



**Archdiocese of Newark  
Policies on Professional  
And Ministerial Conduct**

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## **Contact Information**

In general, an allegation of the violation of any of the policies contained herein should be reported to:

**Sheri A. Rickert**  
**Chancellor of the Archdiocese of Newark**

Phone (973) 497-4009  
Fax (973) 497-4018  
Office of the Chancellor  
P.O. Box 9500  
Newark, New Jersey 07104

Personnel of the Archdiocese of Newark reporting an allegation of sexual abuse against a minor pursuant to the Memorandum of Understanding, described in Section VIII.D. of this Policy, should immediately contact:

**Jim Goodness**  
**Liaison pursuant to the Memorandum of Understanding**

Phone (973) 497-4186

Anyone with knowledge of suspected abuse of a person currently a minor is required by New Jersey State law to notify immediately the New Jersey Division of Youth and Family Services.

### **New Jersey DYFS Hotline: 1-800-792-8610**

In addition to contacting the Archdiocese, anyone with information about sexual misconduct that may constitute a crime is encouraged to contact directly the Office of the Prosecutor in the county where the conduct occurred/is occurring:

Bergen County Prosecutor – 201-646-2300  
Essex County Prosecutor – 973-621-4700  
Hudson County Prosecutor – 201-217-5380  
Union County Prosecutor – 908-527-4500

See [www.rcan.org](http://www.rcan.org):

- For a Spanish translation of this document
- To submit a Church personnel application (see Section VII.E.)



## **I. Principles of Ministerial Conduct: Code of Ethics**

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

It is with the intention that relationships in ministry be experienced at all times as charitable and without intention to do harm or allow harm to occur, that the following Code of Ethics has been adopted by the Archdiocese of Newark. All Church personnel are asked to carefully consider each standard in the Code and within the Policies on Professional and Ministerial Conduct before agreeing to adhere to the standards and continue in service to the Archdiocese.

- Church personnel shall exhibit the highest Christian ethical standards and personal integrity.
- Church personnel shall conduct themselves in a manner that is consistent with the discipline, norms and teachings of the Catholic Church.
- Church personnel shall provide an environment that is free from harassment.
- Church personnel shall not take advantage of a counseling, supervisory and/or authoritative relationship for their own benefit.
- Church personnel shall not abuse or neglect a minor or an adult.
- Church personnel shall share concerns about suspicious or inappropriate behavior with their pastor, their principal or the Chancellor.
- Church personnel shall adhere to the requirements of the law of the State of New Jersey and the Memorandum of Understanding, described in Section VIII.D. of this Policy, regarding the reporting of any suspected abuse of a minor.
- Church personnel shall accept their personal responsibility in the protection of minors and adults from all forms of abuse.



## II. General Definitions

### A. Church Personnel

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

1. Priests and Deacons (Clerics)
  - a. Clerics incardinated in the Archdiocese of Newark.
  - b. Clerics who are members of religious institutes or in other forms of consecrated life, and who are assigned to pastoral work in the Archdiocese or who are otherwise engaged in the care of souls, the public exercise of divine worship, and other works of the apostolate (c. 678).
  - c. Clerics of other jurisdictions who are assigned to pastoral work in this Archdiocese, whether seeking incardination within the Archdiocese or not.
  - d. Clerics who are otherwise legitimately residing within the territory of the Archdiocese, including retired clerics and those engaged in part-time or supply ministry.
  - e. In addition to the provisions of these Policies, the above-mentioned clerics are also bound by the Supplemental Norms for Clergy.
2. Seminarians and Religious
  - a. All seminarians legitimately enrolled in the seminary programs of the Archdiocese: Immaculate Conception Seminary, Redemptoris Mater Archdiocesan Missionary Seminary and the College Seminary of the Immaculate Conception (St. Andrew's Hall).
  - b. Those who are enrolled in the permanent diaconate formation program.
  - c. Members of religious institutes or societies of apostolic life who are working for the Archdiocese, its parishes, schools or agencies, or who are otherwise engaged in the care of souls, the public exercise of divine worship, and other works of the apostolate (c. 678).
  - d. Hermits and consecrated virgins legitimately residing within the Archdiocese.
3. The Lay Faithful
  - a. All paid personnel whether employed in areas of ministry or other kinds of services by the Archdiocese, its parishes, schools or other agencies; also, those who contract their services to Catholic Church agencies.
  - b. All volunteers. This includes any person who enters into or offers himself/herself for a Catholic Church related service of his/her own free will.



## **B. Types of Misconduct**

For the purpose of this policy, misconduct includes but is not limited to the five types of behavior listed below:

1. **Immoral conduct:** Conduct that is contrary to the discipline and teachings of the Catholic Church and which may result in scandal to the faithful or harm to the ministry of the Catholic Church.
2. **Harassment:** The intentional creation of a hostile or intimidating environment.
3. **Sexual Harassment:** The intentional creation of a hostile, intimidating or offensive environment, or unwelcome sexual advances or physical conduct of a sexual nature.
4. **Exploitation:** Taking advantage of a pastoral counseling relationship for the benefit of the pastoral counselor.
5. **Abuse of minors:** The definition of abuse of minors is further defined in Section VI.A. and in the Supplemental Norms for Clergy.



### **III. Prevention of Immoral Conduct: Guidelines for Ethical Behavior**

#### **A. Definitions**

1. Immoral conduct is conduct contrary to the discipline and teachings of the Catholic Church and may result in scandal to the faithful or harm to the ministry of the Catholic Church.
2. Scandal is an attitude or behavior which leads another to do evil. Scandal damages virtue and integrity. It is a grave offense if by deed or omission another is deliberately led into a grave offense (*Catechism of the Catholic Church*, No. 2284).

