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## DIOCESE OF FARGO

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### DECREE

*In nomine Domini. Amen.*

In order to continue faithful instruction and consistent policy, I herewith approve and promulgate *The Diocese of Fargo and its Affiliates' Code of Conduct*. This Code is effective on January 1, 2006, all prior versions notwithstanding.

The previous document, *The Diocese of Fargo and its Affiliates' Statement of Policy Regarding Sexual Misconduct*, promulgated on May 9, 2003, is abrogated by this Code.

**This Code is to be reproduced and retained in all copies of the *Policy Manual* of the Diocese of Fargo. Prior versions are to be removed from all copies of the *Policy Manual*.**

All Church workers in the Diocese of Fargo shall faithfully read, understand, and conduct themselves in conformity with this Code.

Given at the Chancery, on the 23<sup>rd</sup> day of December, 2005.

†Most Rev. Samuel J. Aquila  
Bishop of Fargo

Very Rev. Joseph P. Goering  
Chancellor/Notary

# **THE DIOCESE OF FARGO AND ITS AFFILIATES' CODE OF CONDUCT**

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## **INTRODUCTION**

***“This is how all will know  
that you are my disciples,  
if you have love for one another.”  
John 13:35***

*With these words, our Lord gave us the blueprint for Christian living. Our behavior toward one another is the essence of our discipleship. It is in this light that this Code of Conduct is presented. The intent is to reinforce our Lord’s commandment to love one another through certain practical principles and guidelines.*

*All Church workers shall receive a copy of this Code of Conduct. Please review it carefully, acknowledge the same by signing and dating the Acknowledgment of Receipt, attached hereto as Appendix E, and return it to your supervisor for inclusion in your personnel file.*

*This Code of Conduct is effective January 1, 2006. It supersedes any prior diocesan policies regarding Code of Conduct and/or sexual misconduct. In the case of any conflict between language in the Code versus any teacher and personnel handbooks, language in the Code prevails.*

## **PREAMBLE**

As members of the Church founded by Christ, those who minister within our parishes and institutions must always seek to uphold Christian values and conduct. As good citizens and responsible members of society, we act properly at all times and obey all civil laws which seek the common good and employ morally licit means to attain the common good. As followers of Jesus, we are called to live the Gospel and its mandates. This Code of Conduct does not presume to provide the answers to all the ethical questions facing Church workers. What it does establish is a set of general ethical standards for their lives and ministry. These standards will help to delineate boundaries by which ethical questions can be evaluated.

It is intended that the Code of Conduct will also stimulate discussion within the Church community in order to broaden consensus on standards of practice and further refine them. This code is not intended to supersede canon or civil law. It is intended to aid in the training and education of all Church workers. Lastly, it will demand accountability from Church workers who may fail to live within the ethical standards of the code.

This document is specifically written for all “Church workers”, that is defined as all secular priests, religious priests, deacons, retired priests and retired deacons who are performing ministry in the Diocese who have been granted faculties by the Bishop, and all diocesan seminarians. It also includes all paid employees of the Diocese of Fargo or an affiliate, all volunteers for the Diocese or an affiliate who have regular contact with minors or are entrusted with the care and supervision of minors, all consecrated lay individuals who are performing ministry in the Diocese with the express permission of the Bishop, and all others who have read and agreed to be bound by this Code. The Code of Conduct expresses the core values that must guide the conduct of Church workers.

This Code of Conduct includes general principles, ethical standards with particular guidelines, and policy regarding sexual misconduct. Responsibility for adherence to this Code rests with the Church workers themselves. Appropriate remedial action will be taken, including, but not limited to, termination of the Church worker’s position with the Diocese or its affiliate.

The public and private conduct of Church workers has the potential to inspire and motivate people or scandalize and tear down their faith. Church workers must be aware of the responsibilities that accompany their work. They also know that God’s goodness and grace support them in their ministry.

# THE DIOCESE OF FARGO AND ITS AFFILIATES' STATEMENT OF CODE OF CONDUCT

## 1. GENERAL PRINCIPLES

Five key principles underlie the ethical stance of this code. The ethical Church worker is one who embraces the principles of ecclesial commitment, integrity, respect for others, well-being and competence.

**A. Ecclesial Commitment.** Church workers shall embrace the teachings of Jesus and work to promote the Gospel.

1. Church workers shall exhibit a deep commitment to the Church. Loyalty to the traditions of the past, attentiveness to the realities of the present, and readiness/preparedness for challenges of the future should be evident. They are responsible for providing for and nurturing the life of the community, especially its sacramental life. They shall conduct themselves in a manner that is consistent with the discipline and teaching of the Catholic Church.

2. Church workers must show a commitment not only to the parish family, but also to the larger community in which the parish is located. They must show a special care and concern for the needs of the poor and the oppressed of society. Church workers shall address community social concerns by active reflection on Catholic social teachings. Church workers shall share the spirit of ecumenism in their interactions with other community religious groups.

**B. Integrity.** Church workers are expected to be persons of integrity and must conduct themselves in an honest and open manner, free from deception or corruption. They shall handle the responsibilities of their office in a conscientious fashion. The Catholic Church sets high moral standards for its Church workers, who have a responsibility to lead by example. Church workers witness in all relationships to the chastity appropriate to their state of life, whether celibate, married, or single.

**C. Respect for Others.** Church workers shall respect the rights, dignity and worth of every human being. Church workers shall respect each person as a creation of God without regard to his/her economic status or degree of participation in parish life. Church workers shall refrain from physically, spiritually, sexually, verbally or emotionally abusing persons of any age.

1. Church workers must strive to be aware of cultural differences and appreciate the opportunities that ethnic diversity brings.

2. Church workers shall be aware that issues of age, gender, race, religion, physical and mental disabilities, and language influence how the message of the Gospel is received and interpreted.

**D. Human Well-being.** Church workers have a duty to be attuned to their physical, mental and emotional health. They should be aware of warning signs in their behavior and moods that can indicate conditions that may be detrimental to their health or impair their ability to fulfill their responsibilities. Inappropriate use of alcohol or misuse of prescription drugs are examples. Church workers shall immediately seek help when they identify warning signs in their professional or personal lives. Church workers shall be supportive of one another, in terms of both affirmation and holding one another accountable.

1. **Spiritual Well-being.** Church workers have a duty to stay attuned to their own spiritual health. They shall maintain and nurture an ongoing prayer life. Regularly meeting with a spiritual director is encouraged as are retreats and days of reflection.

2. **Intellectual Well-being.** Church workers have a responsibility to attend to their ongoing intellectual development. They shall participate annually in seminars and workshops in areas that are relevant to their current ministry. Church workers shall stay informed of current issues through reading of both religious and secular sources. Diocesan instruments and procedures for evaluation should be used where these exist. Church workers shall make use of the time and funding provided for ongoing formation.

3. **Pastoral Well-being.** Church workers are responsible for providing for and nurturing the life of the parish community. They shall know and respect the people whom they serve. As appropriate to their ministry, they shall celebrate the sacraments with decorum and fidelity to the official rites of the Roman Catholic Church. Church workers shall know and follow the policies and procedures of the Diocese.

