- Disable file sharing and video sharing. This is to prevent offensive videos or viruses from being shared.
- Disable private chat functions if possible.
- Two adults must be present on each two-way video and audio conference.
- All streaming sessions must be recorded, and great care must accompany the handling of the recording after the conference. Access of the recording involving youth should only be given with a valid reason to the youth recorded in the conference, their parents, or parish and diocesan staff. Two-way video or audio conferences that include minors must not be posted publicly online.
- The use of two-way video and audio conferencing as a tool of youth ministry must be approved in advance in writing (email is acceptable) by the youth minister’s supervisor. Two adults should have access to the recording.
- The physical location of the recording or live session should be a professional setting such as a classroom or home-office. It should not be an intimate setting such as a bedroom. Be mindful when choosing to broadcast live, that you check the background for any materials that may be distracting, inappropriate, or potentially offensive, both audio and visual.
- Adults are permitted to initiate communication with minors between 8:00 AM and 9:00 PM. Two-way video and audio conferences must be limited to this time frame.
- Adults must remember that they are adult professionals who are engaged in ministry with a minor. Appropriate boundaries must exist between adults and minors so that effective ministry may occur. Adults are not friends or buddies with the minors they serve. All electronic interaction with youth, including two-way video and audio conferencing, must be conducted as if the adult minister would be willing to say or give the same response in the presence of that minor’s parents.
- The same code of conduct also pertains to when ministry leaders utilize video games for ministerial purposes only. Video games should be limited to having a rating of E 10+ and should not contain content contrary to the faith. When playing multiplayer online games, the game play should be limited to known individuals.

## During the Two-way Video and Audio Conference:

- Adults and youth must be dressed professionally and modestly.
- Begin with a discussion of rules of conduct for the video conference.
- As an adult leader, be ready to mute or turn off the video of a participant if something distracting or inappropriate comes up.
- Remember that when presenting personal opinions and engaging in chats/discussions, others may assume these opinions represent the teachings/values of the Catholic Church.
- Use ministerial video only for education, communication, and promotional purposes.





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- Never use live streaming, one-on-one video, or other communication technologies that lead to, support, or encourage an exclusive minor-adult relationship.
- Take extreme care to protect the privacy of youth when posting videos online; such videos may be utilized only to showcase/advertise ministry-related events and activities.

## **PHOTOGRAPHIC IMAGES OF YOUTH UNDER THE AGE OF 13**

Adult Supervisors and Clergy

- Always obtain written permission from the parent/guardian to use any photographic images for publicity/marketing such as brochures, newsletters, or web sites.
- Never include the youth's name or contact information in photos that are published.

## **PHOTOGRAPHIC IMAGES OF YOUTH BETWEEN THE AGES OF 13 AND 18**

- Always obtain written permission from the parent/guardian to use any identifiable photographic images for publicity/marketing such as brochures, fliers, web sites.
- Always obtain written permission when using youth in a planned project, e.g., using youth as "models" and the photographic linages are identifiable.
- Always obtain written permission from parent/guardian for any type of video that show youth doing work or in discussion; this video is considered an "education record."
  - The safest photographic images of youth over 13 used for publicity/ marketing are unidentifiable images, i.e., those images taken at a distance, from the side, from the top or of a large group activity.

## **FOR CLERGY**

- Always notify parent/guardian of scheduled one-on-one pastoral care of youth.
- Always schedule session at times and locations that allow for security and accountability.
- Always limit the length and number of sessions; make professional referrals appropriately.
- Minors are only allowed in the public office areas of a rectory when applicable.
- Never allow youth into the sleeping areas of the rectory.

## **GENERAL CONSIDERATIONS AND PRACTICAL SUGGESTIONS**

Adult Supervisors and Clergy

### **CONTACT WITH YOUTH THAT IS PERMISSIBLE**

Verbal praise for a job well done (not regarding physical attributes)	Side Hugs initiated by youth	Holding hands while walking with younger minors
Pats on the shoulders	Blessings on the head	Handshakes
Pats on the back	Holding hands during prayer	“High-fives”
Shoulder to shoulder or “temple” hugs	Sitting beside younger minors	Kneeling or bending down for hugs with younger minors
Pats on the head when culturally appropriate (for example, this gesture should typically be		



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avoided in some Asian communities)

## **BEHAVIORS WITH YOUTH THAT IS NEVER PERMISSIBLE**

Verbal abuse/sexual innuendo	Inappropriate/lengthy embraces
Touching knees or legs	Tickling
Touching bottoms, chests, or genital areas	Showing affection in isolated areas of a facility such as bedrooms, restrooms, bathrooms, closets, staff only areas, or other private rooms
Piggyback rides	Holding children on the lap who are capable of sitting on their own
Wrestling	Any type of massage given by an adult to a minor
Being in or on a bed with a minor	Any type of massage given by minor to adult
Kissing	Any form of unwanted affection/physical contact
Compliments or put downs that relate to physique or body development	Adult Supervisors and Clergy will not humiliate, ridicule, or degrade minors entrusted to their care.



# DIOCESE OF GARY PHOTO RELEASE FORM

I hereby grant the Diocese of Gary permission to use my likeness in a photograph in any and all of its publications, including newspaper and website entries, without payment or any other consideration.

I understand and agree that these materials will become the property of the Diocese of Gary and will not be returned.

I hereby irrevocably authorize Diocese of Gary to edit, alter, copy, exhibit, publish or distribute this photo for purposes of publicizing Diocese of Gary programs or for any other lawful purpose. In addition, I waive the right to inspect or approve the finished product, including written or electronic copy, wherein my likeness appears. Additionally, I waive any right to royalties or other compensation arising or related to the use of the photograph.

I hereby hold harmless and release and forever discharge Diocese of Gary from all claims, demands, and causes of action which I, my heirs, representatives, executors, administrators, or any other persons acting on my behalf or on behalf of my estate have or may have by reason of this authorization.

I am 18 years of age and am competent to contract in my own name. I have read this release before signing below and I fully understand the contents, meaning, and impact of this release.

---

(Signature)

(Date)

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(Printed Name)

(Date)

If the person signing is under age 18, there must be consent by a parent or guardian, as follows:

I hereby certify that I am the parent or guardian of \_\_\_\_\_, named above, and do hereby give my consent without reservation to the foregoing on behalf of this person.

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(Parent/Guardian Signature)

(Date)

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(Parent/Guardian Printed Name)

## **WITNESS (For Catholic Schools/Religious Education Programs)**

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(School Principal/DRE Signature)

(Date)

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School Principal/DRE Signature

(Witness Signature)