

## Appendix I

### CODE OF CONDUCT

*For the purposes of this Code of Conduct, “Church” refers to the Diocese of Rochester and its affiliated employers. “Church Personnel” refers to lay employees, priests, retired priests, deacons, seminarians, and volunteers of the Diocese of Rochester and its affiliated employers.*

Church personnel must uphold Christian values and professional standards of conduct. The public and private conduct of Church personnel can inspire and motivate people, but it can also scandalize and undermine people’s faith. All personnel must at all times be aware of the responsibilities that accompany their work. Responsibility for adherence to this Code of Conduct rests with the individual.

To insure adherence, Church leaders, supervisors and Human Resources will:

- Communicate fully and discuss the Code of Conduct with all personnel within their realms of responsibility
- Maintain records of training and acceptance by employees of Employee Handbook and Code of Conduct
- Immediately and appropriately address questions or issues resulting from inappropriate or lack of application of the standards outlined in the Code of Conduct
- Ensure that the Code of Conduct is reviewed and signed by all Church personnel every three years
- *Safe and Sacred* Training and an updated background check will be performed every three years.

#### A. Reporting Ethical or Professional Misconduct

Church personnel have a duty to report ethical or professional misconduct.

<b>585-328-3228 or 800-388-7177</b>	
<b>Victim Assistance Coordinator</b>	<b>Ext. 1555</b>
<b>Chancellor’s Office</b>	<b>Ext. 1213</b>
<b>Human Resources Department</b>	<b>Ext. 1252</b>
<b>Financial Fraud Hotline</b>	<b>Ext. 1266</b>

- A.1 When there is an indication that Church personnel may have violated the law or this Code of Conduct, individuals must:
- Report the issue to a supervisor or next higher authority, AND
  - Refer the matter directly to the Chancellor’s Office or the Diocesan Human Resources Dept.
- A.2 When uncertainty exists about whether a situation or course of conduct violates the law or this Code of Conduct, consult with:
- Your supervisor
  - Knowledgeable peers
  - Others knowledgeable about ethical issues, or
  - The Chancellor’s Office or the Diocesan Human Resources Department.
- A.3 Even when the obligation of Pastoral Counselors and Spiritual Directors to report client misconduct is subject to the duty of confidentiality, any agreement or duty to maintain confidentiality must yield to the need to report misconduct that threatens the safety, health, or well-being of persons involved.

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## **B. HARASSMENT FREE**

The Church is committed to providing a work environment free from all forms of harassment and discrimination. In furtherance of this commitment, any form of harassment because of race, creed, color, national or ethnic origin, sex, gender, age, sexual orientation, religion, marital status, military or veteran status, predisposing genetic information, domestic violence victim status, previous conviction of criminal offenses (except where permitted by law), or disability (including physical, sensory or mental), or any other status or characteristic protected under federal, state, or local law is strictly prohibited and. Harassment, whether it is sexual, physical, verbal or written in nature, as well as unlawful discrimination, are prohibited forms of employee misconduct. Conduct prohibited by this policy is unacceptable in the workplace, at any work-related setting outside the workplace, business trips, business meetings, and business-related social events.

B.1 Specific types of harassment include, but are not limited to:

- B.1.1 Physical harassment includes but is not limited to pushing, hitting, touching or other offensive behavior of a physical nature.
- B.1.2 Verbal harassment refers to derogatory or degrading verbal comments regarding, or made because of, an individual's membership in one of the categories listed above. Specific examples include, but are not limited to: unwelcome jokes, gestures, epithets and teasing.
- B.1.3 Written harassment refers to derogatory or degrading written comments regarding, or made because of, an individual's membership in one of the categories listed above. Specific examples include, but are not limited to: e-mail, memos, notes, social networking sites and blogs, graffiti and other visual depictions.
- B.1.4 Sexual harassment refers to sexually oriented behavior that is not welcome, that is personally offensive and that interferes with work effectiveness. Sexual harassment includes, but is not limited to unwelcome sexual advances, requests for sexual favors and/or other verbal or physical conduct of a sexual nature where submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment, situations where submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual, or situations where such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating or hostile environment using vulgar remarks, jokes, teasing and uninvited touching. Refer to the Sexual Harassment Policy and Complaint Form.