4. **Well-being of Clergy.** Priests and deacons are encouraged to use fraternal correction to help fellow priests and deacons to overcome personal problems hindering their ministry.

5. **Competence.** Church workers shall maintain high levels of professional competence in their particular ministry. Training, education and experience all contribute to their competence and credibility within their areas of expertise. Church workers shall not attempt to provide services in those areas in which they lack competence; competence also means knowing one's limitations.

## **2. ETHICAL STANDARDS IN PROFESSIONAL RELATIONSHIPS**

**A. Administration.** Church workers shall exercise just treatment of employees and volunteers in the day-to-day administrative operations of their ministries.

1. Church workers shall seek to relate to all people with respect and reverence. Meetings are to be conducted with patience and courtesy toward the views of others, in an environment where it is safe for others to offer constructive criticism.

2. Church workers shall seek to support others, encouraging each person in living the life to which God calls him/her.

3. Church workers shall exercise responsible stewardship of all diocesan, parish and school resources. They must also ensure that there is a clear accounting of all diocesan, parish and school funds used for their area of ministry.

4. Church workers shall ensure that systems are in place to protect both the Church and individuals from financial mismanagement. Financial operations are to be conducted according to diocesan policies.

5. Personnel and other administrative decisions made by Church workers must not only meet civil and Canon Law obligations, but shall reflect Catholic social teachings, as well.

6. All Church workers who receive financial recompense for their ministerial service under stipulated contract terms or diocesan scales may not receive dual reimbursement for work that falls ordinarily under the scope of their pastoral assignment or ministry (e.g. a pastor who teaches religious education may not receive both a pastor's salary and that of a director of religious education, etc.).

7. Driving a diocesan, parish or school vehicle is prohibited by Church workers unless prior authorization has been received and the appropriate license or certification has been obtained. (See Vehicle Safety Policy and 10-15 Passenger Van Use Policy).

8. Church workers are not to entrust minors with keys to diocesan, parish or school facilities.

**B. Conduct in Counseling.** Church workers who conduct counseling for families, individuals, or groups must respect the rights of those they counsel and advance the welfare of each person.

1. Church workers shall not step beyond their competence in counseling situations. The parameters for Church workers are dictated by their training or certification from a recognized professional association of peers, or licensure from the State of North Dakota.

2. Group sessions are to be conducted by Church workers so that no individual is subject to trauma or abuse resulting from group interaction. The Church workers must state to group participants the nature of the group and the parameters of confidentiality of all individual disclosures.

3. Church workers shall not disclose information learned during counseling sessions. When beginning what is clearly a counseling relationship, the Church worker shall inform the counselee that confidentiality is limited when there is clear



and imminent danger to the client or to others as well as in cases where there is abuse of minors or vulnerable adults. In such cases, the Church worker must contact the proper authorities or other professionals.

4. In cases where the counselee is already in a counseling relationship with another professional, the Church worker shall make clear what they can provide to the counselee. Generally, this should be confined to spiritual assistance.

5. Church workers who move to another parish while conducting counseling with parishioners shall help make appropriate referrals for continued care.

6. Church workers ordinarily are not to begin a counseling relationship with someone with whom they have a preexisting relationship (i.e., employee, professional colleague).

7. It should always be clear to both the Church worker and the counselee that a counseling relationship is in process. This can best be done when the counseling, especially if extended, is conducted in an appropriate setting and at appropriate times. Counseling is not to be done in private living quarters or at places or times that would be ambiguous or misleading to the counselee.

8. Physical contact with the counselee is generally to be avoided.

9. Church workers are not to engage in sexual intimacies with those whom they counsel.

10. Church workers shall be cognizant at all times of the significance of boundaries in all counseling relationships. During the course of the counseling relationship, Church workers ordinarily do not socialize with counsees.

11. Church workers who conduct counseling shall hold themselves accountable in that activity. This may be accomplished by engaging in professional peer consultation and/or supervision as appropriate. They shall keep a calendar of times and places of contacts, especially in the case of more frequent meetings with the same person.

12. When a Church worker's independent judgment is impaired (for example, by prior concurrent personal or professional relationships, where he or she becomes personally involved, or where he or she becomes an advocate for one person against another), the Church worker shall advise the party/parties that he or she can no longer provide counseling and refer him/her/them to other counselors.

### **C. Conduct with Minors.**

1. Church workers working with minors shall use appropriate judgment to ensure trusting relationships marked by personal and professional integrity. Interaction with youth and children should be age appropriate.

a. Church workers must be aware of their own vulnerability and that of any individual minor with whom they may be working. In every instance possible, a team approach to youth ministry activities shall be considered. Church workers shall avoid establishing an exclusive relationship with a minor and exercise due caution when they become aware of a minor desiring a relationship. Both the participants and members of the diocesan, parish or school community can misunderstand such relationships.

b. Physical contact with minors can be misconstrued by both minors and other adults, and should occur only under appropriate public circumstances. Touching must be age-appropriate and based on the need of the young person, not the need of the adult. Hugging can be an expression of love and respect. However, hugging should always be done in the presence of others and never while alone in a room behind closed doors.

c. Priests and deacons vowed to celibacy are prohibited from adopting children, from serving as foster parents, from hosting foreign exchange students and from providing overnight accommodations for minors in rectories or other personal residences, other than those who are members of their immediate family.

d. Church workers must not use or supply alcohol and/or illegal drugs when working with minors.

e. Church workers must not provide any sexually explicit, inappropriate, or offensive material to minors. Topics, vocabulary, recordings, films, games, computer software, or any other forms of personal interaction or entertainment that could not be used comfortably in the presence of parents must not be used with minors. Pornographic material is prohibited.

f. Church workers shall know and understand diocesan policies and procedures concerning allegations of sexual misconduct involving minors.

g. Church workers will be held to a policy of zero tolerance in regard to substantiated sexual abuse of minors.

h. Engaging in physical discipline of a minor is unacceptable. Discipline situations are to be handled according to diocesan, parish or school policy.

i. Church workers shall not be alone with minors in areas inappropriate to a ministry relationship.

j. Church workers are prohibited from taking overnight trips alone with a minor who is not a member of their immediate family.

k. Church workers must never share beds with anyone except their spouse, if they have one. If attending a diocesan, parish or school event that requires a stay in a hotel, the adult shall never sleep in a room alone with a single child. If supervision is needed for a number of minors staying overnight in a room, the adult should get parental permission to sleep in the same room, and more than one adult is to stay in the room with the minors.

l. Before a Church worker administers medication to a minor, a signed parental authorization must be obtained from the parent or guardian.

m. If inappropriate personal or physical attraction develops between a Church worker and a minor, the adult is responsible for maintaining clear professional boundaries.

n. If one-on-one pastoral care of a minor should be necessary, avoid meeting in isolated environments. Schedule the meetings at times and locations that provide for clear accountability. Limit both the length and number of sessions, and make appropriate referrals. Notify parent of the meetings.

o. Taking photos of minors while they are unclothed or in the process of dressing is prohibited.

p. Prior to any planned discussion or session on human sexuality, Church workers are to send a communication to parents who then have the option to withdraw their child from the session. If parents do not want their child to participate, their signed consent shall be obtained.

