



**ROMAN CATHOLIC DIOCESE OF ALBANY**

**Policy on Responding to Allegations of Abuse,  
and Creating and Maintaining Safe  
Environments for Children  
and Young People**

**BISHOP EDWARD B. SCHARFENBERGER**

**January 08, 2016**

**(Revised)**

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April 10, 2014

My Dear Sisters and Brothers in Christ,

St. Paul tells us that when one member of the Body suffers, all suffer. I have witnessed firsthand the hurt, pain and long-term trauma that sexual abuse can cause, which is exacerbated when perpetrated by a trusted authority figure. To those who have been victimized and to their families, I extend my sincere apology. Also, I am aware of the anger, pain and loss of confidence the scandal has created in the minds and hearts of many people. For this, too, I apologize.

We in the Diocese of Albany are committed to the implementation of the Charter and the accompanying Essential Norms. Through the efforts of many, we have educated thousands of Catholics through various programs for adults, teens and children. We continue ongoing training programs in providing safe environments for children and young people in all our parishes, schools and institutions. All diocesan employees and volunteers are required to be background-checked and trained in maintaining safe environments for children and youth.

We have learned from the mistakes of the past and are committed to doing everything possible to make the protection of children and young people, healing for victims and their families, and the removal from ministry of any clergy or Church personnel who have abused their position of sacred trust an urgent priority for our Diocese.

Our children are our precious future. Let us all continue to work together to protect them from harm, especially that of sexual abuse.

Sincerely yours in Christ,

*+Edward B. Scharfenberger*

Edward B. Scharfenberger  
Bishop of Albany

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## I INTRODUCTION

The Albany Diocese first developed a written policy for addressing the sexual abuse of minors in 1993. This policy was updated when the United States Conference of Catholic Bishops (USCCB) took unprecedented action in June 2002 by creating and publishing the Charter for the Protection of Children and Young People (revised in 2005 and again in 2010).

This revised policy reflects the current revisions in the Charter and enhances our previous policy.

### **Scope of Revised Policy**

In accord with the Charter for the Protection of Children and Young People and the Essential Norms, this revised policy addresses accountability, obligations and responsibility on the part of priests and deacons, employees and all adults who have regular contact with children and young people in the name of the Church. This revised policy also recognizes and cooperates with the requirements and procedures of applicable state and local law regarding the protection of children and young people, the prevention and response to incidents of actual or suspected sexual abuse and misconduct toward children, and young people.

1. Sexual abuse of a minor in this policy is defined as it is stated in the Charter.<sup>1</sup>

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1.\* For purposes of this *Charter*, the offense of sexual abuse of a minor will be understood in accord with the provisions of *Sacramentorum sanctitatis tutela* (SST), article 6, which reads:

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

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

2<sup>o</sup> the acquisition, possession, or distribution by a cleric of pornographic images of minors, for purposes of sexual gratification, by whatever means or using whatever technology;

§2. A cleric who commits the delicts mentioned above in §1 is to be punished according to the gravity of his crime, not excluding dismissal or deposition.

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## II. POLICY STATEMENT

Sexual abuse of a minor violates human dignity, ministerial commitment and the mission of the Church; therefore, the Diocese establishes these policies and procedures to:

- Receive and respond to complaints of sexual abuse by a cleric<sup>2</sup>, employees and volunteers;
- Review the fitness for ministry of any cleric accused of sexual abuse<sup>3</sup>; and
- Specify the reporting procedures for all allegations of sexual abuse; and
- Specify the preventive measures that will be followed in all diocesan offices, schools, parishes and institutions.

### **Policy Application**

This policy applies to all diocesan personnel and volunteers as defined below:

#### **A. Priests and Deacons (Clerics):**

1. Clerics incardinated in the Diocese of Albany;
2. Clerics who are members of religious institutes or other forms of consecrated life and who are assigned to pastoral work in the Diocese, or who are otherwise engaged in the public exercise of divine worship and other works of the apostolate;
3. Clerics from other jurisdictions who are assigned to pastoral work in this Diocese, whether seeking incardination within the Diocese or not;
4. Retired clerics who legitimately reside within the territory of the Diocese, and are engaged in part-time or supply ministry;
5. Visiting clerics providing ministry in the Diocese of Albany; and
6. Priests or Deacons, from other dioceses or religious institutes living in prayer and penance.

#### **B. Seminarians, Religious and Deacon Candidates:**

1. All seminarians legitimately enrolled in the seminary program of the Diocese of Albany;
2. Those who are accepted in the permanent diaconate formation program; and
3. Members of institutes of consecrated life or societies of apostolic life who are working for the Diocese of Albany in the diocesan Pastoral Center, parishes, Catholic schools, missions, Catholic cemeteries, retreat centers, Newman Centers or any form of ministry within the Diocese.

The policies and procedures will involve the people of the Church in a substantive role. The primary purpose of these policies and procedures is to ensure the safety of children

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<sup>2</sup> Canon law defines a “cleric” as a priest, deacon or bishop.

<sup>3</sup> See Appendix G for Policy regarding Sexual Misconduct by Clergy Involving Adults

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and young people, and to preserve the integrity of the Church. The policies and procedures will be fair and responsive to the pastoral needs of the victim, the victim's family, the cleric and the community. The policies and procedures will facilitate cooperation and avoid interference with civil authorities responsible for investigating allegations of sexual abuse. The Diocese will continue to make its policies and procedures related to sexual abuse and misconduct available in published form, and the subject of periodic public announcements so that those affected can readily receive the assistance which the policies provide. (Cf. USCCB Revised Charter, art. 2)

### **C. The Lay Faithful:**

1. All paid personnel, whether employed in areas of ministry or other kinds of services by the Diocese of Albany in the diocesan Pastoral Center, parishes, Catholic schools, missions, Catholic Cemeteries, retreat centers, Newman Centers or other forms of ministry within the Diocese; and
2. All volunteers. This includes any person who enters into or offers himself/herself for service to the Diocese in the diocesan Pastoral Center, parishes, Catholic schools, missions, Catholic cemeteries, retreat centers, Newman Centers or other forms of ministry within the Diocese of his/her own free will while performing that service.

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### III. REPORTING ALLEGATIONS OF SEXUAL ABUSE

#### Victims of Sexual Abuse

The Diocese of Albany urges all victims to report any instance of sexual abuse against a minor by a member of the clergy, its employees or volunteers, to the local police or to the office of the appropriate District Attorney. ([Contact information for DAs](#))

#### Adults Reporting Past Abuse.

Adults who wish to report allegations of childhood abuse to the diocese should contact the diocesan Assistance Coordinator at 518-453-6646; e-mail: [assistance.coordinator@rcda.org](mailto:assistance.coordinator@rcda.org)). The Assistance Coordinator will respond to you within 24-48 hours. All allegations of abuse of minors received by the Assistance Coordinator will be reported to the office of the appropriate District Attorney. Copies of reports will also be sent to the Bishop, the diocesan attorney and the diocesan Review Board members. **Reports received will not be screened for credibility.**

The Diocese of Albany is committed to full cooperation with the civil authorities in the reporting and investigation of such allegations. If the diocese receives notification from the DA's office that it will not investigate an allegation of sexual abuse that was submitted, or that it is unable to take any action, the diocese will then follow its own protocol for processing an allegation of sexual abuse.

#### Employees Reporting Abuse:

1. **Where the victim is a current minor.**

a) **Allegations against parish/school staff/volunteers.**

The parish leader/ school principal should immediately report all allegations received of sexual abuse against clergy, employees or volunteers to the **local police and to the diocesan attorney** Michael Costello Esq. (# 518-463-1177) **The person receiving the report will not screen such reports for credibility.**

The diocesan attorney will inform the appropriate DA **within 24 hours**. If the diocesan attorney cannot be reached, please call the Assistance Coordinator at 518-453-6646.

b) **Allegations against parish or school leaders.**

If an allegation is received against the parish leader or school principal, **the person receiving the report will not screen such reports for credibility.**

The diocesan attorney Michael Costello Esq. should be notified as soon as the report is received and he in turn will immediately notify the local police **and the appropriate DA's office within 24 hours**. If the diocesan attorney cannot be reached, please call the Assistance Coordinator at 518-453-6646

Copies of any report made to the police or DA should be sent to the Assistance Coordinator who will inform the Bishop, the diocesan attorney and the diocesan Review Board members. The School Superintendent will be informed of all reports received against school personnel.

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c) **Allegations against the child's family.**

Allegations received by school or parish staff that a child/youth has been harmed or is at risk of being harmed by a parent/guardian or other person legally responsible for his or her care.(e.g. any adults living in the home) should be reported to the Child Abuse Central Register.

Mandated reporters call: 1-800-635-1522

Parish staff who are not mandated reporters: 1-800 -342-3720

If a child is in immediate danger call 911 or the local police.