#### **B. Standards of the Archdiocese as to Prevention of Immoral Conduct**

1. Church personnel enjoy a public trust and confidence. It is essential that Church personnel view their own actions and intentions objectively to assure that no observer would have grounds to believe that irregularity in conduct exists. All Church personnel have a responsibility to strive to uphold the standards of the Catholic Church in their day-to-day work and personal lives.
2. Further, it is fundamental to the mission of the Archdiocese that Church personnel exhibit the highest ethical standards and personal integrity. The purpose of this policy is to insure that all Church personnel follow the ethical standards of the Catholic Church. Therefore, Church personnel are prohibited from engaging in the following conduct:
  - a. Immoral conduct.
  - b. Procurement or participation in the procurement of abortion, or committing homicide or euthanasia.
  - c. Possession or distribution of pornographic material.
  - d. Adultery, flagrant promiscuity or illicit co-habitation.
  - e. Abuse of alcohol, drugs or gambling.
  - f. Theft, fraud, or any other form of misappropriation or misuse of Church funds or property.
  - g. Sexual harassment, exploitation or abuse.
  - h. Physical assault and fighting.
3. Church personnel should not harm the reputation of others by:
  - a. Disclosing without legitimate cause the faults or failings of others to persons who have no cause to know them.
  - b. Making false allegations against another.



## **IV. Prevention of Harassment: Guidelines for Professionalism**

### **A. Definitions**

1. Harassment is the intentional creation of a hostile or intimidating environment.
2. Harassment encompasses a broad range of physical, psychological, written, or verbal behavior that includes, but is not limited to, the following:
  - Physical or mental abuse
  - Offensive jokes or slurs
  - Offensive and uninvited verbal, graphic (including any electronic displays or printouts), visual or physical conduct by one individual towards another
  - Obscene messages
  - Images or communications containing libelous, defamatory, or fraudulent material
  - Ethnic or racial slurs
  - Anything that may be considered disparaging or harassing of others based on race, national origin, gender, age disability, or religious or political beliefs
3. Harassment may be severe and/or pervasive.
  - a. Severe conduct is sufficient to alter an environment even though it may occur only once.
  - b. Pervasive conduct is a persistent pattern of harassment.

### **B. Standards of the Archdiocese as to Prevention of Harassment**

1. Church personnel shall not engage in harassment and shall not tolerate harassment by other Church personnel. Harassment, in any form, is expressly prohibited by the Archdiocese.
2. Church personnel shall provide an environment that is free from harassment.
3. Church personnel should report all incidents of alleged harassment. Personnel should not, under any circumstances, take such matters into their own hands, but should immediately report such complaints to a supervisor, superior, a staff member of Human Resources or the Archdiocesan Chancellor. No employee shall suffer any job detriment for reporting such actions.



## **V. Prevention of Sexual Harassment: Guidelines for Relations**

### **A. Definitions**

Sexual harassment is defined as:

1. The intentional creation of a hostile, intimidating or offensive environment, or unwelcome sexual advances or physical conduct of a sexual nature.
2. Sexual harassment includes, but is not limited to:
  - unwelcome sexual advances
  - requests for sexual favors
  - jokes or comments of a sexual nature
  - unwanted and inappropriate verbal conduct or physical touching
  - visual displays of a sexual nature
  - the use of any electronic communication devices to display or transmit sexually explicit or obscene messages
3. Such conduct further constitutes sexual harassment when:
  - Submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment or advancement; and/or
  - Submission to or rejection of such conduct is used as the basis for employment or other advancement decisions affecting the individual; and/or
  - Such conduct has the purpose or effect of unreasonably interfering with an individual's work performance, or creating an intimidating or hostile environment.

### **B. Standards of the Archdiocese as to Prevention of Sexual Harassment**

1. Church personnel shall not engage in sexual harassment and shall not tolerate sexual harassment by other Church personnel. Sexual harassment, in any form, is expressly prohibited by the Archdiocese.
2. Church personnel shall provide an environment that is free from sexual harassment.
3. It is critical for any Church personnel who witnesses or experiences sexual harassment to report such conduct to a supervisor, a superior, a staff member of Human Resources or the Archdiocesan Chancellor as soon as possible. No retaliation will be taken against any Church personnel who reports a claim of sexual harassment. Confidentiality will be respected to the extent possible.



## **VI. Prevention of Exploitation: Guidelines for Pastoral Counseling**

### **A. Definitions**

1. Pastoral counseling occurs when Church personnel offer spiritual direction or advice concerning moral or spiritual matters. The Church personnel may or may not be a certified spiritual director or trained, licensed or degreed in professional counseling.
2. Exploitation occurs when Church personnel take advantage of the pastoral counseling relationship for the benefit of the pastoral counselor.
3. Sexual exploitation is sexual contact between Church personnel and the recipient of their pastoral counseling services, regardless of who initiates the contact.
4. Sexual intimacies are consensual sexual physical contact, forced (non-consensual) sexual physical contact or sexually explicit conversations not related to pastoral counseling issues.
5. A conflict of interest occurs when Church personnel take advantage of pastoral counseling relationships in order to further their own interest.

### **B. Standards of the Archdiocese in Prevention of Exploitation**

1. Church personnel shall recognize their limitations in pastoral counseling situations and shall refer people to other professionals when appropriate.
2. Church personnel shall not require monetary compensation in exchange for pastoral counseling unless the fees, terms and conditions of such counseling are agreed upon in writing prior to the commencement of the counseling relationship.
3. Church personnel shall not engage in exploitation, sexual exploitation, and/or sexual intimacies with persons whom they counsel. Church personnel are also prohibited from engaging in situations or conduct that can give the appearance of exploitation, sexual exploitation, or sexual intimacies.
4. Church personnel shall not engage in exploitation, sexual exploitation, and/or sexual intimacies with relatives or friends of someone with whom they have a counseling relationship.
5. Church personnel shall set and maintain clear, appropriate boundaries in all pastoral counseling relationships.
6. Pastoral counseling should be conducted in appropriate settings at appropriate times and should not be held at places or times that would cause confusion about the nature of the relationship for the person being counseled.
7. No pastoral counseling should be conducted in the counselor's private living quarters. Pastoral counseling should be conducted in the private living quarters of the individual being assisted only when the physical condition of the individual so requires. In the latter case, an effort should be made for the individuals to be visible (but not audible) to others.