2. Chaperones and supervisors of minors at group activities shall act to promote a safe environment for minors.

a. Chaperones/supervisors are responsible for reviewing the Diocese of Fargo Code of Conduct and all related guidelines.

b. During all activities, especially a dance or other social event, two or more chaperones should be available in the building where the activity takes place. The number of chaperones must be sufficient for the type of activity that is taking place.

c. Facilities must be monitored during all organization activities.

d. Children may be released only to a parent, guardian, or other person who has been authorized to take custody of the minor(s). A chaperone/supervisor must remain on site to ensure that all children have transportation home.

e. Parental approval must be obtained, including a signed parental authorization form, before permitting children to participate in trips, athletic events or any other activity that involves potential risk. (Contact the diocesan Youth and Young Adult Ministry office for a parental authorization form.)

f. Dress must always be in keeping with modesty and Christian values.

g. An accountability system, similar to a “buddy system,” must be used whenever minors go on trips away from the original location of the activity. At the same time, chaperones and supervisors must be sensitive to boundaries involved with personal sharing times. One-on-one sharing or conversation must always be done within view of the others.

h. Only qualified adult drivers may transport minors. Appropriate permission must be received and all proper insurance forms must be completed and approved by the authority of the organization. Forms and procedures can be obtained from the Diocese of Fargo Finance and Administration Offices. (See the Vehicle Safety Policy.)

i. Adult participants are expected to refrain from drinking alcoholic beverages for the duration of the event, as well as during their travels to and from the event.

j. The possession or use of illegal drugs is strictly prohibited.

k. Weapons of all kinds are strictly prohibited.

l. If anyone is uncomfortable with actions or intentions of another during the trip/event, it should be reported to the chaperone/supervisor immediately.

m. While on trips, groups of minors will be assigned a specific adult chaperone who will be responsible for supervising their behavior throughout the event.

n. Chaperones/supervisors must make arrangements each day to check in with those entrusted to their care.

o. On any trip, information will be distributed to chaperones/supervisors for review with all participants to help familiarize

them with the program schedule and layout of the facilities where event activities will take place. This is also a good time to be sure that the minors understand important safety information.

p. A specific location must be designated where minors will be able to locate their chaperone/supervisor or where the group will meet at an agreed upon time.

q. During overnight activities, chaperones/supervisors are responsible for establishing a curfew and for enforcing it.

r. Chaperones/supervisors must check rooms after curfew to make sure that minors are in their rooms and remain there.

s. Sleeping arrangements will never include members of the opposite sex in the same room, unless these are immediate family members.

t. Adults must not go anywhere during the event where the youth may not go with them (e.g. cocktail lounges, bars, etc.)

**D. Sexual Conduct.** Church workers shall not exploit the trust of the diocesan, parish or school community for sexual gain or intimacy.

1. Church workers must never exploit a person for sexual purposes.

2. It is the personal and professional obligation of the Church worker to be knowledgeable about what constitutes sexual exploitation of another and to be familiar with the laws of the State of North Dakota and the Code of Conduct, including the Sexual Misconduct Policy, regarding sexual exploitation, sexual abuse, and sexual assault.

3. Church workers should be knowledgeable of the State of North Dakota Child Abuse laws and know the proper reporting requirements. Church workers will also comply with all internal and external reporting requirements of sexual misconduct and child abuse. In order to witness to Catholic values and social teachings, Church workers must report, even if not required to report by state law. However, if the information was received by a member of the clergy in the capacity of spiritual advisor no reporting can occur.

4. Church workers who have made a commitment to celibacy are called to witness this in all relationships. Likewise, those who have made a marital commitment are called to witness to this fidelity in all their relationships.

5. Any allegations of sexual misconduct will be taken seriously and reported according to the *Policy Regarding Sexual Misconduct*, Section 5.

**E. Reporting of Abuse, Neglect, or Exploitation of Vulnerable Adults.** All Church workers will comply with all civil laws with respect to the reporting of suspected abuse, neglect, or exploitation of adults with developmental disabilities or mental illness. (See Appendix D.)

**F. Professional Behavior.** Church workers shall not engage in physical, psychological or verbal harassment of employees, volunteers or parishioners, and shall not tolerate such harassment by other Church employees or volunteers.

1. Church workers shall provide a professional work environment for their employees which is free from harassment. A person's sexual tendency is distinct from illicit sexual conduct prohibited by Church teaching regardless of a person's sexual orientation.

2. Harassment encompasses a broad range of physical or verbal behavior, which can include, but is not limited to, the following:

- Physical or mental abuse;
- Racial insults;
- Derogatory ethnic slurs;
- Unwelcome sexual advances or touching;
- Sexual comments or sexual jokes;
- Requests for sexual favors used as a condition of employment or affecting any personnel decision such as hiring, promotion, or compensation;
- Display of sexually offensive materials.

3. Harassment can occur as a result of a single severe incident or a pattern of conduct, which results in the creation of a hostile, offensive or intimidating work environment.

4. Church workers are to follow the established procedure for reporting of harassment and are to ensure that no retaliation for bringing forward a claim of harassment will be tolerated.

**G. Confidentiality.** Information disclosed to a Church Worker during the course of counseling, advising, spiritual direction and any other professional contact shall be held in strictest confidence.

1. Parishioners and other persons who come to the Church worker should feel that they are entering a relationship marked by respect, trust and confidentiality.

2. The Church worker is also bound to safeguard the confidentiality of any notes, files or computer records pertaining to professional contact with individuals.

3. If consultation with another professional becomes necessary, utmost care should be taken to do so only by using non-identifying information; when this is not possible, the other professional must be bound to the same degree of confidentiality as the Church worker. If the other professional is not so bound, the disclosure should not be made.

4. When consultation is necessary, the Church worker must exercise great care to limit the content of the information to be shared. The Church worker must first determine: What is the precise information that the Church worker needs to have shared? With whom is the information to be shared? Why does it need to be shared?

5. Knowledge that arises from professional contact may be used in teaching, writing and preaching or other public presentations only when effective measures have been taken to reasonably safeguard individual identity and confidentiality.

6. Except as provided above with respect to consultation, confidential information can be disclosed only with the written, informed consent of the individual. In legal proceedings in which the Church worker is a defendant and the allegations stem from a professional contact, the disclosure of confidential information gained in that contact is permitted only to the minimum necessary to achieve the purpose of defense.

7. When entering into a counseling relationship, Church workers shall instruct the counselee from the outset regarding several exceptions to the ordinary rights of confidentiality: threats of self-inflicted harm to the counselee and threats against others because of the counselee's emotional status or behavior. Threats of self-harm may also include suicidal ideation with a plan to commit the act and/or plans to commit violence against another. In these situations, which pose a grave risk for the counselee's welfare and the welfare of others, communication of information to a parent or legal guardian (in cases when the counselee is a minor) and to the civil authorities should occur expeditiously with or without the consent of the counselee. The Church worker must exercise great care and judgment in determining the appropriateness of this kind of disclosure and in balancing the ultimate welfare of the counselee with the duty to warn.

8. These obligations are independent of and supplementary to the confidentiality of the confessional. Under no circumstances whatsoever can there be any disclosure, even indirect, of information received through the confessional.