For further information please visit: <http://www.ocfs.state.ny.us/ohrd/ccg/>

**2. Where the victim is an adult.**

**Parish, school staff and other** diocesan personnel receiving such reports from adults who were abused as minors, should notify the Assistance Coordinator (Phone # 518-453-6646) within one business day. **Such reports received will not be screened for credibility** The person receiving the complaint should remind the victim of his/her right to report the allegation directly to the office of the district attorney where the alleged abuse occurred. All allegations of abuse of minors received by the Assistance Coordinator will be reported to the office of the appropriate District Attorney, with copies sent the diocesan attorney and the Review Board members.

The School Superintendent will be informed of all reports received against school personnel.

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## IV. ASSISTANCE TO VICTIMS

### **Assistance Coordinator**

In order to address its responsibility to assist all those affected by sexual abuse of minors by clerics, the Diocese will designate an Assistance Coordinator who will be a mandated reporter. The Diocese will make appropriate assistance available to those who may have been affected by the alleged sexual abuse. Actions taken by the Diocese when an allegation is made are not an expression of judgment concerning the validity or veracity of the complaint. The Assistance Coordinator will encourage all individuals alleging abuse to directly report the abuse to the appropriate DA's office. The Assistance Coordinator will also report all allegations received from adults who were abused as children to the appropriate DA's office.

### **While the allegation is with the DA's Office**

When an allegation is being reviewed by the DA's office, limited counseling assistance will be offered. This assistance may be arranged through the office of the DA or through the Diocese in consultation with the office of the appropriate DA.

### **When the DA's office returns the allegation to the Diocese**

**After law enforcement concludes its review** and the complaint is returned to the Diocese, the Diocese will continue to provide counseling assistance as appropriate<sup>4</sup>. The Diocese will request a written complaint signed by the complainant. The complainant will also be asked to sign a Notice of Complainants' Rights and Obligations form<sup>5</sup>. Once the written complaint is received, the complaint (with the contact information of the complainant redacted) is shared with the accused (if alive) by the Bishop or his delegate. The accused is also asked to sign the Notice of the Rights and Obligations of the Accused form<sup>6</sup>, and is asked to respond to the complaint after consultation with his canonical and or civil attorney. The accused may be placed on an administrative leave. If the accused denies that allegation, an investigation is requested on behalf of the Review Board.

The Assistance Coordinator will keep the complainant informed of the progress of the review and disposition of the complaint. The Assistance Coordinator will work with each individual to determine the assistance that is necessary and appropriate. This may include counseling, spiritual assistance and referrals to support groups. If the Review Board has made a recommendation that there are reasonable grounds to believe that the abuse occurred, and the Bishop has accepted the recommendation, additional assistance may be provided to help the victim take some steps towards healing. A meeting with the Bishop or his designee can be an important step for some in healing from clergy sexual abuse. If such a meeting is desired, a request should be made to the Assistance Coordinator, and if it is appropriate, a meeting with the Bishop or his designee can be arranged.<sup>7</sup>

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<sup>4</sup> If referrals for therapy are requested, a list of licensed therapists will be provided. No referrals will be made to therapists employed by the Diocese, unless specifically requested by the complainant. The treatment provider is requested to send a treatment plan along with a release of information form signed by the client. If the Sexual Misconduct Review Board recommends that there are reasonable grounds to believe that the alleged sexual abuse has occurred, additional assistance may be provided.

<sup>5</sup> See Appendix A

<sup>6</sup> See Appendix B

<sup>7</sup> See Guidelines for meeting with the Bishop or his Designee, appended to this policy

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## V. SEXUAL MISCONDUCT REVIEW BOARD

A. **Appointment:** The Bishop will establish a Sexual Misconduct Review Board. This Board will function as a confidential consultative body to the Bishop in discharging his responsibilities under this policy. The Board will be comprised of no less than seven members of outstanding integrity and good judgment appointed by the Bishop. The majority of the Board members will be laypersons who are not employees of the Diocese. There will be at least one cleric who should be an experienced and respected pastor of the Diocese, and at least one Board member should have particular expertise in the treatment of the sexual abuse of minors. Membership will include a parent and a victim/survivor or parent of a victim/survivor of sexual abuse. The members may be appointed for staggered terms of three years, which can be renewed and will continue until a successor is appointed.

B. **Responsibility:** The functions of the Sexual Misconduct Review Board include:

1. Advising the Bishop in his assessment of the complainant's allegations of sexual abuse by a cleric and in the determination of the accused's continued suitability for ministry;
2. Reviewing diocesan policies dealing with clergy sexual abuse of minors periodically and offering recommendations for improving the policy and its implementation; and
3. Offering recommendations regarding the treatment of complaints, whether retrospectively or prospectively.

C. **Procedures for meetings:**

1. A two-thirds majority of the members of the Board will constitute a quorum and the concurrence of not less than a majority of the quorum shall be necessary for a determination or recommendation.
2. The Board will conduct its business at meetings which will be scheduled to occur as often as necessary to perform its duties. The meetings will reflect the pastoral character of this process, which is consultative and advisory, not adversarial and adjudicative. They are sessions at which the Board receives and considers information, deliberates, and formulates its determinations and recommendations. The Board may, at its discretion, determine additional information it requires.
3. The Board will consider the reports from the investigator(s) and any other information that the Board believes to be helpful and which it is able to obtain.

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**D. Reports to the Bishop:**

The Board will advance recommendations to the Bishop on the following:

1. If a cleric has already been temporarily withdrawn from ministry pending inquiry, whether such withdrawal should continue; if the withdrawal should not continue, whether any restrictions should be imposed on a cleric returning to ministry;
2. If a cleric has not been temporarily withdrawn from the ministry, whether he should be withdrawn, whether he should continue in his assignment and, if so, whether any restrictions should be imposed upon him;
3. Whether the preliminary actions taken by the Bishop or his designee were appropriate and whether further action is required; and
4. If a cleric's conduct does not constitute sexual abuse with a minor but is otherwise inappropriate, whether further action is warranted, and suggestions as to such action.
5. Investigations: The Diocese will appoint experienced investigators to assist the Board in its assessment and evaluation of allegations of sexual abuse and misconduct by clergy of the Diocese of Albany. One of the investigators will promptly conduct investigations of allegations referred by the Board, and report his/her findings to the Board.

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## VI. PROCEDURES FOR RECEIVING ALLEGATIONS

### A. Confidentiality.

- a. The Diocese cannot promise absolute confidentiality to a complainant, as reports of sexual abuse of a person who is a minor will be immediately reported to the appropriate public authorities.
- b. Notification of allegations received must also be given to the diocesan attorney, the Review Board and the insurers in accordance with the terms of applicable insurance policies.
- c. The cleric against whom the allegation has been made will also need to be informed after law enforcement authorities conclude their review of the allegation.
- d. Allegations against clerics of other dioceses/religious orders are also shared with the Review Board and appropriate bishops/provincials.
- e. The allegation and information pertinent to the allegation is shared with investigators assigned to investigate the complaint after the law enforcement authorities have concluded their review.
- f. Nevertheless, the signed complaint, the investigation report and related information will not be shared indiscriminately; it will be shared with the diocesan staff specifically involved in the handling of such matters and members of the Sexual Misconduct Review Board.
- g. The Diocese will not request or require that the complainant maintain the confidentiality of the complaint as a condition of receiving services and assistance pursuant to this policy.

**B. Anonymous Allegations.** To the extent that it is possible, the Assistance Coordinator will report all such allegations to the appropriate district attorney's office. These allegations will also be reported to the Board at its next regularly scheduled meeting, and the Board will review the Coordinator's action.

**C. Resigned clerics.** An allegation against a cleric who has resigned from active ministry will be processed in the same manner as any other allegation. Such allegations will be promptly reported to law enforcement. If the whereabouts of the resigned cleric against whom an allegation is made are known or can reasonably be determined, he will be contacted during the course of any subsequent diocesan investigation after law enforcement authorities conclude their review of the allegation, and requested to respond to the allegation.

**D. Deceased clerics.** Allegations involving deceased clerics will be made known to the appropriate district attorney and will be reviewed by the Sexual Misconduct Review Board.

**E. Retired clerics.** Since retired clerics often continue to exercise ministry and perform sacraments, an allegation against a cleric who has retired from an official assignment will be processed in the same manner as any other allegation. Such allegations will be promptly reported to law enforcement.

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**F. Clerics not of the Diocese.**

- a. If the accused cleric functioned in the diocese but is not a priest or a deacon of the Diocese of Albany, allegations will be promptly reported to law enforcement and his proper ecclesiastical superior will be notified. The transfer of appropriate information and the investigation itself will be coordinated with the appropriate diocesan bishop or religious superior after law enforcement authorities conclude their review of the allegation.
- b. Allegations of abuse received against clerics who did not function in the Diocese and where the alleged abuse took place in another diocese/province will be reported to the proper ecclesiastical superior. The Assistance Coordinator will contact the Office of Child & Youth Protection personnel in that diocese/province and request assistance for the individual. The decision to report to law enforcement in the city/state in which the abuse occurred is encouraged and supported.