### **C. Standards of the Archdiocese as to Confidentiality**

1. In accordance with the norm of canon law (c.983), the sacramental seal is inviolable by divine mandate; therefore, it is absolutely forbidden for a confessor to betray the confidence of a penitent in any way and for any reason. This is applicable both while the penitent is living and, if applicable, after he or she has died.
2. Information disclosed to Church personnel during the course of counseling, advising, or spiritual direction shall be held in the strictest confidence possible, with due regard for the norm of civil and/or canon law.
3. Church personnel should discuss the nature of confidentiality, including its limitations, with each person who seeks pastoral counseling.
4. If there is clear and imminent danger, the Church personnel is to disclose the information necessary to protect the parties involved and to prevent harm.
5. If disclosure must be made, if feasible, the Church personnel should inform the person being counseled about the disclosure.
6. With the exception of knowledge gained in the Sacrament of Penance, knowledge that arises from professional contact may be used in teaching, delivering homilies, or other public presentations only when effective measures have been taken to absolutely safeguard both the individual's identity and the confidentiality of the disclosures. In the rare event that such disclosures are used, good pastoral judgment is of the utmost importance when making decisions about the use of information in public ministry.
7. If Church personnel discover, while counseling a minor, that there is a serious threat to the welfare of the minor and that communication of confidential information to a parent or legal guardian is essential to the child's health, safety and well-being, the Church personnel should disclose only the information necessary to protect the health, safety and well-being of the minor.

### **D. Standards of the Archdiocese as to Conflicts of Interest**

1. Church personnel shall avoid pastoral counseling that might present or appear to present a conflict of interest. Even the appearance of a conflict of interest can call into question integrity and professional conduct.
2. If a conflict of interest exists or arises, Church personnel should inform all parties. Resolution of the issues must protect the person being counseled.
3. Church personnel shall establish clear, appropriate boundaries with anyone with whom they have a business, professional, or social relationship.



## **VII. Prevention of Abuse of Minors: Guidelines for Working with Minors**

### **A. Definitions**

1. A minor is anyone under the age of 18. For the purposes of this policy, the term “minors” also includes adults who would be considered uniquely vulnerable to abuse because of physical or mental disabilities.
2. Abuse is physical abuse, sexual abuse and/or emotional abuse.
3. Physical abuse is non-accidental injury that is intentionally inflicted upon a minor.
4. Sexual abuse is any contact of a sexual nature that occurs between a minor and an adult. This includes any activity that is meant to arouse or gratify the sexual desires of the adult.
5. Emotional abuse is mental or emotional injury to a minor that results in an observable and material impairment in the minor’s growth, development or psychological functioning.
6. Neglect is the failure to provide for a minor’s basic needs or the failure to protect a minor from harm.

### **B. Standards of the Archdiocese as to Abuse and/or Neglect of Minors**

The following standards are intended to assist Church personnel in making decisions about interactions with minors in Church sponsored and affiliated programs. For clarification of any policies or regarding behaviors not addressed here, contact your pastor, agency director, principal or the Archdiocesan Chancellor. (Contact information for the Chancellor is on page 2 of these policies.)

1. Abuse and/or neglect of minors are contrary to the teachings of the Church and are prohibited. Church personnel have a responsibility to protect minors from all forms of abuse and/or neglect. Church personnel are prohibited from:
  - a. Using, possessing, or being under the influence of alcohol or illegal drugs while in the presence of minors. This prohibition does not exclude the consumption of alcoholic beverages at Archdiocesan social functions and parish-wide social functions approved by the pastor.
  - b. Swearing in the presence of minors.
  - c. Speaking to minors in a way that is or could be construed by any reasonable observer as harsh, threatening, intimidating, shaming, derogatory, demeaning, or humiliating.



- d. Discussing their own sexual activities with minors.
  - e. Engaging in any sexually oriented conversations with minors unless the conversations are part of a legitimate lesson and discussion for teenagers regarding human sexuality issues. On such occasions, the lessons will convey to youth the Church's teachings on these topics. If youth have further questions not answered or addressed by their individual teachers they should be referred to their parents or guardians for clarification or counseling.
  - f. Being nude in the presence of minors.
  - g. Possessing sexually oriented or morally inappropriate printed materials (magazines, cards, videos, films, clothing, etc.).
  - h. Sleeping in the same beds, sleeping bags or small tents with minors unless the adult is an immediate family member of the minor.
2. Church personnel are responsible for releasing minors in their care only to parents, legal guardians, or other persons designated by parents or legal guardians at the close of services or activities. In the event that Church personnel are uncertain of the propriety of releasing a minor, they should immediately contact their immediate supervisor before releasing the child.
  3. Church personnel should report uncontrollable or unusual behavior of minors immediately to parents.
  4. Ordinarily a confirmation candidate should select his or her own sponsor. If the parish assigns or assists in the selection of sponsors, they are considered volunteers and must abide by these Archdiocesan policies.
  5. Church personnel must be aware of their own and others' vulnerability when working alone with minors. A team approach should be used to manage child and youth activities and other contacts with minors. For example:
    - Two adults should be present if altar servers require assistance putting on their robes in preparation for Mass.
    - If a youth requires a ride home after working in the rectory, the parent should be encouraged to send a family member to pick up the youth, or another adult should accompany the driver.

### **C. Standards of the Archdiocese as to Offsite and/or Overnight Events**

1. The following standards shall be observed when Church personnel are involved in the transportation of minors:
  - a. Church personnel are prohibited from transporting minors without written permission of their parent or guardian.