**H. Records and Information.** Appropriate confidentiality shall be maintained in creating, storing, accessing, transferring and disposing of parish or institutional records.

1. Sacramental registers shall be regarded as confidential. Sacramental registers belong to the individual parish. They are maintained for the good of the Christian faithful, but they are private documents, not public ones. No one other than the pastor can claim a right to direct access to the registers.

a. When, for valid Church reporting or parish statistical purposes, information from these records is made public, care must be taken to preserve the anonymity of individuals.

b. Release of personal data from sacramental registers is dependent on a number of factors including: age of the record, whether the individual is deceased, if the person requesting is the parent or guardian, etc. For more complete details, consult the Chancellor's office.

2. A trained staff member who is authorized to locate the requested information or supervise the use of such records shall handle requests for all records.

3. There are some aspects of parish financial records which are to be held as confidential unless an appropriate governmental agency or office requires review. The diocesan Finance Office should be contacted regarding the release of financial records, when there is a question. Communication of yearly budgets and overall parish financial status to all parishioners is encouraged.

4. The records of individual contributions to the parish shall be regarded as confidential. This information may be consulted only as necessary by the pastor and required staff.

**I. Conflicts of Interest.** Church workers shall avoid putting themselves in a position that might present a conflict of interest, since the existence, or even the appearance, of a conflict of interest can call into question one's integrity and professional conduct.

1. The potential for a conflict of interest exists in many circumstances. Examples of such behavior by a Church worker include: conducting private business or other dealings with the Church or any of its members; accepting substantial (non-token) gifts for services or favors; employing or engaging in transactions with his or her friends or relatives; acting with partiality toward employees or church members; or violating a confidence of another for personal gain.

2. Disclosure of all relevant factors can in some circumstances lessen the potential for a conflict of interest.



## **THE DIOCESE OF FARGO AND ITS AFFILIATES' STATEMENT OF POLICY REGARDING SEXUAL MISCONDUCT**

### **1. POLICY**

The Diocese of Fargo believes that sexual misconduct by Church workers violates Christian principles and runs contrary to the duties and employment of all who work for the Diocese of Fargo and its affiliates. The gravity of such misconduct is compounded when it occurs while performing the work of the Church. It is therefore strictly prohibited. All Church workers must comply with this policy and all applicable federal and state laws pertaining to actual or suspected sexual misconduct.

The Diocese of Fargo and its affiliates are strongly committed to preventing sexual misconduct involving Church workers and to responding with justice and compassion when such misconduct occurs. This policy establishes procedures designed to prevent sexual misconduct by Church workers and the resulting harm to others. It also seeks to guide Church workers in responding to allegations of sexual misconduct when they occur, and in reporting allegations to appropriate civil authorities.

### **2. DEFINITIONS**

For the purpose of this Policy:

A. *Sexual Misconduct.* "Sexual Misconduct" means any sexual conduct involving a Church worker and another individual that is unlawful or contrary to the moral teachings of the Catholic Church. This includes sexual harassment of any individual, as well as sexual conduct directed at a minor by a Church worker.

B. *Child Abuse.* "Child abuse" means sexual molestation, sexual exploitation, or any other behavior by which an adult uses a minor as an object of sexual gratification; and the infliction upon a child of physical or mental injury or the commission of a sexual offense against a child as defined by law.

C. *Complainant.* "Complainant" means a person who reports sexual misconduct to the Diocese or to an affiliate.

D. *Church worker.* "Church worker" means all secular priests, religious priests, deacons, retired priests and retired deacons who are performing ministry in the Diocese who have been granted faculties by the Bishop, and all diocesan seminarians. It also includes all paid employees of the Diocese of Fargo or an affiliate, all volunteers for the Diocese or an affiliate who have regular contact with minors or are entrusted with the care and supervision of minors, all consecrated lay individuals who are performing ministry in the Diocese with the express permission of the Bishop, and all others who have read and agreed to be bound by this policy.

E. *Diocese or diocesan.* “Diocese” or “diocesan” means the Diocese of Fargo, a North Dakota nonprofit corporation.

F. *Affiliate.* "Affiliate" means all parish corporations within the Diocese of Fargo, Cardinal Muench Seminary, Catholic Charities, all parochial schools operated by the Diocese, all diocesan cemeteries, and all other programs, ministries and entities under canonical jurisdiction of the Diocese of Fargo.

### **3. POLICY DISTRIBUTION AND ACKNOWLEDGMENT**

All Church workers of the Diocese or an affiliate shall receive a copy of this policy and code. **Please note that individuals who have previously signed the Diocese of Fargo Statement of Policy Regarding Sexual Misconduct effective May 9, 2003, are already bound by subsequent revisions of the policy and are obligated to inform themselves thoroughly of any policy changes.** Nonetheless, all Church workers shall acknowledge receiving and carefully reviewing this policy and code; shall agree to act in conformity with this policy and code; and shall promptly return the policy’s signed Receipt Form to their supervisor for inclusion in their personnel file or volunteer file within two weeks of receipt of the policy and code.

### **4. PREVENTION OF SEXUAL MISCONDUCT**

The best way to address sexual misconduct is to prevent it from occurring. Preventative efforts are intended to complement similar efforts that have been and will continue to be undertaken by parishes, Cardinal Muench Seminary and other affiliates of the Diocese. Among the steps that the Diocese is taking to prevent sexual misconduct by Church workers are the following:

A. **Provide Education and Assistance.** Education alone cannot shape mature attitudes, nor will it necessarily change inappropriate sexual behavior. But it can make a positive difference. The Diocese requires Church workers to attend educational programs as directed by the Diocese in order to develop skills in recognizing and preventing sexual misconduct. Those programs will focus on such subjects as the dynamics of sexual misconduct and the impact of such misconduct on its victims.

B. **Background Investigations.** All existing and future Church workers of the Diocese or an affiliate, starting from the effective date of this revised policy, must have documentation of a completed comprehensive background check, completed since May 9, 2003. The documentation required for each person includes:

1. A copy of the completed application for the background check, together with the notification the individual is cleared for ministry, to be kept in a

confidential file at the person's principal place of employment or volunteer work.

2. A copy of the results of the background check, maintained confidentially in the diocesan Human Resources Office.

If such documentation is not currently present, all existing Church workers must complete an appropriate application form and an authorization to obtain a comprehensive background check. All applicants will be required to produce their date of birth and Social Security number for the purpose of conducting this background check. In addition, the Diocese will employ adequate screening and evaluative techniques in deciding the fitness of candidates for ordination.

**C. Public Disclosure of Sexual Misconduct.** If the Diocese determines that a Church worker has engaged in sexual misconduct, it will do its best to prevent that individual from victimizing others. As described below, the Diocese will openly and honestly disclose incidents of sexual misconduct with a minor of which it becomes aware to the appropriate authorities. If the Diocese learns that any Church worker who has committed sexual misconduct with a minor in the Diocese is attempting to begin ministry elsewhere, the Diocese will notify the appropriate parties regarding the offender's past sexual conduct.

## **5. REPORTING PROCEDURES**

**A. Obligation to Report.** The Diocese and all Church workers will comply with all applicable civil laws with respect to the reporting of allegations of sexual abuse of minors and will cooperate in their investigation.