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## VII. PROCEDURE FOR PROCESSING ALLEGATIONS

**A. Notice to the Accused.** When an allegation is received by the appropriate diocesan official(s), a diocesan representative will promptly report the allegation to the public authorities. After law enforcement authorities conclude their review of the allegation, the accused priest or deacon will be notified by the Diocese. This normally will be done through a personal meeting between the accused and designated diocesan official(s). The accused cleric will be neither interviewed nor asked to make a response to the allegation(s) being made against him. The accused priest or deacon will:

1. Be advised of the nature of the allegation(s), including the name(s) of the person(s) making the allegation(s);
2. Be advised of his right to obtain both canonical and civil counsel and be encouraged to do so at once. The accused will be provided a list of available canonists;
3. Be advised of his right not to incriminate himself in any manner whatsoever;
4. Be advised that he will be given the opportunity of responding to the allegation(s). He may do so directly or through his civil or canonical counsel;
5. Be asked to sign a statement acknowledging that he has been informed of the allegation(s) being made against him; and
6. Be advised that he is not to contact the complainant(s), his/her family members or any possible witnesses in any possible future proceedings, either civil or canonical.

### **B. The Investigation**

#### **Phase One.**

1. **If the cleric admits** to the allegation, he will be placed on administrative leave immediately, and the process for his permanent removal from public ministry will begin (See VII. Canonical Process).
2. **If the cleric does not admit** the allegation, the Bishop may place him on administrative leave. During this initial period, the Bishop may ask the cleric to voluntarily undergo a medical or psychological evaluation. He will be requested to grant permission for the assessment results to be shared with the appropriate diocesan entities. The cleric will be offered spiritual, pastoral and counseling support throughout the process. The Review Board may ask the investigator to initiate his/her inquiry.

#### **Phase Two.**

1. When the Review Board meets, the Assistance Coordinator will present the allegation and the actions taken to date. The Board will review the actions taken and make a recommendation. If an inquiry by the investigator has not been commenced, the Board may recommend initiating this action. If the cleric has not been placed on administrative leave, the Board will advise the Bishop if the cleric needs to be placed on administrative leave pending the investigation.
2. The investigation will be completed and the results reported to the Board.

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3. If the Board recommends that there are reasonable grounds<sup>8</sup> to believe that the alleged sexual abuse may have occurred and the Bishop accepts the recommendation, the cleric will be notified and publicly placed on administrative leave (if this action has not already been taken).
  4. If the Review Board concludes that there are no reasonable grounds to believe that the alleged sexual abuse may have occurred and the Bishop concurs, both the accused and the complainant will be notified. The complainant will be again reminded of his/her right to report the allegation to the office of the appropriate law enforcement agency. If the cleric had been publicly placed on administrative leave, he will be publicly restored to ministry and every effort will be made to underscore that there was no basis to the allegations brought against him.

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<sup>8</sup> “Reasonable grounds to believe that the alleged misconduct has occurred” exist when evidence or information which appears reliable discloses facts or circumstances which are collectively of such weight and persuasiveness as to convince a person of ordinary intelligence, judgment and experience that it is reasonably likely that such misconduct was committed and that such person committed it.

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## VIII. THE CANONICAL PROCESS

1. If the cleric admits to the sexual abuse, or if he denies the allegation but the Review Board has ascertained that the sexual abuse may have occurred and the Bishop has accepted that assessment, the Bishop will then transmit his recommendations to the Vatican's Congregation for the Doctrine of Faith (CDF), initiating the request to waive the canonical statute of limitations if it has lapsed. The CDF, after considering all of these materials, will notify the Bishop whether it will hear the case itself or will direct the Bishop on how to proceed with the case.
2. If permission is received to conduct a canonical trial, a tribunal will be empanelled. If the cleric is found guilty, he will be removed from ministry permanently. He will be offered assistance for his own healing and well-being, as well as for the purpose of prevention.
3. If, at the canonical trial, the cleric is judged not guilty, but the Bishop believes that the cleric is unsuitable for ministry, in accordance with norm 9 he may refuse to restore the cleric to public ministry.<sup>9</sup>
4. If the penalty of dismissal from the clerical state has not been applied (*e.g.*, for reasons of advanced age or infirmity), the offending cleric will be advised to lead a life of prayer and penance. He will not be permitted to celebrate Mass publicly or to administer the sacraments. He will be instructed not to wear the clerical garb or to present himself publicly as a priest or an agent of the Church.
5. If the allegation is not substantiated as a result of the canonical process and the Bishop considers the cleric suitable for public ministry, he will be restored to ministry, and every effort will be made to restore his reputation.
6. If administrative actions are required, they will be written with reference to the appropriate ecclesiastical decree so that the cleric is afforded the opportunity of recourse in accord with the provision of the Code of Canon Law.

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<sup>9</sup> At all times, the diocesan bishop/eparch 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 by a cleric is a crime in the universal law of the Church (CIC, c. 1395 §2; CCEO, c. 1453 §1) 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 diocesan bishop/eparch 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.

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## **IX. ASSISTANCE TO THE COMMUNITY**

Parishes, organizations and religious communities are also harmed when clergy or other Church personnel abuse a child or young person. The healing process for communities may include any or all of the following elements:

- A. A meeting between diocesan officials and the entire faith community;
- B. An opportunity for those in the community to express their thoughts, opinions, feelings and fears in a confidential and safe environment;
- C. Sharing accurate information about abuse, the nature of healing and the pending legal process;
- D. An inquiry into the next steps in the community's healing process; and
- E. Reminding the community that there should be no possible recriminations or retaliation against complainants and their families.

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## **X. MEDIA RELATIONS**

In compliance with the spirit and letter of Article 7 of the Charter for the Protection of Children and Young People, the Albany Diocese has adopted the following communications policy to meet its commitment to transparency and openness in public communications.

- Accuracy in all public communications about this issue is paramount.

### **Our Communications Principles:**

- Catholics and the broader community of the Albany Diocese have a right to know about substantiated allegations of sexual abuse against active clergy or other diocesan representatives and actions the Diocese has taken against those individuals. Moreover, they should know the steps the Diocese is taking to ensure that children and adults are safe in all Catholic places.
- We will be sensitive to victims. Victims' rights to privacy and confidentiality will be respected. In compliance with article 3 of the Charter for the Protection of Children and Young People, which states, "Dioceses/eparchies will not enter into confidential agreements except for grave and substantial reasons brought forward by the victim/survivor and noted in the text of the agreement" the Diocese will not initiate settlements with victims that require confidentiality unless insisted upon by the victim.
- The Diocese, respecting each individual's right to his/her good reputation, will not proactively identify members of the clergy or other employees accused of sexual abuse unless an allegation against the cleric has been made in the public forum or until the Diocese or a court has determined that there is sufficient reason to believe the accusation is valid and/or the Diocese has taken action to punish or remove the alleged offender.
- With respect to matters that are or may be subject to litigation, the Diocese will determine what information is appropriate for public release on a case-by-case basis.
- The Diocese will report on an annual, aggregate basis the amount of assistance provided to victims and the total of other expenses related to addressing this issue.
- As a private, not-for-profit organization, the Diocese is committed to transparency in reporting information about overall diocesan finances. However, information about contributors, personnel, budget planning or parish or program-level finances may implicate personal privacy or employee concerns and are properly considered confidential. Inquiries about these issues will be reviewed on a case- by-case basis.
- We will cooperate with the news media and other members of the public and respond in a timely way to their inquiries. We will seek news coverage that accurately portrays the Diocese's broad positive impact on thousands of people throughout the community. We will expect fair and balanced treatment from the news media and will object when the Diocese does not receive it.

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## **Designated Spokespersons**

The Albany Diocese has designated the Chancellor for Public Information and the Communications Director as primary spokespersons for the Diocese. The Bishop also will continue to take an active role in communicating the message of the Diocese

## **The News Media**

The Diocese publishes a weekly newspaper, The Evangelist, which is circulated to 40,000 homes in the Diocese. The Evangelist publishes news and commentary about the full range of activities, programs and initiatives of the Diocese, including frequent reports on the sexual abuse issue, and will continue to do so. Articles from The Evangelist also appear on its website: [www.evangelist.org](http://www.evangelist.org). The Diocese has conveyed and will continue to convey its message as appropriate, through news and advertising in the secular media by issuing news releases as events warrant and publishing advertising.

## **Use of Other Media**

Information about the Diocese's policy on handling sexual abuse complaints and about its efforts to address the issue appears, and will continue to appear, on the diocesan website, in church bulletins, in widely distributed brochures and pamphlets and in public and church appearances by diocesan representatives.