- b. Church personnel are prohibited from unnecessary and/or inappropriate physical contact with minors while in vehicles.
  - c. Minors should be transported directly to their destination. No stops should be made unless approved by the director of the program.
  - d. Church personnel assigned to transport minors must be at least 25 years old and have a valid driver's license. Requests for specific exceptions must be submitted in writing to the Archdiocesan Chancellor (see page 2 for contact information).
2. Church personnel are prohibited from having minors stay overnight at their residence.
  3. Changing and showering facilities or arrangements for adults must be separate from facilities or arrangements for minors.

#### **D. Standards of the Archdiocese as to Physical Contact with Minors**

1. Church personnel are prohibited from using physical discipline in any way for behavior management of minors. No form of physical discipline is acceptable. This prohibition includes spanking, slapping, pinching, hitting, or any other physical force as retaliation or correction for inappropriate behavior by minors.
2. Appropriate affection between Church personnel and minors is important for a child's development. It also constitutes a positive part of Church life and ministry. However, Church personnel should always be aware that physical contact with minors can be misconstrued and should occur (a) only when completely nonsexual, when there is no possibility of others perceiving it as sexual, and when such contact is otherwise appropriate, and (b) never in private.
3. The following forms of affection are regarded as appropriate examples of affection for most Church sponsored and affiliated programs:
  - Hugs.
  - Pats on the shoulder or back.
  - Hand-shakes.
  - "High-fives" and hand slapping.
  - Verbal praise.
  - Touching hands, faces, shoulders and arms of minors.
  - Arms around shoulders.
  - Holding hands while walking with small children.
  - Sitting beside small children.
  - Kneeling or bending down for hugs with small children.
  - Holding hands during prayer.
  - Pats on the head when culturally appropriate. (For example, this gesture should typically be avoided in some Asian communities.)
4. Some forms of physical affection have been used by adults to initiate inappropriate contact with minors. In order to maintain the safest possible environment for minors, the



following are examples of affection that are **not** to be used in Church sponsored and affiliated programs:

- Inappropriate or lengthy embraces.
- Kisses on the mouth.
- Holding minors over four years old on the lap.
- Touching buttocks, chests or genital areas.
- Showing affection in isolated areas such as bedrooms, closets, staff-only areas or other private rooms.
- Being in bed with a minor.
- Touching knees or legs of minors.
- Wrestling with minors.
- Tickling minors.
- Piggyback rides.
- Any type of massage given by minor to adult.
- Any type of massage given by adult to minor.
- Any form of unwanted affection.
- Compliments that relate to physique or body development.

## **E. Standards of the Archdiocese as to Screening of Church Personnel who Work with Minors**

1. Without exception, all applicants for Church personnel positions that will involve working with minors must comply with the following procedures:
  - a. Completion of a **standard application** that includes authorization to conduct criminal background checks (See Appendix A).
  - b. Reading and signing an agreement to abide by the **Archdiocesan Code of Ethics** for Church personnel (See Appendix B).
  - c. Cooperating, as necessary, with a **criminal records check** in accordance with Archdiocesan policy. This criminal records check shall be conducted prior to employment, ministry, or volunteer work.
2. For employees and volunteers who have worked in the parish or school for two years or more, the application and criminal records check will complete their screening process.
3. Additional screening procedures, such as reference checks and face-to-face interviews, are recommended for new applicants and existing employees and volunteers who have held their positions for less than two years.
4. Before being placed in a volunteer position that involves work with or ministry to minors, volunteers should be registered members of the parish for at least six months. After consultation with the Archdiocesan Chancellor, exceptions in extraordinary circumstances may be made by the pastor or principal.



5. Church personnel who transfer from one parish or school within the Archdiocese to another parish or school within the Archdiocese may request that their Church personnel application be transferred to the new parish or school. The six-month wait will not apply to these transfers.

## **F. Standards of the Archdiocese as to Training for Church Personnel who Work with Minors**

1. Church personnel shall review the Policies on Professional and Ministerial Conduct and read and sign an agreement to abide by the Archdiocesan Code of Ethics (see Appendix B).
2. Church personnel who work with minors must participate in training, as soon as possible but no later than three months after they assume the position, that addresses their role in protecting minors in the Archdiocese. Failure to participate in such training as provided by the Archdiocese may lead to termination.

## **G. Standards of the Archdiocese as to Supervision of Programs that Involve Minors**

1. Parents have a right to observe programs and activities in which their children are involved. However, parents who desire to participate in or have continuous, ongoing contact with their child's programs in the Church shall fulfill the requirements of the volunteer application process as stated in this Section.
2. Programs for minors shall be sponsored or administered by at least two adults.
3. Church personnel under the age of 21 shall work under the direction of an adult (age 21 or older) supervisor.
4. Church personnel in leadership roles shall be aware of all programs for minors that are sponsored by their parish or school. A list of these programs shall be maintained in the central office and include activities, purpose, sponsors or coordinators of the programs, meeting times and locations. Leaders shall regularly examine these programs and consider whether they have adequate supervision.
5. All new programs for minors must be approved in writing by the pastor and/or principal.



## **VIII. Reporting of Incidents, Allegations and/or Concerns**

Church personnel shall report violations of the Policies on Professional and Ministerial Conduct.

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

1. Church personnel shall comply with the reporting requirements under the Memorandum of Understanding (see Section VIII.D. below) by immediately contacting the MOU Liaison (contact information on page 2) if there is any indication that the crimes listed in the MOU are being or have been committed.
2. If there is an indication of any other illegal actions by Church personnel, Church personnel shall notify the police or other civil authorities immediately. After contacting civil authorities, Church personnel shall notify the Archdiocese. Contact information is on page 2 of these policies.
3. Actions of Church personnel that may constitute immoral conduct, harassment, sexual harassment or exploitation, shall be reported to one of the following:
  - a. The pastor of the parish;
  - b. The principal of the school; or
  - c. The Archdiocesan Chancellor (Contact information is on page 2 of these policies).
4. If there are questions about the applicability of these policies, consult the Archdiocesan Chancellor. Contact information is on page 2 of these policies.
5. If infractions of Archdiocesan policy are confirmed, Church personnel will be subject to disciplinary action up to and including termination. Disciplinary action will follow procedures outlined in Section IX of these policies.