**B. General Reporting Requirements for Sexual Misconduct and Child Abuse.** There are two distinct types of reporting for suspected sexual misconduct and child abuse: internal and external. Internal reporting provides notice to diocesan officials of known or suspected instances of sexual misconduct and allows the Diocese to investigate and, as appropriate, apply corrective and canonical measures. External reporting provides notice to the North Dakota Department of Human Services in Bismarck, North Dakota, of known or suspected instances of child abuse or neglect. Therefore, where the alleged sexual misconduct involves a minor, all Church workers must immediately report any known or suspected instance of child abuse to two entities: internally to the Diocese and externally to the North Dakota Department of Human Services.

**C. Requirements of the North Dakota Child Abuse Reporting Law.** All Church workers must report allegations of child abuse and neglect in strict compliance with the North Dakota child abuse reporting laws and in strict conformity with this policy. All Church workers must remember:

1. Persons Required to Report Child Abuse. North Dakota law provides that any member of the clergy, physician, nurse, or any other medical or mental health professional, schoolteacher or administrator, school counselor, addiction counselor,

social worker, day care center or any other child care workers, having knowledge of or reasonable cause to suspect that a child is abused or neglected, or has died as a result of abuse or neglect, must report the circumstances to the North Dakota Department of Human Services if the knowledge or suspicion is derived from information received by that person in that person's official or professional capacity. A member of the clergy, however, is not required to report such circumstances if the knowledge or suspicion is derived from information received in the capacity of spiritual advisor.

2. Persons Permitted to Report Child Abuse. North Dakota law provides that any person having reasonable cause to suspect that a child is abused or neglected, or has died as a result of abuse or neglect, may report such circumstances to the North Dakota Department of Human Services.

3. Method of Reporting Child Abuse. North Dakota law provides that all persons required to report cases of known or suspected child abuse or neglect shall immediately cause verbal or written reports to be made to the North Dakota Department of Human Services. Verbal reports must be followed by written reports within forty-eight hours if so requested by the Department. A requested written report must include information specifically sought by the Department if the reporter possesses or has reasonable access to that information.

4. Responsibility to Ensure Compliance with Reporting Child Abuse. Every supervisor shares the responsibility to ensure compliance with internal and external reporting of child abuse. Every supervisor to whom a report is made must confirm that the North Dakota Department of Human Services, the Vicar for Clergy at the Diocese, and all other diocesan officials designated to receive these reports have been notified.

5. Encouraging a Person's Right to Report. It is the policy of the Diocese to advise any person of his/her right to make a report to public authorities of known or suspected child abuse.

**D. Internal Reporting - All Suspected Instances of Sexual Misconduct.** All Church workers must promptly report allegations of sexual misconduct, especially involving the abuse of minors, to the Vicar for Clergy. All verbal reports to the Vicar for Clergy must be followed by written reports within twenty-four hours. Written reports involving child abuse filed with the North Dakota Department of Human Services (see External Reporting below) should be attached to a written statement which constitutes the diocesan report. (See Appendix C).

**E. External Reporting - Child Abuse or Neglect Only.** All Church workers must report allegations of child abuse or neglect as mandated by the North Dakota child abuse reporting laws. A report to the Vicar for Clergy does not relieve any individual from reporting child abuse to the North Dakota Department of Human Services as required by North Dakota law. All verbal reports to the North Dakota Department of Human Services

must be followed by written reports to the North Dakota Department of Human Services, even if not requested by the Department of Human Services. Child abuse and neglect reporting forms are available from the Vicar for Clergy's office, the Catholic Schools' office, and the Seminary office. A copy of any written report involving child abuse filed with the North Dakota Department of Human Services should be attached to the internal report sent to the Vicar for Clergy. All Church workers must remember the following:

1. No Liability Arises from Reporting. Under North Dakota law, any person, other than the alleged violator, who participates in good faith in the making of a report, assists in an investigation or assessment, or furnishes information, is immune from any civil or criminal liability, unless it can be proven that the person willfully made a false report or provided false information which caused a report to be made. Therefore, no one should fear for his or her own liability in making a report in good faith, even if the report turns out to be without substance. On the other hand, anyone who is required to report, and who does not do so, faces possible civil and criminal liability. Therefore, if in doubt, make the report.

2. A Report is Required Whenever There is Knowledge or Reasonable Cause to Suspect Abuse. Even if there is no evidence legally admissible in court, one must nevertheless make a report if there is knowledge or reasonable cause to suspect that abuse has occurred.

3. No One is Bound to Report Unreliable Rumors of Alleged Abuse with "No Reasonable Cause." In case of doubt about a situation, however, one should discuss it with the North Dakota Department of Human Services using a hypothetical situation. If one is advised to report, one must do so immediately.

## **6. INVESTIGATION PROCEDURES AND ACTIONS**

**A. Commencement of Investigation.** Once an incident of alleged sexual misconduct is reported, an investigation will be commenced immediately. Every investigation will be guided by Christian care for the reported victim, his or her family, the person reporting the incident and the accused.

**B. Victim Assistance Coordinator.** A victim assistance coordinator is available to assist persons who claim to have been abused by any Church worker when they were minors.

**C. Investigations into Allegations of Sexual Misconduct.** If the incident reported involves alleged sexual misconduct by any Church worker, the Vicar for Clergy will immediately investigate. The attorney representing the Diocese in these matters will be notified of every investigation and will be kept informed throughout the process. In addition, in cases involving allegations where there is reason to believe that sexual misconduct has occurred by a priest or deacon against an adult or minor, or sexual misconduct has occurred by lay Church workers against a minor, the Chairperson of the Diocesan Review Board will be contacted immediately.

1. The Diocesan Review Board. To assist the Bishop, the Diocese has established a Diocesan Review Board to function as a confidential consultative body. This board consists of at least five individuals of outstanding integrity and good judgment in full communion with the Church. The majority of the Review Board members will be lay persons who are not in the employ of the Diocese; at least one member shall be the Vicar for Clergy and at least one member shall have particular expertise in the treatment of sexual abuse of minors. The Bishop will appoint each member for a term of five years, which can be renewed. The functions of this board shall include: advising the Bishop in his assessment of allegations of sexual abuse of minors and in his determination of suitability for ministry of those who admit this guilt or who are found guilty of such allegations; reviewing Diocesan policies for dealing with sexual abuse of minors; and offering advice on all aspects of cases involving priests or deacons, whether retrospectively or prospectively. Members of the Review Board will strictly abide by canons 1717 and 1719 of the 1983 Code of Canon Law with regard to process and confidentiality.

2. Diocesan Review Board Procedure. Generally, the Diocesan Review Board will be convened for the following types of cases: sexual misconduct against adults or minors by priests and deacons, and sexual misconduct against minors by lay Church workers. Before advising the Bishop, the Review Board may request to interview the complainant, the accused Church worker, or any other person deemed necessary. The advice to the Bishop may be communicated verbally or in writing, and the Bishop may or may not choose to share the advice with the complainant and/or the accused. The attorney representing the Diocese in these matters will be authorized to attend all meetings of the Diocesan Review Board.