## **The Diocese Message**

In our communications, the Diocese will stress:

- That we encourage all victims/survivors of sexual abuse to come forward to report the abuse to law enforcement authorities;
- That the Diocese reports all allegations of sexual abuse of minors to Law enforcement authorities;
- That we are committed to bringing about healing and to prevent future abuse;
- That the Diocese stands ready to provide counseling and other assistance as appropriate to victims;
- That we investigate all allegations of sexual abuse;
- That we follow a zero-tolerance policy requiring that any clergy in the Diocese, against whom an allegation of sexual abuse is substantiated, is removed from ministry;
- That the Diocese is committed to training all employees and volunteers who work with children to report allegations of sexual abuse and create safe environments for children;
- That the Diocese is committed to training all children enrolled in its schools and parishes in personal safety;
- That the Diocese will conduct background checks on all employees and volunteers who work with children and youth;
- That the Diocese will publicize its efforts to implement the provisions of the Charter for the Protection of Children and Young People.

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## XI. MAINTAINING A SAFE ENVIRONMENT

The Diocese of Albany is committed to assuring a safe and secure environment for our children and young people. Elements of these policies have been part of training programs and ongoing supervision of diocesan offices, schools, parishes and institutions for many years. These policies have been promulgated jointly by the diocesan offices that train and supervise personnel who have regular contact with children and young people and youth, and that facilitate programs and processes in which adults have regular contact with minors.

### A. Screening and Selection of Clergy, Staff and Volunteers

#### 1. CLERGY AND RELIGIOUS

- a. All applicants to the priesthood and/or permanent diaconate are required to participate in psychological screening and background checks to assess their fitness for the ministry and their fitness to work with minors.
- b. Superiors of religious communities/institutes proposing names of individuals for ministry or residency in a Church institution are required to state in writing that there is nothing in the person's history, behavior or personnel records that would make him or her unsuitable to work with minors.
- c. Pastors, parochial vicars, administrators or directors of Church institutions may not grant permission for full-time, part-time or regular weekend ministry to an external priest or permanent deacon without **prior written approval** of the Bishop or his designee. The Bishop or his designee will request a background check prior to granting approval.
- d. No religious or non-incardinated priest or permanent deacon known to have abused a minor will be accepted for ministry in the Diocese. The Diocese will immediately terminate the services of any non-incardinated clergy or religious if it discovers evidence of previous child abuse by the person.
- e. Before any priest or permanent deacon of the Diocese transfers to or takes up residence in another diocese for any purpose, the Bishop will forward an accurate and complete description of the clergy's record to the ordinary/hierarch in the new location. The description will include any information in the transferee's background indicating that he could be a danger to children or young people. This applies to all circumstances, including clergy offenders who take up residence in a community/institute to lead a life of prayer and penance.
- f. Visiting Priests/Deacons: A priest or deacon coming from another diocese or religious order must provide a letter from his bishop or religious superior indicating that he is a priest or deacon in good standing and that he possesses the faculties of his diocese or community. **The need for such a letter is mandatory and there can be no exception.** This letter should be mailed directly to the pastor/parish life director or to the religious superior of the religious house in which the celebration is to take

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place. This letter must be retained in the parish files or the files of the religious house. **A copy of the letter is to be sent to the Office of Administrative Advocate for priests/deacons. This letter should be received prior to the visiting cleric coming into the Diocese of Albany.**

- g. International Priests: Parishes who wish to sponsor international priests should do so through the Office of the Administrative Advocate. If permission to sponsor a priest is granted, this office will make sure that a letter indicating that the priest is in good standing has been received from his superior, and that the cleric is aware of safe environment requirements of the Diocese.
2. **STAFF AND VOLUNTEERS.** Personnel in the Diocese of Albany have tremendous power in the lives of the people they serve. The great power differential that is present causes them to be held to a higher level of behavior. In such relationships, the reality is that the inappropriateness of behavior is judged not by the intent of the person, but by its impact upon the recipient.
  - a. Applicants for paid staff positions, regardless of the job duties, and volunteers who seek to work with children and young people must complete either the diocesan employment or volunteer application form. The form requires accurate information, references and acknowledgement of any prior convictions of a crime, other than a minor traffic offense. Deliberate misrepresentation of information on the application form will be grounds for dismissal. These forms are kept by the office, agency, school or parish.
  - b. Paid staff, regardless of their job duties, and volunteers who work with children and young people will undergo a criminal background check and are expected to complete the diocesan authorization and consent form. An individual's employment or permission to serve in a volunteer capacity is conditioned upon affirmation by the Human Resources Office that the individual has successfully passed his or her background check. Supervisors in parishes, schools and other agencies will be given the necessary information to complete this process.
  - c. No one who has admitted and/or been convicted of or indicted for sexual misconduct or abuse involving a minor may serve in the Diocese of Albany as a professional or volunteer in any capacity.

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## **B. Education**

1. **Clergy, Employees, Volunteers and Parents.** The Diocese of Albany is committed to educating clergy, Church employees, volunteers and parents about the issues of sexual abuse and the elements of maintaining a safe environment for our children. In pursuit of this goal, all clergy and staff as well as all volunteers who have regular contact with children and youth must receive training in child sexual abuse awareness and prevention. The educational program will focus on:
  - a. raising awareness of child sexual abuse;
  - b. identifying the signs of possible sexual abuse in children, as well as the warning signs of inappropriate behaviors of adults who may prey on children;
  - c. strategies for controlling access to children in our care, providing proper supervision and monitoring of all programs;
  - d. encouraging responsible reporting of suspected abuse; and
  - e. providing clear guidelines for making such reports.

**2. Children and Young People.** One of the most important strategies for preventing children and young people from becoming victims of sexual abuse is education regarding sex abuse prevention. The Diocese will require school-based and religious education curricula that teach children and young people basic personal safety skills that help them avoid dangerous and abusive situations. A curriculum for grades K-12 will be developed and implemented in both the diocesan schools and religious education classes.<sup>10</sup>

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<sup>10</sup>

A copy of the curriculum will be available through the Diocesan Office of Evangelization, Catechesis and Family Life or the Catholic Schools Office. Training programs will include age-appropriate materials pertaining to personal safety, as well as information about improper touching and abusive relationships. Children and young people need to know when they should seek assistance from a trusted adult.

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**Appendix A – DIOCESE OF ALBANY**  
**Notice of Rights and Obligations of the Complainant**

**Rights of the Complainant**

The rights of a complainant during a diocesan investigation include:

1. The right to be heard;
2. The right to be treated with respect and consideration;
3. The right to report allegations to the appropriate public authorities;
4. The right to seek and retain legal counsel;
5. The right to discretion in the conduct of the investigation and to have her or his good name protected in the investigation;
6. The right to reply to any response from the accused;
7. The right to provide evidence in support of the complaint;
8. The right to know the results of the investigation; and
9. The right to be free of intimidation by the Church, the accused or the faith community.

**Obligations of the Complainant**

The obligations of the complainant include:

1. The obligation to provide complete and accurate information regarding the allegations to the best of his/her ability;
2. The obligation to provide names of additional witnesses to investigators; and
3. The obligation not to interfere with the investigative process.

By affixing my signature below, I acknowledge that I have read and understand this statement of rights and obligations.

Signature \_\_\_\_\_ Date \_\_\_\_\_

Printed Name \_\_\_\_\_

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**Appendix B - DIOCESE OF ALBANY**  
**Notice of Rights and Obligations of the Accused**

**Rights of the accused**

The rights of the accused during the diocesan investigation include:

1. The right to know the nature of the allegations;
2. The right to defend against the allegations;
3. The right to due process;
4. The right not to incriminate her/himself;
5. The right to civil and canonical counsel;
6. The right to discretion in the conduct of the investigation and to have her/his good name protected during the investigation; and
7. The right to know the results of the investigation.

**Obligations of the accused**

The obligations of the accused during the diocesan investigation include:

1. The obligation not to interfere with the investigative process;
2. The obligation not to have contact with the complainant or his/her family members during the investigative process; and
3. The obligation to observe any special provisions or restrictions imposed by the Bishop or his designee.

By affixing my signature below, I acknowledge that I have read and understand this statement of rights and obligations.

Signature \_\_\_\_\_ Date \_\_\_\_\_

Printed Name \_\_\_\_\_

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**Appendix C – DIOCESE OF ALBANY  
Resources**

**Assistance Coordinator**

E-mail: [assistance.coordinator@rcda.org](mailto:assistance.coordinator@rcda.org)

Tel # 518-453-6646

**Director of Human Resources/ Safe Environment**

E-mail: [Diocesan.HR@rcda.org](mailto:Diocesan.HR@rcda.org)

Tel # 518-453-6635

**Child Protective Services (CPS)**

Mandated Reporter. 1-(800) 635-1522

Public Hotline 1-(800) 342-3720

For further information please visit: [New York State office of Child and Family Services](#)

[List of District Attorneys within the Diocese of Albany](#)

[Allegation of Sexual Misconduct Reporting Form](#)

[United States Catholic Conference of Bishops, Office of Child and Youth Protection](#)

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**Appendix D – DIOCESE OF ALBANY**  
**Guidelines for Appropriate Conduct for All Professional and Volunteer Personnel Who**  
**Work with Minors and the Standard Code of Conduct**

These guidelines for the appropriate conduct of all professional and volunteer personnel who work with and serve children and youth are written and published in compliance with Article 6 of the Charter for the Protection of Children and Young People approved by the Roman Catholic Bishops of the United States in November 2002. They establish norms of conduct and professional boundaries for everyone, clergy, religious and laity, who work with and have regular contact with minors. They are applicable to both the professional and the volunteer. They apply to those in diocesan offices and agencies, parishes, schools, and institutions.