### **B. Reporting of Suspicious or Inappropriate Behavior with Minors**

1. If Church personnel observe any suspicious or inappropriate behaviors with minors on the part of other Church personnel, they shall immediately report their observations.
2. If at any point in gathering information about suspicious or inappropriate behavior, a concern arises that there is a possibility of abuse of a person currently a minor, the New Jersey Division of Youth and Family Services shall be contacted immediately. DYFS maintains a 24-hour child abuse hotline at 1-800-792-8610. See Section VIII.C. below for additional procedures in the event that there is a suspicion of abuse of minors.
3. Church personnel shall comply with the reporting requirements under the Memorandum of Understanding (see Section VIII.D. below) by immediately contacting the MOU Liaison (contact information on page 2) if there is any indication that the crimes listed in the MOU are being or have been committed.



4. Inappropriate behaviors or policy violations that relate to interactions with minors also shall be reported to the following:
  - a. The pastor of the parish;
  - b. The principal of the school; or
  - c. The Archdiocesan Chancellor (Contact information is on page 2 of these policies).
5. If there are questions about the applicability of these policies, consult the Archdiocesan Chancellor. Contact information is on page 2 of these policies.
6. When suspicious or inappropriate behaviors are reported to a pastor or a principal, he or she shall gather additional information about the nature of the concern and contact the Archdiocesan Chancellor for consultation. Regardless of the outcome of initial information gathering, a Notice of Concern (See Appendix C) shall be completed and sent to the Chancellor.
7. If at any point policy violations with minors are confirmed, Church personnel shall be subject to disciplinary action up to and including termination. Disciplinary action will follow procedures outlined in Section IX of these policies.

### **C. Reporting Abuse of Minors**

1. In accordance with New Jersey law, any citizen who has cause to believe a minor may have been or is being abused is required to report his or her suspicions to the New Jersey Division of Youth and Family Services. DYFS maintains a 24-hour child abuse hotline at 1-800-792-8610. The Notice of Concern form (See Appendix C) shall be used to maintain documentation of the report.
2. In addition to reporting to the New Jersey Division of Youth and Family Services, Church personnel shall immediately report any suspected or known abuse of minors to the Liaison under the Memorandum of Understanding. See Section VIII.D. below for information about the MOU and page 2 for Liaison contact information.
3. In addition to reporting to the New Jersey Division of Youth and Family Services and the MOU Liaison, Church personnel shall report any suspected or known abuse of minors that may have been perpetrated by Church personnel directly to the Archdiocese. Reports of suspected or known abuse may be made confidentially (unless otherwise required to be disclosed by canon law) to any of the following:
  - a. The pastor of the parish;
  - b. The principal of the school; or
  - c. The Archdiocesan Chancellor (contact information is on page 2 of these policies).
4. The Archdiocese will cooperate fully with investigations by all civil authorities.



5. During investigations by civil authorities or preliminary investigations by the Archdiocese, the Church personnel who is the subject of the investigation will be temporarily removed from Church responsibilities and duties in appropriate cases.
6. Archdiocesan investigations will be documented. Documentation of Archdiocesan investigations will be stored in the appropriate personnel file(s).
7. If an infraction of these policies with regard to the abuse of a minor is confirmed, Church personnel will be subject to termination in accordance with Section IX.B.4. In cases where abuse of a minor is alleged against a cleric, the provisions of universal and particular ecclesiastical law will govern the preliminary investigation and any subsequent actions or processes.

## **D. Reporting Obligation of Archdiocesan Employees**

1. **Pursuant to a Memorandum of Understanding (“MOU”) between the Archdiocese of Newark and New Jersey State’s County Prosecutors, employees of the Archdiocese are required to report immediately certain crimes to the MOU Liaison.**
2. The name of the MOU Liaison and contact information are provided on page 2.
3. For purposes of the MOU reporting obligation, an employee is “any person who is employed by [the Archdiocese] . . . or a subdivision thereof in any activity under the auspices of [the Archdiocese] . . . or the subdivision.” For purposes of the MOU, an “employee” includes any clergy or anyone working in an Archdiocesan school, parish or the chancery. It does not include employees of any health care or skilled nursing facility, college or university owned or operated under the auspices of the Archdiocese. If there is any doubt as to whether an individual is an “employee” subject to the MOU reporting obligation, the individual should consult his/her supervisor or the Archdiocesan Liaison.
4. The MOU reporting obligation applies to employees when they are engaged in activities as employees or acting as representatives of the Archdiocese. If in doubt as to whether the policies and procedures apply in a given situation, the employee should err on the side of assuming that they do apply.
5. The MOU reporting obligation is in addition to any other reporting obligation noted in Sections VIII. A. B. and C. above.
6. Crimes that must be reported under the MOU include the following:
  - a. Sexual assault and aggravated sexual assault;
  - b. Criminal sexual contact and aggravated criminal sexual contact;
  - c. Child abuse, including any act that endangers the welfare of a child. This would include:
    - i) sexual conduct that would impair or debauch the morals of the child,



- ii) the offense of photographing or filming a child engaged in a prohibited sexual act,
- iii) the offense of distribution of child pornography,
- iv) the offense of knowing possession or viewing of child pornography,
- v) the offense of luring or enticing a child into a motor vehicle, structure or isolated area, or to meet or appear at any other place, with a purpose to commit a criminal offense with or against the child, and
- vi) the offense of lewdness (the exposure of one's intimate parts for the purpose of arousing or gratifying the sexual desire of the actor or of any other person) where the offense involves a victim who at the time of the offense was less than 18 years of age.

If an employee is in doubt as to whether certain conduct is a reportable crime under the MOU, he/she should err on the side of reporting the conduct.