3. Pastoral Response to the Reported Victim. When any claim of sexual misconduct is made with reasonable grounds to believe that it is truthful, the Vicar for Clergy will meet promptly with the complainant to offer pastoral encouragement and open communication with diocesan officials. The Vicar for Clergy will assure the complainant that the Diocese does not tolerate sexual misconduct and takes seriously all reports of such misconduct; explain the Diocese's process for responding to reports of sexual misconduct and offer to provide a copy of this Statement of Policy; answer the complainant's questions about the policies and procedures of the Diocese; express care and concern for the complainant; and when the complainant is anonymous, encourage the complainant to identify herself or himself and the person involved in the misconduct.

4. Notification. The accused party will be informed of the specific allegations that have been made against him or her. If reasonable grounds exist to believe the accusation, the accused will be informed that any statements or admissions by the accused party can possibly be used against him or her in any subsequent criminal proceeding or civil lawsuit. The accused will also be advised to consider retaining his or her own legal and/or canonical counsel.

5. Administrative Leave. If deemed to be in the best interests of the reported victim, the accused Church worker, the Diocese, or an affiliate, then in the sole judgment of the Bishop or his designee, the accused Church worker shall be relieved of all his or her responsibilities, placed on administrative leave, and/or removed from volunteer work pending the outcome of any investigation. Except as provided by canon 1722 of Canon Law, this administrative leave may be with or without pay and benefits as the Bishop or his designee may decide. In the case of priests or deacons, the Bishop may also limit or restrict ministerial faculties pursuant to Canon Law pending the outcome of any investigation. Note that such actions do not imply guilt on the part of the accused (c. 1342).

6. Findings of the Review Board. The Review Board will promptly advise the Bishop of its findings and any recommendations for pastoral care. In every confirmed case of sexual misconduct by a priest or deacon, especially those involving minors, the Bishop or his designee, if requested, will meet personally with the victim and his or her family.

7. Further Action Involving Allegations Against Priests or Deacons. When an allegation of sexual misconduct with a minor by a priest or deacon is received, a preliminary investigation in harmony with Canon Law will be initiated and conducted promptly and objectively (c. 1717). All appropriate steps shall be taken to protect the reputation of the accused during the investigation. The accused will be encouraged to retain the assistance of civil and canonical counsel at his own expense and discretion and will be promptly notified of the results of the investigation. When there is sufficient evidence that sexual misconduct with a minor has occurred, the Congregation of the Doctrine of the Faith shall be notified. The Bishop shall then apply the precautionary measures mentioned in canon 1722 - i.e., remove the accused from the sacred ministry or from any ecclesiastical office or function, impose or prohibit residence in a given place or territory, and prohibit public participation in the Most Holy Eucharist pending the outcome of the process.

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

b. There shall be a pastoral response to any accused priest or deacon. In keeping with Canon Law, the Diocese will offer an accused priest or deacon professional assistance for his own healing and well-being, and for the purposes of future misconduct prevention.

c. In all circumstances, the Diocese will seek to treat all parties with pastoral sensitivity and with due regard to the privacy rights of all concerned.

d. The Diocese will offer appropriate support to any accused priest or deacon charged with wrongdoing. However, the cost of legal assistance for any criminal charges must be borne by the priest or deacon, except as provided by canon 281.

e. Under no circumstances will the Bishop or a member of his staff function as the accuser's advocate, pastor or counselor with respect to the sexual misconduct allegation.

f. There shall be a pastoral response to the wider church and community. As appropriate to the circumstances, the Bishop or his designee will ensure effective communication and pastoral response to the people of the parish or community where the accused priest or deacon is assigned or where the reported misconduct with a minor has occurred. The Diocese commits itself to communicate openly and fully with any affected parish or community, consistent with respect for the privacy of the individuals involved and any ongoing legal processes. If possible, the priest or deacon will be notified in advance of the nature of any such public disclosure and will be invited to add any remarks that he desires. Note that any media contact or inquiries regarding such matters should be addressed only by the Communications Office.

g. These investigation procedures shall govern allegations against both transitional and permanent deacons.

h. Seminarians and candidates for the permanent diaconate, while not members of the clerical state, have the goal of ordination and therefore come under the jurisdiction of the Vicar for Clergy. Any substantiated allegation of sexual misconduct with minors against a seminarian or candidate for the permanent diaconate will result in immediate dismissal from formation by due process.

**D. Actions Following the Preliminary Investigation of Allegations of Sexual Misconduct with a Minor.** In every case involving canonical penalties, the processes provided for in Canon Law must be observed and the various provisions of Canon Law must be considered. (cf. *Canonical Delicts Involving Sexual Misconduct and Dismissal from the Clerical State*, 1995; Letter from the Congregation for the Doctrine of the Faith, May 18, 2001). Unless the Congregation for the Doctrine of the Faith, having been notified, calls the case to itself because of special circumstances, it will direct the Bishop how to proceed. (Article 13, "Procedural Norms" for *Motu proprio Sacramentorum sanctitatis tutela*, AAS, 93, 2001, p.787). If the case would otherwise be barred by prescription, because sexual abuse of a minor is a grave offense, the Bishop shall apply to the Congregation for the Doctrine of the Faith for a dispensation from the prescription while indicating appropriate pastoral reasons. For the sake of due process, the accused is to be encouraged to retain the assistance of civil and canonical counsel. When necessary, the Diocese will supply canonical counsel to a priest. The provisions of canon 1722 shall be implemented during the pendency of the penal process, in accord with Article 15 of this *motu proprio*.

1. If the penalty of dismissal from the clerical state has not been applied (e.g., for reasons of advanced age or infirmity), the appropriate penalties and/or administrative actions will be applied in accord with Canon Law.



2. At all times, the Bishop 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. Because sexual abuse of a minor is a crime in the universal law of the Church (c. 1395 §2) and is a crime in all jurisdictions in the United States, for the sake of the common good and observing the provisions of Canon Law, the Bishop shall exercise this power of governance to ensure that any priest who has committed even one act of sexual abuse of a minor as described above shall not continue in active ministry.

3. The priest or deacon may at any time request a dispensation from the obligations of the clerical state. In exceptional cases, the Bishop may request of the Holy Father the dismissal of the priest or deacon from the clerical state *ex officio*, even without the consent of the priest or deacon.

**E. Allegations against Members of Religious Institutes Serving in the Diocese of Fargo.** Under Canon Law, members of religious institutes serving in the Diocese *belong to communities separate from the Diocese of Fargo and are responsible to their own religious superiors*. Special procedures necessarily govern the response to allegations against members of religious institutes residing or doing ministry in the Diocese. Under Canon Law, the Bishop is permitted for a grave reason to prohibit members of religious institutes from living in the Diocese or exercising ministry in the Diocese and may, at his discretion, remove members of religious institutes from any position in the Diocese or an affiliate.

**F. Investigations into Alleged Sexual Misconduct that Constitute Sexual Harassment.** If the allegations of sexual misconduct constitute sexual harassment directed at Church workers and the Chairperson of the Review Board concludes that the matter is not a proper subject for consideration by the Review Board, the procedures for investigation set forth in the Diocese of Fargo Sexual Harassment Policy shall apply.