B.2 Employees who become aware of, believe they have witnessed, or believe they have been the subject of harassment must report their charge immediately to the Chancellors office or the Diocesan office of Human Resources, or any member of management they feel comfortable discussing the matter with. The Human Resources office is responsible for investigating all complaints and will do so promptly and thoroughly. The Church will make every effort to protect the identity of the person making the complaint and of the accused party or parties, except as may be reasonably necessary to successfully complete the investigation and take necessary action to resolve a complaint.

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B.3 If an allegation of harassment or discrimination is found to have merit, the Church will take appropriate remedial and/or disciplinary action, up to and including termination. False and malicious complaints of harassment, discrimination, or retaliation, as opposed to complaints which, even if erroneous, are made in good faith, may be subject to appropriate disciplinary action, up to and including termination.

B.4 Retaliation against an individual for reporting harassment or discrimination or for participating in an investigation of a claim of harassment or discrimination is a serious violation of this policy and, like harassment or discrimination itself, will be subject to disciplinary action, up to and including termination. Individuals who feel that they have been retaliated against for reporting a claim should contact the Chancellors office or the Diocesan office of Human Resources immediately.

## C. Employee or Volunteer Well-being

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

- They should be aware of warning signs that indicate potential problems with their own mental, physical and/or spiritual health and seek help immediately whenever they notice behavioral or emotional signs in their professional and/or personal lives. A potential source of help is available through the Employee Assistance Program.

## D. Conflict of Interest

Employees have an obligation to conduct business in ways that avoid actual, potential, or perceived conflicts of interest. Employees must refrain from participating in any activity or business venture which conflicts with, appears to conflict with, or could conflict with the interests of the employer. Specifically, employees may not accept personal payment or other benefits from individuals or organizations, nor should they take any action as a representative of the Church for personal gain, the gain of any relative or person, or the gain of an organization of special interest to the employee. Employees also may not accept a second job with, or enter a relationship with any person or organization, where such relationship would create a conflict of interest. Employees are also prohibited from conducting private business on church property.

D.1 Personnel must sign a Conflict-of-Interest form annually and disclose all relevant factors that could create a conflict of interest. [Link](#)

D.2 Conflicts of interest may arise when an employee's independent judgment is impaired by:

- prior dealings,
- personal involvement, or
- becoming an advocate for one (person) against another.

In these circumstances, the employee must disclose the conflict and recuse himself/herself from the situation.

D.3 Supervisors may not give monetary or non-monetary gifts with a value greater than \$25 to employees on behalf of the Pastoral Center.

D.4 Gifts from vendors valued above \$25 must be reported to supervisors.

## E. Confidentiality and Proprietary Information

Any information that an employee learns about the Church (including nonpublic financial information and anything related to ministries, policy, personnel, or vendors), or its members, donors, or benefactors as a result of working for the Church that is not publicly available constitutes confidential information. Every employee of the Church has a professional and ethical responsibility to treat this information as privileged and to ensure such information is not improperly or accidentally disclosed. Except as required in the performance of their duties for the Church, employees may not use or disclose any confidential information to anyone who does not work for the Church and/or who does not have a need to know the information.

## F. Outside Employment

Church employees may be allowed outside employment provided that such employment:

- in no way interferes with the performance of the employee's Church-related duties and/or responsibilities;
- is consistent with the Conflict of Interest Policy; and
- is performed outside the employee's approved work schedule and off Church Property/premises. See Employee Private Business Policy. [Link](#)

## G. Use of Computer, Network and Communications Systems

The Church makes available computing and networking resources – including computer hardware and software, printers and copiers, computer-based files and data, and all networks including the Internet – to authorized users for purposes consistent with the Church's mission, goals and objectives. The Church maintains a set of policies for acceptable use of its computer, network and communication systems. Use the links below to review the individual policies:

- Information Technology Acceptable Use Policy [Link](#)
- Password Policy [Link](#)
- Social Media Policy [Link](#)

Since these policies may change over time, employees should periodically review them to ensure understanding and compliance. Some departments and entities may have additional guidelines and policies to meet their specific needs.

*The computers, networks, communications systems and ancillary hardware, software and files residing on the computers and networks are property of the Church. Accordingly, employees should understand that they waive any expectation of privacy with respect to anything they create, store, send or receive in connection with their use of Church computers, networks, and communication systems.*

## H. Additional Expectations of Employee Behavior

- H.1 Professional Attire. Employees are asked to wear clothing that is appropriate for their position and the work that they do. Clothing should be neat, clean, and modest, in good taste and not constitute a safety hazard.
- H.2 Guests and Visitors. Guests and visitors will observe the rules and regulations of the Visitor Policy of the campus they are visiting. Guests/visitors should be identified via a sign in/out log and name badge when at Church offices and schools.