7. Each of these crimes is more specifically defined in New Jersey State law. If you have any question as to whether certain conduct falls under one of the above categories and must be reported, please contact the MOU Liaison (contact information is on page 2 of these policies).
8. If an Archdiocesan employee has received or discovered information which causes him/her to believe that a minor has been, is, or is about to be kidnapped, the employee must immediately notify the local police department by calling the 9-1-1 emergency telephone number.
9. Archdiocesan employees must report any crime listed under the MOU when they are notified by an individual known to the employee or by any other individual in person that he or she is a victim of such a crime or claims to be the parent, guardian or legal custodian of an individual alleged to be the victim of such a crime.
- 10. The employee must report suspected crimes under the MOU even if the alleged victim, the alleged victim's parent or legal guardian (if the alleged victim is under 18 years of age) or the person providing information about the crime does not agree to such reporting.**
11. The employee must try to obtain and report to the MOU Liaison all relevant information with respect to the incident or incidents at issue including, but not limited to:
  - (a) the name, address and age of the victim;
  - (b) in the case of a victim under 18 years of age, the name and address of the victim's parent, guardian or other person having custody and control of the victim;
  - (c) the nature and extent of any injuries suffered by the victim, including information concerning any previous injuries or abuse;
  - (d) the identity and present whereabouts of the person suspected of committing the offense; and
  - (e) any other information that may be helpful with respect to a full and prompt investigation of the matter.



12. The parties to the MOU intend and expect that all information that is ultimately forwarded to a county prosecutor will be kept strictly confidential and will only be used for law enforcement investigative purposes.



## IX. Disciplinary Action

### A. Standards of the Archdiocese

1. When Church personnel conduct does not meet the standards of the Policies on Professional and Ministerial Conduct, it is the responsibility of supervisors to address the problem(s) in a timely and equitable manner. The procedure may include four steps: 1) Counseling, 2) Formal Warning, 3) Probation and 4) Termination.
2. Degrees of discipline are generally progressive and are used to ensure that Church personnel have an opportunity to correct their performance. However, there is no set standard on how many, if any, formal warnings must be given prior to probation or prior to termination. The Archdiocese reserves the absolute and sole discretion to determine what form of discipline is appropriate for any misconduct.
3. All documents associated with disciplinary action are to be retained in the personnel file of the Church personnel. Documents should also be forwarded to the Archdiocesan Chancellor. (Contact information is on page 2 of these policies.)
4. Procedures for discipline of clergy will be consistent with these policies and the appropriate norms of canon law defined in the Supplementary Norms for Clergy.

### B. Types of Discipline

1. Counseling. Many conduct deficiencies are identifiable and can be addressed and resolved through informal counseling between the supervisor and the Church personnel. Effective counseling may include the following:
  - a. Clear identification of the problem with specific examples.
  - b. A mutually agreed upon action plan to resolve the problem.Documentation of the counseling and communication shall be stored in the personnel file of the individual who receives counseling.  
All documentation shall also be forwarded to the Archdiocesan Chancellor immediately. (Contact information is on page 2.)
2. Formal Warning. Formal Warnings may be initiated when 1) counseling fails to resolve the problem, or 2) the problem is of such a serious nature that immediate and formal resolution is required.
  - a. Formal Warnings shall follow the format provided in the Formal Warning document (see Appendix D).
  - b. Formal Warnings shall be presented at a meeting with the supervisor.
  - c. Church personnel shall be required to sign the Formal Warning document.
  - d. Formal Warning documents and all accompanying materials shall be stored in the personnel file of the individual who receives the warning.



- e. All documentation shall also be forwarded to the Archdiocesan Chancellor immediately. (Contact information is on page 2.)
3. Probation. Probation may be initiated when a warning process has not succeeded or when the misconduct is such that a second infraction would clearly warrant termination.
- a. The probation process consists of the same elements as the formal warning process with an emphasis on the fact that failure to meet the conditions of the probation will result in termination if significant improvement is not demonstrated consistently in the probation period (typically 30 days).
  - b. At the successful conclusion of probation, Church personnel should be notified in writing that he or she is no longer in a probationary status.
  - c. All documentation pertaining to probation shall be stored in the personnel file of the individual who receives the probation.
  - d. All documentation shall also be forwarded to the Archdiocesan Chancellor immediately. (Contact information is on page 2.)
4. Termination.
- a. Termination may be administered under one of two conditions:
    - (i) Failure to improve conduct previously addressed through counseling, formal warning or probation; or
    - (ii) Serious and/or major offenses, to be determined at the discretion of the pastor, principal and/or bishop.
  - b. All documentation pertaining to termination shall be stored in the personnel file of the individual who receives the termination.
  - c. All documentation shall also be forwarded to the Archdiocesan Chancellor immediately. (Contact information is on page 2.)



## **X. The Church's Pastoral Response to Alleged Violations of these Policies**

### **A. Standards of the Archdiocese as to a Pastoral Response**

1. The Archdiocese shall respond to any allegation of a violation of the Policies on Professional and Ministerial Conduct.
2. The Archdiocesan Chancellor shall coordinate the investigation of any allegation. When applicable, the response to an allegation shall be conducted in conformity with the Policy of the Archdiocese of Newark in Response to Complaints of Sexual Abuse (available on the internet at [www.rcan.org](http://www.rcan.org) or by contacting the Office of the Chancellor as indicated on page 2).

### **B. Care of the One Who Reports an Allegation of Misconduct**

1. The Archdiocese will offer counseling services to the alleged victim of abuse. This assistance for an individual is provided in accordance with the Archdiocesan Counseling Assistance Policy and may vary with the circumstances of each allegation.
2. The Archdiocese shall inform the victim or other individual who made an allegation that it is responding to the allegation.
3. The Archdiocese will maintain confidentiality with respect to an allegation of a violation of these Policies to the extent possible. Information reported to the Archdiocese about inappropriate sexual behavior is kept confidential, except to the extent necessary:
  - a. to inform the accused of the allegation that has been reported against him/her, including the name(s) of the person filing the report (and the victim(s), if other than the person filing the report),
  - b. to comply with current laws and reporting agreements that the Archdiocese has reached with government prosecutors, and
  - c. to the extent necessary in connection with canonical proceedings with respect to clergy ministry, or civil or criminal litigation, if any.
4. The Archdiocese will not retaliate against any personnel who reports in good faith an allegation of misconduct.