## **7. ACTION FOLLOWING THE INVESTIGATION**

After the investigation, the Bishop or his designee will carefully review the information provided by the complainant, provided by the Review Board, discovered during the investigation, and provided by the accused. Should the investigation reveal that sexual misconduct has occurred, corrective action will be taken.

**A. Allegations Involving Church Workers Other than Priests and Deacons.** Any Church worker, other than a priest or deacon, who admits to, does not contest, or is found guilty of an incident of sexual misconduct with a minor, shall be immediately terminated from employment, volunteer work, and any position of responsibility with the Diocese or its affiliates. Further, if the Diocese determines that the continued employment or volunteer work of any Church worker, other than a priest or deacon, who is accused of sexual misconduct is contrary to the best interests of the Diocese or its affiliates, the Church worker shall be immediately terminated from employment, volunteer work, and any position of responsibility with the Diocese or its affiliates.

**B. Allegations Involving Priests or Deacons.** In accordance with the *Code of Canon Law*, the *Substantive Norms* promulgated within the Apostolic Letter *Sacramentorum Sanctitatis Tutela*, and the *Essential Norms for Diocesan/Eparchial Policies Dealing with Allegations of Sexual Abuse of Minors by Priests or Deacons*, a cleric who has offended in ways against the sixth commandment of the Decalogue with a minor under the age of eighteen is to be subject to a canonical penal process whereupon adjudication of guilt, the cleric is to be punished with a just penalty, not excluding dismissal from the clerical state if the case so warrants (canon 1395 §2).

**C. False Accusations.** Care will always be taken to protect the rights of all parties involved, particularly those of the person claiming to have been the victim of the sexual misconduct and the person against whom the charge has been made. When the Bishop determines that the accusation has proved to be unfounded, the Diocese will take every step possible to work with the person falsely accused to restore his or her good name and to make certain that he or she suffers as little harm as possible from the false accusations.

**D. False Accusations and Unsubstantiated Claims.** Unfortunately, false accusations and unsubstantiated claims do occur. All Church workers should know that both civil law and Canon Law (cc. 1390-1391) provide grave penalties when innocent individuals become victims of false denunciation and calumny. Care will always be taken to protect the rights of all parties involved, particularly those of the person claiming to have been sexually abused and the person against whom the charge has been made. When an accusation is proved to be unfounded, every reasonable measure will be taken to restore the good name of the person falsely accused.

**E. Follow-Up.** The Diocese will work with parishes and others to help ensure that care and support are available to all of those harmed through sexual misconduct by any Church worker. As noted above, the Diocese cannot provide this care itself, but it will assist the primary and secondary victims of sexual misconduct to find human and material resources that might help them on their journey to healing.

## **8. ASSIGNMENT, TRANSFER, AND RESIDENCE OF PRIESTS AND DEACONS**

No priest or deacon who has committed an act of sexual abuse of a minor may be transferred for ministerial assignment to another diocese/eparchy or religious province. Before a priest or deacon can be transferred for residence to another diocese/eparchy, his religious ordinary shall forward in a confidential manner to the local bishop/eparch and religious ordinary (if applicable) of the proposed place of residence any and all information concerning any act of sexual abuse of a minor and any other information indicating that he has been or may be a danger to children or young people. This shall apply even if the priest or deacon will reside in the local community of an institute of consecrated life or society of apostolic life (or, in the Eastern Churches, as a monk or other religious, in a society of common life according to the manner of religious, in a secular institute, or in another form of consecrated life or society of apostolic life). Every bishop/eparch or religious ordinary who receives a priest or deacon from outside his

jurisdiction will obtain the necessary information regarding any past act of sexual abuse of a minor by the priest or deacon in question.

## **9. MINISTRY**

**A. General Approach.** Every report of sexual misconduct involves unique circumstances. This Statement of Policy merely describes the general approach that the Diocese and its affiliates will follow in responding to reports of sexual misconduct. It may not be appropriate or even possible to follow this approach in every case.

**B. Acts of Ministry.** When the Diocese provides pastoral care and leadership in the wake of sexual misconduct by Church workers, it is performing acts of ministry. The freedom to decide for itself how God has called it to minister to those harmed by sexual misconduct is constitutionally protected from outside interference. The same is true of the Diocese's freedom to decide who will preach and teach in its name. Nothing in this Statement of Policy is intended to diminish these freedoms in any respect.

**C. Outreach.** The Diocese and its affiliates will reach out to complainants and their families and demonstrate a sincere commitment to their spiritual and emotional well-being. This outreach will include provision of counseling, spiritual assistance, support groups, and other social services agreed upon by the complainant and the Diocese. However, the Bishop and his staff cannot themselves function as a pastor, counselor, advocate, attorney or other "fiduciary" to any of these people.

## **10. CONCLUSION**

The Diocese of Fargo exists to preach Jesus Christ as revealed in Scripture and Tradition, teach the Catholic faith in its fullness, and offer all men and women the way to salvation found in God's Word and the sacraments. A sexual misconduct policy must necessarily speak about the consequences of misconduct. But the goal of the Diocese is a workplace informed by right conduct as formed by the law of God and the Church, because the mission of the Church, including the local Church and those who serve her, is to witness Jesus Christ to the world through upright and generous lives shaped by the Gospel and Christian dignity. All Church workers have the privilege and the duty to share that mission.

## APPENDIX A

### NOTES ON SEXUAL MISCONDUCT

A comprehensive list of specific acts constituting sexual misconduct would be impossible. Common sense must be followed. Church workers must be alert to avoid any type of contact with minors or vulnerable people that might lead to misunderstandings or be misconstrued by reasonable people. Please note that the issue is not the *intention* of any adult Church workers, but rather *how our words and actions might be interpreted* by those vulnerable or less aware.

In their work, as appropriate, Church workers should seek to develop a good rapport with minors. But given the seriousness of the consequences of sexual misconduct, they should exercise caution and common sense to avoid potentially dangerous situations and to preclude any occasion that could give scandal or cause injury to vulnerable persons, whether or not that injury is intended by any Church workers.

## APPENDIX B

### PROCEDURES FOR RESPONDING TO ALLEGATIONS AGAINST MEMBERS OF RELIGIOUS INSTITUTES SERVING IN THE DIOCESE OF FARGO

**Notification of the religious institute.** Allegations of sexual misconduct presented to the Diocese that involve a priest, brother, monk, sister, nun or other member of a religious community serving in an assignment from that community will be referred to the appropriate superior for investigation and appropriate action. The Diocese will require a report of the findings of the investigation and any action taken in order to assist the Vicar for Clergy in making a determination of whether or not the Diocese will be willing to accept the individual for further assignment, as well as whether or not the Diocese will be willing to extend faculties.

**Investigation.** When an incident is reported, the Diocese shall expect the accuser's religious community to initiate an investigation immediately. The investigation will be done with the highest level of Christian care, concern and confidentiality for the reported victim, his or her family, the person reporting the incident and the accused.

A copy of the report resulting from the investigation shall be forwarded to the Bishop as soon as it is completed. Any recommendation concerning further ministry or service in the Diocese will be considered by the Bishop in consultation with the Major Superior.