Article 6 states: *“While the priestly commitment to the virtue of chastity and the gift of celibacy is well known, there will be clear and well-publicized diocesan/eparchial standards of ministerial behavior and appropriate boundaries for clergy and any other Church personnel in positions of trust who have regular contact with children and young people.”*

These are issued in response to the sexual abuse of minors’ scandal that has taken place in our Church. In many ways this document is not new to those who administer diocesan and parish programs and processes. They have been part of the training programs and on-going supervision of diocesan offices, schools, parishes and institutions for many years.

This document is offered to ensure that our children and young people are safe and secure in our care and that their families have confidence that this Diocese will do everything possible to provide the environment where each child and young person can grow in age, grace, and wisdom. In addition, the rules of conduct and professional boundaries provide a structure for our own personnel to insure their own integrity and well-being.

The following directives flow from Article 6 of the Charter for the Protection of Children and Young People:

**A. Types of Misconduct**

*For the purposes of this policy, misconduct with a minor<sup>1</sup> includes the five types of behavior listed below:*

1. Conduct that is contrary to the discipline and teaching of the Church;
2. Conduct or language which creates an intimidating, hostile or offensive environment;
3. Conduct which exploits or takes unfair advantage of another;

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<sup>1</sup> This includes children and youth under the age of 18 and adults who habitually lack the use of reason.

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4. Physical, sexual or emotional abuse of minors; and
  5. Downloading or possessing child pornography

**B. Prevention of Abuse: Guidelines for Working with Minors**

Abuse of minors is contrary to the teachings of the Church and is prohibited by the Roman Catholic Diocese of Albany. Church personnel have a responsibility to actively protect minors from all forms of abuse. In response to the call by the United States Conference of Catholic Bishops to break the “cycle of abuse,” the Diocese of Albany has adopted child abuse education and prevention policies.

**C. Standards for the Diocese of Albany**

Those who act in the name of the Church have tremendous power in the lives of the people to whom they serve. The great power differential which is present causes them to be held to a higher level of behavior. In such relationships, the reality is that the inappropriateness of behavior is judged not to be the intent of the person, but its impact upon the recipient.

1. All Church personnel who work with minors are required to complete the Roman Catholic Diocese of Albany application form, which includes accurate information, references and acknowledgement of any prior convictions of a crime, other than a minor traffic offense. These forms are kept by the office, agency, school or parish and updated as needed.
2. No one may serve in the Diocese of Albany as an employee or volunteer in any capacity with children or youth who has admitted and/or been convicted of sexual misconduct or abuse involving a minor.
3. Church personnel will receive appropriate training and supervision. This training will involve participation in the diocesan mandated training program and any other training appropriate for working with a minor determined by a particular office or agency of the Diocese.
4. Allegations of sexual misconduct of a minor will be taken seriously and reported according to the processes outlined in Section III of the Diocesan Policy on Reporting Allegations of Sexual Abuse.
5. All programs involving children and youth must have adequate supervision. An adequate ratio of adults to children/youth to maintain order and safety is necessary. A greater number of supervisors/chaperones are recommended when a program involves a field trip or overnight event.
6. Parents and guardians are encouraged to be part of any and all services and programs in which their children are involved, including observation of programs and activities.
7. All programs for minors that are sponsored by the parish, school or agency should have the approval of those in positions of leadership. Those leaders need to ensure that such programs are appropriate, safe, and have adequate supervision.
8. Supervision of children’ programs should include but not be limited to the following: identifying and restricting access to secluded areas; developing policies regarding use of secluded areas, such as requiring staff to check bathrooms before sending children in alone; prohibiting children from entering staff-only areas; monitoring all youth internet activities; and ensuring the use of appropriate blocking and filtering computer software.

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9. Ensure that adults only meet with children where other adults can have open access; remind adult participants in children's programs not to meet with a child one-on-one behind closed doors.
  10. Church personnel under the age of 18 must work under the direction of an adult supervisor.

**D. Professional Boundaries**

It is the responsibility of all Church personnel to maintain appropriate professional boundaries with those they serve.

**E. Sexual, Emotional and Physical Boundaries**

1. All Church personnel are prohibited from engaging in any sexual contact and intrusive touching with a minor.
2. Church personnel must not give touches and embraces to a minor that are not acceptable or are uncomfortable to the individual. This includes physical games such as wrestling or tickling.
3. Expressions of affection are only appropriate in public settings when such behavior is the norm and acceptable to all parties. **Keep the acronym PAN in mind with respect to physical touches: Public – Appropriate – Non-sexual.**
4. Church personnel are prohibited from engaging in any inappropriate, sexually-oriented conversations with minors. Christian human sexuality is part of the curriculum for children and youth within the Diocese of Albany to provide an understanding of God's gift of human sexuality and to convey the Church's teaching on this subject. Parents must be notified when this part of the Catholic school or parish catechetical curriculum is introduced, be invited to review all teaching materials, and have the right to withdraw their child from this part of the curriculum as part of their parental rights. Teachers and catechists are not permitted to discuss their own sexual activities with minors.
5. Church personnel must not show or display sexually suggestive objects, media or pornography.
6. Church personnel must not use inappropriate language or behavior in working with children or youth.
7. Personnel must not give or receive inappropriate gifts. It is advisable that a parent or guardian's permission should be obtained before giving or receiving any gift to or from a child.
8. Church personnel are prohibited from speaking to minors in a way that is harsh, threatening, intimidating, shaming, derogatory, demeaning or humiliating, and are expected to refrain from swearing in the presence of minors.

**F. Conduct**

1. Church personnel who work with children and youth need to be good role models in conduct, speech and dress.
2. Church personnel who minister to children and youth must meet them in areas that are visible and accessible. One-on-one meetings must be held in a public area and in a room with visual access. Someone from the staff should be notified about this meeting.
3. Church personnel must avoid developing exclusive relationships with

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individuals or a group of individuals.

4. Church personnel must never buy alcohol, drugs, cigarettes, videos or reading material that is inappropriate and give it to a minor.
5. Church personnel must refrain from: the illegal possession and/or illegal use of drugs at all times; the use of prescription drugs that impair judgment; and the use of alcohol when working with minors.
6. In accordance with the law, church personnel will not access or download child pornography.
7. It is appropriate to work in pairs when working with youth and to have both male and female adults present if there is a co-ed event.
8. Adults must never be alone with a young person if they are showering or changing clothes. They should never be nude in the presence of minors in their care. Changing and showering facilities or arrangements for adults must be separate from facilities or arrangements for minors.
9. Church personnel must not invite young people into their personal living space or be alone with them in their own living space.
10. Church personnel are prohibited from sleeping in the same beds or sleeping bags with minors.
11. Houses used for the residence of clergy and religious are for the use of these ministers. Their personal living space should not be used for overnight accommodations for children or youth.
12. Church personnel should avoid driving alone with a minor, except in an emergency situation when this may be necessary for the health, safety and well-being of the minor. In such cases, minors should be transported directly to their destination. No unauthorized stops should be made. The parents /guardians as well as supervisors must be informed as soon as possible.

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## THE STANDARD CODE OF CONDUCT<sup>12</sup>

*Our Children are the most precious gifts entrusted to our care. We acknowledge that all individuals shall be treated with respect, courtesy, dignity, patience and integrity.*

### **I will:**

1. Assume the full burden of responsibility for setting and maintaining clear and appropriate physical and emotional boundaries with minors<sup>13</sup>.
2. Show prudent discretion in the expressions of affirmation used with minors. This includes refusing expensive gifts from minors and refraining from giving expensive gifts to minors. The following are examples of appropriate forms of affirmation with minors.

Hugs	Arms around the shoulders
Pats on the shoulder or back	Holding hands while walking with small children
Handshakes	Sitting beside small children
“High-fives” and hand-slapping	Kneeling or bending down for hugs with small children
Verbal praise	Holding hands during prayer
Touching hands, faces, shoulders and arms of minors	Pats on the head when culturally appropriate

3. Refrain from forms of touch such as tickling, wrestling or massaging, which could be construed as sexual with minors.
4. Assure that a meeting space with a minor or vulnerable adult has visual access. If this is not possible, make sure that another adult is present.
5. Avoid driving alone with minors. In an emergency, request the presence of another adult.
6. Not consume alcohol products, use tobacco products or profanity nor be under the influence of prescribed drugs that impair judgment, illegal drugs or alcohol when engaged in working with minors.
7. Not share a bedroom with minors when there is no other adult supervision present in the room.
8. Never provide minors with alcohol, drugs or with videos, reading or graphic materials that are inappropriately sexual in nature.
9. Not access or possess child pornography
10. Never initiate sexual behavior with a minor and will refuse it even when the other invites it. I will report to my supervisor any sexual behavior initiated by a minor.
11. Read and abide by the Diocesan policy for reporting allegations of sexual abuse.<sup>14</sup>

This code of conduct does not abrogate or replace any other obligations that I have under any applicable law, guideline, policy or regulation.