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- H.3 Use of Church Resources. Church assets are meant for religious and charitable purposes and not personal use with limited exceptions. Church resources include, but are not limited to, facilities, vehicles, equipment, supplies, real property and licensing agreements. We all have a responsibility to protect and safeguard assets from loss, theft, misuse and waste. Any Church assets are to be returned when your employment ceases, or any time it is requested.
- H.4 Telecommunications. Telephone lines are maintained for business purposes only. Employees are requested to limit personal calls to a minimum and place calls only during non-working periods. Church telephones may not be used to make non-business long distance calls.
- H.5 Housekeeping. Employees are responsible for keeping their work areas neat and orderly. The Supervisor reserves the right to exercise judgment as to what is or is not acceptable. The reception area must present a professional impression of orderliness for visitors. The reception area should not be used for employee gatherings.

## I. Disciplinary Action

In order for the Church to operate efficiently and safely, it is necessary for all Church personnel to observe the policies and procedures governing the work environment. Employees who violate the rights of others or Diocesan policy may be subject to appropriate remedial and/or disciplinary action.

Before taking disciplinary action, the supervisor will normally meet with the employee to explain why the need for disciplinary action is warranted. Corrective action may include but is not limited to: informal verbal counseling, a verbal reprimand, training or retraining, a written counseling memo, a performance improvement plan, or a letter of reprimand.

Grounds for disciplinary action, up to and including immediate termination of employment, may include, but are not limited to:

- any behavior contrary to Roman Catholic teachings and/or principles
- failure to report an indication of ethical or professional misconduct by other Church personnel.
- breach of confidentiality
- violation of policies or safety rules
- insubordination or other disrespectful conduct
- poor performance
- excessive absenteeism and/or tardiness
- possession of firearms or other weapons
- theft or dishonesty
- willful destruction of Diocesan property
- physical, verbal, or other unlawful or unwelcome harassment
- possession, use or sale of illicit drugs or alcohol on Diocesan property
- reporting to work under the influence of drugs or alcohol
- unauthorized use of Diocese-owned equipment
- falsification of timekeeping records
- fighting or threatening violence in the workplace
- misuse of social media
- any other misconduct.

These examples are not all inclusive, and disciplinary actions will be based on an assessment of all relevant factors. Further, nothing in this policy modifies the Diocese's employment-at-will policy.

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## **J. Special Focus**

The two Addenda below – one for Employees Dealing with Unrelated Children, Youth and Vulnerable Adults and the second for Pastoral Counselor and Spiritual Directors – have been established for employees in certain positions. Your Supervisor will inform the employee if either of these applies to a particular position.

## Addendum for Employees Dealing with Unrelated Children, Youth and Vulnerable Adults

### A. Conduct with Unrelated Children, Youth and Vulnerable Adults

Church personnel working with unrelated children, youth, and vulnerable adults shall maintain an open and trustworthy relationship with the service population.

- A.1 Church personnel must be aware of their own and others' vulnerability when working alone with children, youth, and vulnerable adults. Use a team approach to activities for children, youth, and vulnerable adults.
- A.2 Church personnel must refrain from possession, use and/or being under the influence of alcohol and/or illegal drugs when working with children, youth, and vulnerable adults.
- A.3 Church personnel are not to provide shared or private overnight accommodation for individual children, youth, or vulnerable adults where there is no other adult supervision present. This includes: accommodations in any Church-owned facility, private residence, hotel room, or any other place.

In rare, emergency situations, when accommodation is necessary for the health and well-being of a child, youth, or vulnerable adult, church personnel should take extraordinary care to protect all parties from the appearance of impropriety and from all harm. The emergency accommodation must not be in a cleric's personal residence.

### B. Sexual Abuse and Exploitation

Church personnel must not sexually abuse or exploit any person for sexual gain or intimacy. Sexual abuse of minors is destructive to children, families and the community.