**Status of the member of the religious institute.** As circumstances warrant, the Bishop may immediately remove the individual from active service in the Diocese, pending the outcome of the accuser's religious community's internal investigation and any outside investigation. Such action does not imply guilt on the part of the accused religious.

**Pastoral response to the reported victim.** The Bishop expects the religious institute to provide a prompt and appropriate pastoral response to the reported victim.

**Pastoral response to the accused.** The religious institute will attend to the spiritual, emotional and physical well-being of the accused member during the period of investigation.

**Pastoral response to the Church and community.** Depending upon the circumstances, the Bishop or his designee will ensure appropriate communication and pastoral response to the people of the parish or community where the religious is assigned and/or where the reported misconduct occurred. It is diocesan policy to deal as openly as possible with the parish or community, consistent with respect for the privacy of the individuals involved and any ongoing legal processes.

**APPENDIX C**

**Diocese of Fargo CHILD ABUSE REPORTING FORM  
Regarding  
Child Abuse or Neglect**

**TO:** NORTH DAKOTA DEPARTMENT OF HUMAN SERVICES  
600 EAST BOULEVARD AVENUE, DEPT 325  
BISMARCK, ND 58505-0250  
Telephone: 701-328-2316 or 1-800-472-2622  
Email: dhseo@nd.gov

**FROM:** \_\_\_\_\_  
*Name* *Address*  
\_\_\_\_\_  
*Title* *City, State, Zip*

**DATE:** \_\_\_\_\_

**1. Name, address, age, gender, and race of the child:**

Name: \_\_\_\_\_ Age \_\_\_\_\_  
Address: \_\_\_\_\_ Gender \_\_\_\_\_  
\_\_\_\_\_ Race \_\_\_\_\_

**2. Name and address of the alleged perpetrator or the person or persons responsible for the suspected abuse or neglect:**

Name: \_\_\_\_\_ Name: \_\_\_\_\_  
Address: \_\_\_\_\_ Address: \_\_\_\_\_

**3. Nature and extent of the abuse, neglect, or injury to the child:**

\_\_\_\_\_  
\_\_\_\_\_

**4. Family composition:**

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**5. Source(s) of the information:**

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**6. Other related information:**

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**7. Other mandated reporters on whose behalf this report is made:**

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**Report was called in to:**

<i>Name</i>	<i>Date</i>	<i>Telephone Number</i>
<hr/>		

**A copy of this written report was provided to the \_\_\_\_\_**

**Internal Instructions**

*The North Dakota child abuse reporting statute requires that any member of the clergy, physician, nurse, or any other medical or mental health professional, schoolteacher or administrator, school counselor, addiction counselor, social worker, day care center or any other child care workers, having knowledge of or reasonable cause to suspect that a child is abused or neglected, or has died as a result of abuse or neglect, must report the circumstances to the North Dakota Department of Human Services if the knowledge or suspicion is derived from information received by that person in that person's official or professional capacity. A member of the clergy, however, is not required to report such circumstances if the knowledge or suspicion is derived from information received in the capacity of spiritual advisor. Verbal reports and written reports must immediately be made or caused to be made to the North Dakota Department of Human Services at Bismarck, North Dakota. Any questions regarding reporting obligations or procedures may be discussed with the Chair of the Diocesan Review Board or with the Vicar for Clergy, either of whom may consult with diocesan counsel. When several diocesan workers are aware of the reportable situation and those workers are each mandated reporters, the person making the report should do so on behalf of each diocesan mandated reporter and must provide a copy of the report to the Vicar for Clergy, who will distribute a copy of the report to each such mandated reporter, to the Vicar General, and to diocesan counsel.*

**APPENDIX D**

**Diocese of Fargo ABUSE, NEGLECT OR EXPLOITATION OF VULNERABLE ADULTS REPORTING FORM**

**TO:** NORTH DAKOTA PROTECTION AND ADVOCACY PROJECT,  
WELLS FARGO BANK BUILDING, 400 EAST BROADWAY,  
STE. 409, BISMARCK, ND 58501-4071  
Telephone: 701-328-2950 or 1-800-472-2670  
Email: panda@nd.gov

**FROM:** \_\_\_\_\_  
*Name* *Address*

\_\_\_\_\_

*Title* *City, State, Zip*

**DATE:** \_\_\_\_\_

**1. Name, address, gender, and race of the vulnerable adult:**

Name: \_\_\_\_\_

Address: \_\_\_\_\_ Gender \_\_\_\_\_

\_\_\_\_\_ Race \_\_\_\_\_

**2. Name and address of the alleged perpetrator or the person or persons responsible for the suspected abuse, neglect or exploitation:**

Name: \_\_\_\_\_ Name: \_\_\_\_\_

Address: \_\_\_\_\_ Address: \_\_\_\_\_

**3. Nature and extent of the abuse, neglect, or exploitation of the vulnerable adult:**

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_



**4. Family composition:**

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**5. Source(s) of the information:**

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**7. Other related information:**

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**7. Other mandated reporters on whose behalf this report is made:**

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**Report was called in to:**

<i>Name</i>	<i>Date</i>	<i>Telephone Number</i>
<hr/>		

**A copy of this written report was provided to the** \_\_\_\_\_

**Internal Instructions**

*The North Dakota Protection and Advocacy Project reporting statute requires that any member of the clergy, physician, nurse, or any other medical or mental health professional, schoolteacher or administrator, school counselor, addiction counselor, social worker, day care center or any other caretakers of vulnerable adults, having knowledge of or reasonable cause to suspect that a vulnerable adult is abused, neglected, exploited or has died as a result of abuse or neglect, must report the circumstances to the North Dakota Protection and Advocacy Project if the knowledge or suspicion is derived from information received by that person in that person's official or professional capacity. A member of the clergy, however, is not required to report such circumstances if the knowledge or suspicion is derived from information received in the capacity of spiritual advisor. Verbal reports and written reports must immediately be made or caused to be made to the North Dakota Protection and Advocacy Project at Bismarck, North Dakota. Any questions regarding reporting obligations or procedures may be discussed with the Chair of the Diocesan Review Board or with the Vicar for Clergy, either of whom may consult with diocesan counsel. When several diocesan workers are aware of the reportable situation and those workers are each mandated reporters, the person making the report should do so on behalf of each diocesan mandated reporter and must provide a copy of the report to the Vicar for Clergy, who will distribute a copy of the report to each such mandated reporter, to the Vicar General, and to diocesan counsel.*

**APPENDIX E**

**ACKNOWLEDGMENT OF RECEIPT**

I hereby acknowledge that on \_\_\_\_\_ I received a copy of the Diocese of Fargo's Code of Conduct, that I have read and understand its meaning, and that I agree to conduct myself in conformity with the Code. I also agree that it is my responsibility to read, understand, and implement any future amendments to the Code when communicated to me by the Diocese of Fargo.

I also understand that this acknowledgment will be kept on file in my personnel file or volunteer file, as the case may be.

\_\_\_\_\_  
(Print Name Clearly)

\_\_\_\_\_  
(Position)

\_\_\_\_\_  
(Name of Parish/School/Diocesan Institution)

\_\_\_\_\_  
(Signature)

\_\_\_\_\_  
(Date)