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

(Please Circle One)                      Clergy                      Employee                      Volunteer

Signature: \_\_\_\_\_

Name and location of school/parish/agency: \_\_\_\_\_

Revised 7/1/12

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<sup>12</sup> All clergy, employees, and volunteers of the Albany Diocese are required to sign and follow this Code of Conduct when they are working with minors. The signed code of conduct will be kept on file.

<sup>13</sup> This includes children and youth under the age of 18 and adults who habitually lack the use of reason.

<sup>14</sup> See section III “Reporting allegations of Sexual Abuse”.

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**Appendix E – DIOCESE OF ALBANY**  
**Code of Conduct for Youth Volunteers/Workers**

This *Code of Conduct* is for use with youth under 18 years who serve as volunteers or are in work placement in parishes or schools. Young people under 18 are not required to attend VIRTUS training or apply for a background check as a condition for their ministry or work. Adults responsible for the supervision of young people in ministry or work situations need to review this document with the young person and clarify/explain any part that may not be understood by the young person. This can be done in a group or individual meeting. This form is to be signed by the young person, the parent/guardian, and the supervisor. The form is to be kept in the parish or school.

*I promise to follow the rules and guidelines in this Code of Conduct. I understand that any action inconsistent with or failure to take action mandated by this Code of Conduct may result in my removal from my volunteer or work assignment.*

As a youth volunteer or worker I will:

- *Safeguard children and other youth entrusted to my care at all times.*
- *Treat everyone with respect, integrity, courtesy and dignity.*
- *Take care to be positive, supportive, and caring in my speaking, writing, and interacting with children and youth.*
- *Avoid situations in ministry or work where I am alone with any child.*
- *Use positive reinforcement rather than criticism or comparison when working with children/youth.*
- *Cooperate fully in any investigation of abuse of children/youth. Report suspected abuse to my supervisor, or if it involves my supervisor, report it to the pastor/parish life director.*
- *Be aware that children/young people can easily become infatuated with a youth leader or an adult. If I sense this is happening, I will not encourage it. I will make my supervisor aware of it so that he/she can resolve the matter, including reassigning me to other activities.*
- *Maintain appropriate physical and emotional boundaries with children/youth.*
- *Report to my supervisor any inappropriate or bullying behavior by a child/youth towards another child/youth.*
- *Dress modestly and appropriately and not wear any clothing with offensive messages or pictures while exercising my ministry or working.*

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As a youth volunteer or worker I will not:

- *Endorse, during my ministry, any view contrary to the teachings of the Catholic Church.*
- *Consume alcohol products, use tobacco products or profanity nor be under the influence of illegal drugs or prescribed drugs that impair judgment, while at work or volunteering.*
- *Verbally threaten or physically abuse anyone.*
- *Use profanity in the presence of any child, youth or adult.*
- *Use discipline that frightens or humiliates a child/youth.*
- *Touch a child/youth in a sexual, overly affectionate or other inappropriate manner.*
- *Place myself in a situation where my interactions with a child/youth would not be visible to others.*
- *Accept gifts from or give gifts to children/youth in my care without approval from my supervisor.*
- *Communicate with minors in my charge about matters unrelated to my responsibilities within ministry.*

We, the undersigned, have read and understand the *Roman Catholic Diocese of Albany Code of Conduct for Youth Workers and Volunteers* and will honor them while at work or as a volunteer. We understand and agree that the parent/guardian will be notified at the time of any infraction requiring dismissal from work or volunteer assignment at the parish or school where the young person is working or ministering.

Name of Youth (print) \_\_\_\_\_

Signature of Youth: \_\_\_\_\_

School or Parish Position: \_\_\_\_\_

Date: \_\_\_\_\_

Signature of Parent/Guardian: \_\_\_\_\_

Date: \_\_\_\_\_

Signature of Supervisor: \_\_\_\_\_

Date: \_\_\_\_\_

Revised 7/1/12

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**Appendix F – DIOCESE OF ALBANY**  
**Diocesan Technology Policy**

**Policy for All Users of Information Technology of the Roman Catholic Diocese Including Employees and Volunteers in Offices, Parishes, Schools, Agencies and All Other Entities Sponsored by the Diocese.**

**1. Introduction**

Information technology is essential to the day to day operations of the Roman Catholic Diocese of Albany. The Diocese furnishes its employees, volunteers, and other authorized users with access to information technology, including computers, cell phones, local area networks, remote access capabilities, and computer applications, which includes electronic communication systems such as e-mail and social media Internet sites, for purposes of fulfilling job responsibilities. This information technology, data and records are the property of the Diocese and are to be used for The Roman Catholic Diocese of Albany business purposes. As such, users should have no expectation of privacy with respect to their use of information technology, electronic communications, data or any other form of diocesan information technology.

This Policy authorizes the diocesan Office of Information Technology to issue additional guidelines, consistent with this policy, regarding the use of information technology. This includes, for example, guidelines for e-mail and internet/intranet use. All users must abide by the terms of this Policy as well as any guidelines developed hereunder. All questions regarding this Policy or related guidelines should be addressed to the diocesan Director of Information Technology.

**2a. Security of Diocesan Data**

All data and records utilized in the course of diocesan business represent assets of the Diocese. The Diocese maintains a system of information security to protect proprietary data and records. All users must adhere to security standards and procedures for data and records which include, but are not limited to, maintaining confidentiality, assuring preservation of data, in compliance with security controls and protection of passwords, and immediately reporting any suspected or actual security and policy violations. The Diocese prohibits the use, elimination or alteration of diocesan data, records and/or information technology without written authorization. All users have an obligation to protect the confidentiality and nondisclosure of proprietary, confidential and privileged data, and records as well as personally identifiable information.

**2b. Removal of computer equipment from the office**

Computer equipment (laptop, desk top) is the property of the diocese and/or parish and as such shall not be removed from the premises. An exception can occur when a specific function requires the use of the equipment. Permission must be obtained in writing from the individual's supervisor and the individual must acknowledge, in writing, their personal liability as to the condition of the equipment in the event of damage, theft or loss. This permission is not intended to be given on a daily basis by the supervisor. This policy helps

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to guarantee the safety of the data contained on the individual hardware.

**3a. Diocesan Network/User Accounts**

The ability of an individual to access the pastoral center network, e-mail system, and all data/records contained therein is controlled by means of a user account. A user account consists of a unique user name, confidential password, and all information describing what resources the specific user can access, at what level, and during what time periods. All passwords are confidential and should not be shared with others. Users may be required to change their password at periodic intervals, as determined by the office of Information Technology.

**3b. Wireless Network/User Accounts**

To gain access to the WIFI Network you must have a user account. For convenience, use the same (user name and password) credentials to gain access to both the Diocesan and the WIFI networks.

WIFI is permitted ONLY in these designated areas of the Pastoral Center building:

- Conference rooms on each floor of the North and South buildings. At director/department head discretion.
- Conference rooms 1 thru 7 on the first floor of the South building. Scheduled meetings, conferences and training purposes.
- Pastoral Center Cafeteria. Available lunchtime to all employees with user accounts.

By Request, Guest User accounts may be created by the IT Office for business purposes only.

**4. Computer Viruses**

Computer viruses pose a serious threat to the integrity of both the Information Technology and data/records assets of the Diocese. All users should take every reasonable precaution to ensure that downloaded or e-mailed files are virus free. Reasonable precautions would include, for instance, contacting the Office of Information Technology upon receipt of a suspicious e-mail and refraining from opening attachments of a suspicious e-mail.

Users must obtain the permission of their department head before using a flash drive or similar device in conjunction with diocesan information technology. The department head must first consult with the Director of Information Technology before granting such permission.

**5. Internet Use/Prohibited Communications**

The Diocese strictly prohibits any use of electronic communications that violates diocesan policy, New York State and Federal law. Users may not utilize diocesan information technology in any way deemed fraudulent, sexually explicit, profane, obscene, intimidating, defamatory or otherwise unlawful or inappropriate. Examples of forbidden use include distribution of sexually explicit messages/pictures, cartoons or jokes, propositions or love letters, ethnic or racial slurs, any messages that can be

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construed to be harassing or disparaging of others based on their sex, race, sexual orientation, age, national origin, religious beliefs or other legally protected status. Electronic communication may not be used for chain mailing or to conduct political campaigning activities. Users may not utilize diocesan/parish property to participate in or intervene in any partisan political campaign on behalf of any candidate for public office. This includes publishing or distributing electronic communication that may be construed as a campaigning activity. Users shall not utilize diocesan information technology to communicate with children or minors for the purpose of disseminating inappropriate communications, as set forth above, or promoting inappropriate relationships.