### **C. Care of Church Personnel Accused of Misconduct**

1. The rights of the accused shall be taken into consideration throughout the investigation process. Every effort will be made to protect the interests of an individual who may be falsely accused.



2. During investigations of allegations, the accused may be removed from contact with alleged victims to ensure the integrity of the investigation and the safety of alleged victims during the information-gathering process. This action should in no way be interpreted as a presumption of guilt. If the information-gathering process produces no reason to remove the person from ministry, the accused Church personnel will resume his or her position as quickly as possible.
3. In the event that an allegation is founded and the accused is not permitted to resume ministry within the Archdiocese, the Archdiocese may offer pastoral care to the extent that is appropriate to the accused.
4. Any allegation of misconduct involving a priest or deacon shall be investigated in accord with canon law and the Policy of the Archdiocese of Newark in Response to Complaints of Sexual Abuse. The Archbishop, in reaching final decisions, shall be guided by the appropriate norms of canon law.
5. The accused shall be informed of an allegation and of any disciplinary action taken.

#### **D. Care of the Community Affected by Misconduct**

1. Information about an allegation against a member of the affected faith community (parish, school or other Archdiocesan agency) shall be provided in a pastorally appropriate manner, while respecting the privacy and confidentiality of the victim and the accused, and/or any applicable civil and canon laws.
2. The Archdiocese may provide pastoral care to the members of the affected faith community.

#### **E. Role of the Archdiocesan Communications Office**

1. The Communications Office shall work with Church personnel and the public to provide information that will increase the awareness and understanding of the need for ethics and integrity in ministry, especially in regard to the prevention, identification and treatment of child abuse and neglect.
2. The Communications Office shall provide information and support to parishes, schools and Archdiocesan offices on safe environment programs and on ongoing implementation of the Policies on Ethics and Integrity in Ministry.
3. Communications with an affected faith community (parish, school or other agency), the media and the broader Archdiocesan community shall be made at the appropriate time and shall be clear. These communications shall attempt to respect the confidentiality and privacy of all involved, in a manner that promotes collaboration in the community and in accord with any applicable civil and canon laws.
4. The director of the Communications Office shall work with the Archbishop, the Archdiocesan Chancellor and other appropriate Archdiocesan and/or parish personnel in



providing information to the staff of the affected faith community and the faith community when an allegation is made.

5. The director of the Communications Office shall be responsible for coordinating all contacts with the media. The staff of an affected faith community shall be made aware of the requirement to direct all media inquiries to the director of the Communications Office, and be provided with essential contact information for the director. The staff shall also contact the Communications director if they receive any media inquiries, to facilitate communication between the Archdiocese and the media. Media personnel shall always be given professional courtesy and receive a response from the Archdiocesan Communications Office.

Appendix A.

Archdiocese of Newark  
Application for Employees and Volunteers

**Main Application**

Name: \_\_\_\_\_  
Last First Middle

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

City/State/Zip: \_\_\_\_\_  
City State Zip

Time at Current Address: \_\_\_\_\_ years \_\_\_\_\_ months

Home Phone: \_\_\_\_\_  
Area Code Number

Work Phone: \_\_\_\_\_  
Area Code Number

Cell Phone: \_\_\_\_\_  
Area Code Number

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

If you are applying for employment, are you either a United States citizen or an alien authorized to work in the United States?  
Yes \_\_\_ No \_\_\_

**Archdiocese of Newark Questionnaire**

Type of Application: \_\_\_\_\_  
Employment Volunteer

Please check if applicable:

- \_\_\_\_\_ You are a member of the **clergy seeking service** in the Archdiocese
- \_\_\_\_\_ You are a **deacon aspirant**
- \_\_\_\_\_ You are a **seminarian**

Please indicate if you are:

- \_\_\_\_\_ A current employee or volunteer for this parish **or**
- \_\_\_\_\_ Not currently an employee or volunteer, but applying to become an employee or volunteer

What position do you currently hold (or for which you are applying)?

\_\_\_\_\_

What interests you about the position you currently hold (or for which you are applying)?

\_\_\_\_\_

\_\_\_\_\_

What has prepared you for the position that you currently hold (or for which you are applying)?

\_\_\_\_\_

\_\_\_\_\_

If you are applying as a volunteer, please specify your parish membership. If not a member, please leave blank:

Parish \_\_\_\_\_ City \_\_\_\_\_

If you are a member, please specify for how long: \_\_\_\_\_ years \_\_\_\_\_ months

### Residential History

\_\_\_\_\_ Check here if you have lived in your current residence for longer than 5 years. Do not complete the rest of this section.

Dates (mm/yyyy)	Street Address	City/State/Zip	Country
From _____ To _____			
From _____ To _____			
From _____ To _____			

### Employment History.

Start with current employer and indicate employment history for the last 5 years. If current employer, first "to" date will be current.

\_\_\_\_\_ Check here if you have no employment history.

Dates of Employment (mm/yyyy)	Company name And address (City, State, Zip)	Immediate Supervisor name & Phone Number	Position Held/Job Description	Reason for Leaving position
From _____ To _____				
From _____ To _____				
From _____ To _____				

### Educational History.

Should include high school and forward. If currently enrolled in program, last "to" date will be current.

\_\_\_\_\_ Check here if you have no educational history.

Dates (mm/yyyy) (Start with most recent)	School name and address (City, State, Zip)	Type of School	Name of Program or Degree	Program Completed?
From _____ To _____				
From _____ To _____				
From _____ To _____				

**Volunteer History.** Volunteer history should include 5 of your most recent activities. If you are still participating in a volunteer program, then indicate "to" date as current.