#### B.1 Definition of Terms\*:

- B.1.1 Sexual Abuse: When a child or person who is incapable of consent is manipulated, forced or tricked into sexual touch or sexual contact, abuse has taken place. For the purposes of this document, a person is deemed incapable of consent when he or she is less than 18 years old, developmentally disabled, mentally incapacitated or physically helpless.
- B.1.2 Sexual Exploitation: A breach of trust resulting from sexual interaction between a person employed by the Church and a person he/she serves regardless of who initiates the interaction.
- B.1.3 Child Pornography: The federal legal age for defining child pornography includes pornographic images of minors under the age of eighteen.

\* Terms defined per the USCCB *Charter for the Protection of Children and Young People* Revised June 2011

- B.2 The acquisition, possession or distribution of pornographic images of minors under the age of eighteen, by whatever means or using whatever technology, is strictly prohibited.
- B.3 All Church personnel must comply with applicable state and local laws regarding incidents of actual or suspected child abuse or sexual exploitation and will comply with diocesan policy regarding these issues.
- B.4 Church personnel should review and know the contents of the child abuse regulations and reporting requirements for the State of New York and should follow those requirements as applicable. See How to Report Abuse on dor.org website. [Link](#)
- B.5 Allegations of sexual misconduct must be taken seriously and must be reported to their supervisor and to the Victims' Assistance Coordinator or the Chancellor's Office within 24 hours. Diocesan policies will be followed to protect the rights of all involved.

## **C. Title IX – Nondiscrimination, Harassment and Bullying**

Church personnel must follow regulations of Title IX and the guidelines of the nondiscriminatory policy of the Federal government and the Diocese of Rochester and its Affiliated Employers. Church personnel will not discriminate in the administration of their educational policies, admission policies, scholarship and financial aid programs, athletic and other school-administration programs. It is the responsibility of the principal, teachers and staff, students and parents to create an environment free from harassment, bullying and discrimination.

All students have equal educational opportunities at Church school without regard to any legally-protected category under federal or state law. Moreover, harassment against students on the basis of a protected category will not be tolerated.

If you believe you or another person has been discriminated against, harassed or denied an opportunity on the basis of any protected category, please promptly contact the Church school Principal, the Title IX Coordinator to report your concerns. All concerns reported will be promptly and thoroughly investigated/ reviewed. Confidentiality will be maintained to the greatest extent possible under the circumstances. Retaliation against persons who raise concerns is strictly prohibited. If you believe you have suffered reprisal for raising concerns, please contact the Title IX Coordinator to report your concerns.

## **Addendum for Pastoral Counselors and Spiritual Directors**

Some Church personnel provide pastoral, spiritual, and/or therapeutic counseling to individuals, families or other groups. This ministry is generally in response to a specific situation for a limited time. Church Personnel must respect the rights and advance the welfare of each person.

- A. Church personnel shall not step beyond their competence in counseling situations and shall refer to other professionals when appropriate.
- B. Church personnel should carefully consider all possible consequences before entering into a counseling relationship with someone with whom they have a pre-existing relationship.
- C. Church personnel should inform all parties when a real or potential conflict of interest arises. Resolution of the issue must protect the person receiving ministry services.
  - C.1 No Church personnel should take advantage of anyone to whom they are providing services in order to further their personal, religious, political, or business interests.
  - C.2 Church personnel should not provide counseling services to anyone with whom they have a business, professional, or social relationship.
  - C.3 When pastoral counseling or spiritual direction services are provided to two or more people who have a relationship with each other, the pastoral counselor or spiritual director must obtain written consent to continue services from all parties.
- D. Church personnel should not audiotape or videotape sessions.
- E. Church personnel must never engage in sexual intimacies, consensual or nonconsensual, with the persons they counsel. Physical contact is also prohibited.
- F. Church personnel assume the full burden for establishing and maintaining clear, appropriate boundaries in all counseling and counseling-related relationships.
- G. Sessions should be conducted in appropriate settings at appropriate times. No sessions may be conducted in private living quarters of a rectory.



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- H. Church personnel shall maintain a log of the times and places of sessions with each person being counseled.
- I. Information disclosed to Church personnel during the course of counseling, advising, or spiritual direction shall be confidential, except for compelling professional reasons or as required by law.
  - I.1 If there is a clear and imminent danger to the client or to others, Church personnel may disclose only the information necessary to protect those involved and to prevent harm.
  - I.2 Before disclosure is made, if feasible, the Church personnel should inform the person being counseled about the disclosure and the potential consequences.
- J. Church personnel must disclose any information that puts the life of a minor or the lives of any others in jeopardy. Consultation with appropriate supervisory personnel is highly recommended before disclosure.