The Diocese encourages the exploration and research on the World Wide Web for business related or professional activities. Users should not “browse the web” during work time to access sites and communications unrelated to business or professional activities. The diocese reserves the right to monitor and record all Internet activity, and to conduct random audits of Internet use.

#### **6. Copyright/Approval and Installation of Software used on Diocesan Systems**

Copyright is a term used to describe the legal rights people have to protect original work they have created. Original work can include, for example, a computer program, document, graphic, film or sound recording. Copyright ensures that no one else can copy, alter or use the work without the express permission of the owner. Copyright is sometimes indicated in a piece of work by this symbol ©. However, it does not have to be displayed under British law. So a lack of the symbol does not necessarily indicate a lack of copyright.

Federal Copyright Act protects most computer software. In accordance with these laws, Diocesan users are prohibited from making and installing illegal copies of software. All software used on Diocesan computer systems must be approved and installed by the Office of Information Technology. All questions and clarifications regarding copyright issues should be directed to the diocesan Office of Information Technology.

#### **7. Interruption of User Internet Connections**

The Office of Information Technology performs periodic maintenance on the diocesan network in order to preserve the integrity of security systems. As a result, user internet connections may be interrupted at any time and without warning if conditions warrant.

#### **8. Right of inspection**

The Roman Catholic Diocese of Albany reserves the unqualified right to inspect and examine any Diocesan owned or operated communications system, computing resource and/or files or information, including computers, cell phones, listservs, networks, applications, and electronic communications, including e-mail, contained therein at any time. Users possess no privacy right to any data, information or documents received or disseminated on the network or through e-mail. By utilizing these diocesan systems, users consent to the Diocese’s right to inspect and examine all data, information, documents and e-mail. When a user acts inappropriately through the technology system, the Diocese reserves the right to report such actions to any outside authorities and/or take appropriate internal diocesan disciplinary action.

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When sources outside the Diocese request an inspection and/or examination of any Diocesan owned or operated technology system, computing resource and/or files or information contained therein, the Diocese will treat the information as confidential unless any one or more of the following conditions exist: When approved by the appropriate Diocesan official(s); when authorized by the owner(s) of information; when required by federal, state or local law; or when required by a valid subpoena or court order.

Note: When notice is required to be provided by law, court order or subpoena, users will be notified accordingly.

## **9. Compliance**

These policies apply to diocesan Information Technology and to all users of diocesan Information Technology regardless of personal or employment relationship to the Diocese. Use of these resources constitutes acceptance of these policies. Violations of these policies may result in actions ranging from denial of access to diocesan technology resources to termination of employment or refusal or withdrawal of volunteer status. Illegal use of computers and information technology shall be reported to pertinent law enforcement agencies.

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**DIOCESE OF ALBANY**

**Diocesan Technology Policy**

**Review and Acceptance**

In order to ensure all users are aware of their obligations under this acceptable use policy, all users are required to review and accept this policy.

As an employee of the Roman Catholic Diocese of Albany or as an authorized user of the diocesan information technology, I have received and read the attached Technology Policy, understand and agree with the obligation of adhering to the regulations and guidelines contained herein.

Name \_\_\_\_\_

Signature \_\_\_\_\_

Date \_\_\_\_\_

**Affiliation**

Department, Parish, School or Office

Any and all questions regarding this policy should be directed to the Director of Information Technology at (518) 453-6685.

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**Appendix G – DIOCESE OF ALBANY**  
**Liturgical Ministry Policy – Related to Known Sex Offenders**

When a pastor/parish life director becomes aware of someone who is a registered sexual offender of children, or of someone with a history of sexual abuse of minors there is need to strike a balance between their desire to be reconciled to Christ within the Church community and the need to protect children and the community from a potential future offense.

For the protection of children and youth, any person with a substantiated history of a sex offense against a minor (18 years of age or younger) is prohibited from working in the diocese as an employee or volunteer.

Additionally, a person with such a history cannot serve in a public liturgical role within the Church, e.g. lector, extraordinary minister of Holy Communion or cantor, because people are likely to regard them as someone they can trust.

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**Appendix H – DIOCESE OF ALBANY**  
**Sexual Misconduct by Clergy Involving Adults**

**A. Introduction**

The following policy regarding sexual misconduct by clergy involving adults<sup>15</sup> is adopted by the Diocese of Albany.

Sexual misconduct by clergy is contrary to Catholic moral teaching and is a violation of Canon 277. Sexual misconduct of an adult is always sinful and is a violation of the cleric’s moral, ecclesial and ethical responsibilities; under certain circumstances such misconduct may also be an ecclesiastical crime (canon 1395, § 2) and/or a crime under the laws of the state in which it occurred.

**B. Definition of Terms**

“Adult” means a person 18 years or older. “Sexual Misconduct” by clergy includes:

1. “Non-consensual sexual misconduct” includes any communication, contact or activity with an adult person by a member of the clergy performed with the intent to have sexual gratification, whether consensual or not. This includes any sexual misconduct with a parish employee or an individual to whom the cleric is providing spiritual direction, counseling, or ministry.
2. “Consensual sexual activity” between a cleric and an adult which adversely affects the spiritual and psychological health of the adult, the ministry of the priest, or the public trust of the Church.

**C. Statement of policy**

It is the policy of the Albany Diocese that sexual misconduct by clergy involving adults is not to be tolerated. Such activity is contrary to basic Catholic Christian ethical principles and is a violation of the clerical state. All clerics must comply with applicable state and local laws regarding incidents of sexual misconduct, and with the procedures outlined in this document. All adults who come forward are encouraged to report the alleged misconduct to the civil authorities.

Priests and deacons are bound by their ordination or vows to observe perfect and perpetual continence and celibacy, except for permanent deacons who are bound to continence with all except their spouse.

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<sup>15</sup> Adults who habitually lack the use of reason are covered by the policy on minors. <http://www.rcda.org/policy/PDFPolResAbuse.pdf>

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## **D. Procedures**

The procedure for receiving allegations of sexual misconduct involving adults, investigating such allegations, and assisting victims and the accused, will be the same as outlined in the Diocesan policy on Responding to Allegations of Abuse and Creating and Maintaining Safe Environments for Children and Young People. Complaints against clerics from other orders who function within this Diocese will be referred to the order for investigation, assistance and disposition of the complaint.

Complaints involving clergy who do not minister in this Diocese will also be referred to the appropriate ecclesiastical superior.

## **E. Dispositions**

If there is reasonable cause to believe that sexual misconduct involving an adult has occurred, the decision to permit the cleric to continue in ministry must take into account:

- The nature and seriousness of the misconduct;
- Any progress in treatment;
- Recommendations of treating professionals;
- Positive signs of continuing recovery;
- The need to prevent relapse into abusive behaviors; and
- The effect of the misconduct of the public trust in the Catholic Church.

In deciding whether to permit a cleric to remain in ministry, the Bishop will seek advice from the diocesan Sexual Misconduct Review Board as well as experts in the field.

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**Appendix I – DIOCESE OF ALBANY**  
**Social Media Use Policy**

**In Keeping with the Charter for the Protection  
of Children and Youth adapted from  
“Recommended Technology Guidelines for Pastoral Work with young People”  
National Federation for Catholic Youth Ministry 2010**

*“The desire for connectedness and the instinct for communication that are so obvious in contemporary culture are best understood as modern manifestations of the basic and enduring propensity of humans to reach beyond themselves to see communion with others.” Pope Benedict XVI, 2010 World Communications Day*

The following directives will hereby serve as the standards for electronic media use by pastoral ministry staff and volunteers who work with children and youth. The following must be read and signed off on before ministry can begin. A copy of the signed statement indicating knowledge of these directives will be kept on file in the parish, school or organizational office.

**Church and Ministry Websites**

- The official organizational logo should appear on the site to distinguish it as the organization’s official site.
- Web content must be consistent with the teachings of the Catholic Church.
- Public websites may not contain personal and/or contact information about children and youth.
- Written permission must be obtained prior to posting photographs, or other identifying information for children or youth on websites. Captions may use only first names and the use of pseudonyms is suggested. Written permission document must be retained in parish or organization files as electronic or hard copy.
- A minimum of two adults functioning with an official organizational capacity should have full access to all organizational account/site(s).
- No personal photographs or information of parish, school or organizational staff or volunteers should appear on any page/site.
- Communication with visitors to the site should be done through official organizational e-mail.