\_\_\_\_\_ Check here if you have no volunteer history.

Dates (mm/yyyy) (Start with most recent)	Organization City, State, Zip	Contact	Contact Phone Number	Position/Duties
From _____ To _____				
From _____ To _____				
From _____ To _____				
From _____ To _____				
From _____ To _____				

**Declarations**

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

\_\_\_\_\_ I declare that all statements contained in this application are true and that any misrepresentation or omission is cause for rejection of my application or dismissal from my ministry involvement.

\_\_\_\_\_ I hereby authorize the **Archdiocese of Newark** to conduct a personal and professional background check for the purposes of my application at the **Archdiocese of Newark**. The **Archdiocese of Newark** may contact any references, past and current employers, church, youth organizations, agencies where volunteer service has been completed, and any individual or organization which might be relevant to my desired position. I hereby release all of the above stated persons from any and all liability for damages that might occur during the **Archdiocese of Newark's** contact with the individuals for purposes of employment or volunteer services.

\_\_\_\_\_ I also hereby give complete permission for the **Archdiocese of Newark** to conduct a criminal background check, arrest records check, abuse registry check, and driving record check for the purposes of my employment or volunteer services, and agree to cooperate as necessary with the background screening process.

\_\_\_\_\_ I understand and agree that information may be obtained from sources that I provided above and that this information will be held confidentially by the **Archdiocese of Newark** and not revealed to me. I have also read and understood the above stated information within this release and am signing below of my own free will.

\_\_\_\_\_ I understand that a criminal background check may be conducted prior to and during my service. I authorize investigations of all statements contained in the application.

\_\_\_\_\_ I agree to observe all of the **Archdiocese of Newark** guidelines and policies for the program in which I am applying.

\_\_\_\_\_ I understand that the **Archdiocese of Newark** has a ZERO TOLERANCE FOR ABUSE and takes all allegations of abuse seriously. I further understand that the **Archdiocese of Newark** cooperates fully with the authorities to investigate all cases of alleged abuse. Abuse of minors or vulnerable adults is grounds for immediate dismissal and possible criminal charges.

\_\_\_\_\_ I understand that I can withdraw from the application process at any time.

\_\_\_\_\_ I understand and agree that false statements and/or omissions regarding past conduct and/or present situations may be grounds for denial of the application to provide employment and/or volunteer services and that refusal to inform the **Archdiocese of Newark** of the contents of a sealed criminal record will result in the automatic denial of the application.

\_\_\_\_\_ My signature indicates that I have read and understand the above. **Do not sign until you have read and initialed the above statements.**

**Applicant Signature** \_\_\_\_\_ **Date:** \_\_\_\_/\_\_\_\_/\_\_\_\_

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

**Screening Staff Member Signature:** \_\_\_\_\_ **Date:** \_\_\_\_/\_\_\_\_/\_\_\_\_

**Selected Sites**

Please indicate the city and the name of the parishes/schools with which you would like this application to be registered.

City Where Parish is Located	Name of Parish/School



**Appendix B.**

**Archdiocesan Code of Ethics**

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

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

Church personnel shall provide an environment that is free from harassment.

Church personnel shall not take advantage of a counseling, supervisory and/or authoritative relationship for their own benefit.

Church personnel shall not abuse or neglect a minor or an adult.

Church personnel shall share concerns about suspicious or inappropriate behavior with their pastor, their principal, or the Archdiocesan Chancellor.

Church personnel shall adhere to the requirements of the law of the State of New Jersey and the Memorandum of Understanding, described in Section VIII.D. of the Policies on Professional and Ministerial Conduct, regarding the reporting of any suspected abuse of a minor.

Church personnel shall accept their personal responsibility in the protection of minors and adults from all forms of abuse.

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**Acknowledgement**

I have read and I understand the Policies on Professional and Ministerial Conduct adopted by the Archdiocese of Newark on October 15, 2003. I voluntarily agree to abide by these policies and conduct myself in complete accordance with them.

Please Print

Date \_\_\_\_\_

Name \_\_\_\_\_

Position \_\_\_\_\_

Signature \_\_\_\_\_

Name of Parish, School or Other \_\_\_\_\_

City \_\_\_\_\_

Daytime Phone \_\_\_\_\_



**Appendix C.**  
**Confidential Notice of Concern**

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Date of occurrence: \_\_\_\_\_

Time of occurrence: \_\_\_\_\_

***Type of Concern:***

\_\_\_\_\_ Harassment

\_\_\_\_\_ Exploitation

\_\_\_\_\_ Policy violation with a minor

\_\_\_\_\_ Possible risk of abuse

\_\_\_\_\_ Known or suspected abuse.

Has this been reported to NJ DYFS at 1.800.792.8610 and/or police?

If yes, Report # \_\_\_\_\_ Time/Date of Report \_\_\_\_\_

\_\_\_\_\_ Other concern: \_\_\_\_\_

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

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Has this situation ever occurred previously? \_\_\_\_\_

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

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

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Submitted by: \_\_\_\_\_ Telephone number: \_\_\_\_\_

Location and address: \_\_\_\_\_

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

Reviewed by: \_\_\_\_\_ (Chancellor's signature)



**Appendix D.**  
**Formal Warning Document**

Church personnel name: \_\_\_\_\_

Position: \_\_\_\_\_

***Purpose:***

\_\_\_\_\_ Formal Warning

\_\_\_\_\_ Probation

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

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

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

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

Statement of diocesan policy on the subject:

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

Summary of corrective action to be taken by Church personnel:

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

Consequences of failure to complete and maintain corrective action:

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

Corrective action to be completed by: \_\_\_\_\_ (often 15 to 30 days from date of this document)

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

Signature of Church personnel: \_\_\_\_\_ Date \_\_\_\_\_