**Social Networking Websites**

- The official organizational logo or standard images must appear on the site to distinguish it as the organization’s official site, and not that of a specific person.
- Priests, deacons, religious, lay ecclesial ministers and volunteers should establish separate sites and pages for personal and professional use. Personal pages and information may never be advertised or accessible to children and youth.
- Priests, deacons, religious, lay ecclesial ministers and volunteers who use social networking sites, either for ministerial or personal use, must be vigilant in representing themselves as ministers of the Catholic Church. Anything that could cause scandal e.g. descriptions of inappropriate use of alcohol; use of inappropriate language etc. must be avoided.
- Parents must be informed that a social networking site is being utilized as a standard part of the ministry.

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- A minimum of two adults functioning with an official parish, school, and/or organizational capacity should have full administrative access to the account/site(s).
  - Both adults must be registered to have e-mail alerts of page activity sent to their official organizational e-mail addresses. This allows for a quicker response time to urgent requests and helps to ensure that all postings are appropriate.
  - Friend/connection requests should be initiated by the young people, not the adult representative of the parish, school, and/or organization.
  - In photographs of youth activities, youth may not be “tagged,” or identified by name in the photograph.
  - On the original social networking site, the “no tagging” option be set.
  - Because of the potential for family or teen crises, the nature of ministerial expectations or time relevant information, the page should be monitored frequently by official organizational personnel.

### **E-Mail and Text/Instant Messaging**

- Communications should be professional and rendered on behalf of the parish, school, or organization to youth. Use a parish, school, or organizational e-mail account when communicating parish, school, or organizational business. User must identify him or herself using their professional title in addition to their signature.
- Good judgment should always be used with text based communication tools. It must be assumed that all communications are or have the potential to be publicly known. Avoid engaging in postings/communications that could be misconstrued or misinterpreted.
- Parents should be informed of the use of e-mail or instant messaging for communications purposes with minors, and that it is a standard part of youth ministry.
- Priests, deacons, religious and lay ecclesial ministers and volunteers should maintain separate e-mail accounts for professional/church and personal communications.
- Clear guidelines or parameters must be established with regard to times of communication between adults and youth. Those who minister with young people should pre-determine a time-frame when it is too late to take a professional call, except in the case of serious urgency.
- Care should be taken to maintain professionalism and appropriate boundaries in all communication. Do not overstep the boundaries of adult/youth relationships. Avoid any communication which might be construed as having sexual overtones. Do not reply to any such e-mail received from youth; make and keep a copy of any such inappropriate communication and notify and pastor/parish life director/ supervisor. The latter will inform parent(s) or guardian(s) of inappropriate communications.
- E-mail can be misinterpreted. Always double check messages to see if someone reading it might read something into it that is not intended or if your message might be misinterpreted. If you think an e-mail might somehow be misunderstood, do not send it. Do not send messages in haste or when strong emotions are involved.

### **Blogging**

- Professional, ministry based blogs may only be used to promote upcoming events or programs and for the purpose of evangelization and providing resources and information within the ministry setting. Such blogs may not be used to conduct or promote outside business and/or personal activities, and should not divulge any personal information regarding those being ministered to.
- Extreme care should be taken that information regarding personal blogs is not made available to young people.
- Posted information, opinions, references, and resources should reflect the teachings of the Catholic Church.

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- Communications should be professional and are being rendered on behalf of the parish, school, or organization to young people. Purposes include: disseminating fliers for upcoming activities, permission/consent forms, calendars, and ministerial updates, posting links and references for faith formation; communicating sacramental preparation information or parent resources; communicating daily Scripture passages, prayers, or spiritual links/resources.
  - If youth engage in blogging as a part of an officially sanctioned organizational activity, such activity must be monitored by at least 2 adults. No youth may be identified by name or other personal information, and the content of such a blog must reflect Catholic Church teaching and values.

### **Online Video and Chat Rooms**

- Any use of live streaming or chat rooms that leads to, supports, or encourages exclusive youth-adult relationships is not allowed.
- When posting videos online, extreme care must be taken to protect the privacy of youth, and such videos may only be used to showcase/advertise ministry related events and activities.
- At no time is one-on-one video or chat room interaction appropriate between adults and minors.
- When presenting personal opinions and engaging in chats/discussions, it is essential for pastoral ministers to remember that even on the World Wide Web, others may recognize them as representing the values of the Catholic Church.

### **Registration Technologies and Securing Private Information**

Capturing information on registration forms, surveys, etc. involves a higher degree of technical understanding and implementation than simple websites or blogs. Forms on WebPages can use any number of technologies to record and transmit information, and the transmission of that information can be made more or less secure through the technical decisions and requirements used to develop that form. In simplest terms, no sensitive information should be transmitted through basic web interactions (“http://” in the URL). Only secure, encrypted transmissions (“https://” also known as “SSL” or “Secure Sockets Layer”) should be used.

Although secure transmissions (“https://”) can happen through any web server, most modern browsers will display strongly worded warnings when the identity of the web server cannot be verified (particularly through third party verification services like VeriSign or GeoTrust). Therefore, registration processes that will capture sensitive data usually involve the additional expense of securing a third-party secure certificate.

- No sensitive personal information—particularly financial information (credit card numbers, checking account numbers) and secure identifiers (e.g., social security numbers) should ever be transmitted through e-mail, web pages that convert form information into e-mail, or web forms using regular hypertext transmission (“http://” pages).
- No sensitive personal information should be transmitted over SSL (“https://”) unless the user can receive assurance that the communication with the server can be verified through third party services (VeriSign, etc.)
- If the explanation of these technologies and the recommendations accompanying them are beyond the technical competence of the webmaster or staff person responsible for registration forms, that should be taken as a sign that the parish or organization should not be creating such forms. Those leaders should contact a technology/web solution provider for assistance.

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- The creation and management of secure web forms is to be done only by a qualified individual or web solution provider.
  - Handle all financial transactions “in real time;” that is, on a commerce website that can process credit card transactions online, thus assuring that no financial data needs to be communicated to the parish/organization.
  - Even if a form will not include financial information, all security protocols described above are to be followed if other sensitive personal data is transmitted (such as social security numbers, passwords, unlisted phone numbers, etc.).
  - Acquire a third party secure certificate (for example, VeriSign, GeoTrust, etc.) for any web server that will handle SSL (“https://”) transmissions.)

For further information visit: Visit [nfcym.org/resources/technology/index.htm](http://nfcym.org/resources/technology/index.htm)

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**Roman Catholic Diocese of Albany**

**Social Media Use Policy**

**in Keeping with the Charter for the Protection of Children and Youth**

**Consent**

I \_\_\_\_\_

Print name

have read the Roman Catholic Diocese of Albany Social Media Use Policy. I understand its requirements and will follow them in the execution of my ministry with children and youth.

\_\_\_\_\_

Signature

\_\_\_\_\_

Date

This form must be kept on file in a secure location in the parish / school / organization administrative office.

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**Appendix J-1 – DIOCESE OF ALBANY**  
**Registered Sex Offender Guidelines**  
**Faith Formation Programs**

When or if a catechetical leader or pastor becomes aware that a parent, guardian or individual who is legally responsible for children is registered as a sex offender (RSO) pursuant to the Sex Offender Registration Act the following policy is to be followed.

The RSO may enroll their children in parish faith formation program. The RSO may attend parish events involving children only if accompanied by an adult family member or member of the program staff. The RSO may not volunteer or work in any capacity at any parish event or program. These restrictions are to be communicated to the RSO through a letter signed by the catechetical leader, pastor or parish life director. Any failure or refusal to comply with these restrictions may result in the RSO's family being required to remove the child (children) from the program. The RSO's history and restrictions should only be made known to parish staff on a need – to – know basis. The whole community will not be notified of the situation unless, after discussion with the Office of Evangelization, Catechesis and Family Life (OECFL) and or Chancery, it is necessary because of extraordinary circumstances.

August 2014

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**Appendix J-2 – DIOCESE OF ALBANY**  
**Albany Diocesan School Board**  
**Policy Regarding Sex Offenders**

The local law enforcement agencies notify schools when a sex offender is to be released to a residence within a school district. If a school receives such a notification, the principal is to contact the Superintendent of Schools immediately after receiving such notification. The same notification to parents of students in public schools will be sent to parents of students in Catholic schools.

Parents, guardians or individuals who are legally responsible for children ("Responsible adult") who are registered sex offenders pursuant to the Sex Offenders Registry Act may enroll their children within the Catholic schools. It is the responsibility of the principal to check for the responsible adult's names on the sex offender registry (<http://criminaljustice.state.ny.us/nsor>) These responsible adults may attend events at the school only if accompanied by an adult family member or member of the staff. They may not volunteer or work in any capacity at any school or parish event. Any failure or refusal to comply with these restrictions may result in the child being withdrawn from the school. The restrictions are communicated to the parent through a letter signed by the principal of the school. Staff should be informed of the parent's history and restrictions on a need-to-know basis. The whole school community will not be notified of the situation unless, after discussion with the Office of the Superintendent, it is necessary because of extraordinary circumstances.

If further questions arise, the school should consult the Superintendent of Schools.