Exhibit IV
to the
Archdiocese of Denver Pastoral Handbook

CODE OF CONDUCT

Revised effective July 1, 2020
ver. 1. 3

Archdiocese of Denver

Summary of Past Sexual Misconduct Policies / Codes of Conduct

1991 Archdiocese of Denver Sexual Misconduct Policy
Comment: see also March 20, 2002 *Denver Catholic Register* Archbishop's Column, p.2

2002 Archdiocese of Denver Sexual Misconduct Policy

2003 Archdiocese of Denver Code of Conduct
Comment: policy name changed to "Code of Conduct" with expansion of concepts

2011 Archdiocese of Denver Code of Conduct
Comment: revised Nov 2, 2010; eff. January 7, 2011

2015 ver 1.1 Archdiocese of Denver Code of Conduct
Comments: (i) after considerable revisions to the 2011 document, the 2015 document was reissued and numbered "ver 1.1"; (ii) due to the extent of the revisions, re-execution of the document by Church Workers was mandatory; (iii) this version was translated into Spanish

2017 ver 1.1 Archdiocese of Denver Code of Conduct
Comments: (i) maintained numbered ver 1.1 to minimize confusion due to the fact that the only edit was the addition of a newly erected Ecclesiastical Organization (*Frassati Catholic Academy* – visible when the AoD Pastoral Handbook was reposted online effective July 1, 2018; (ii) translated into Spanish

2018 ver 1.2 Archdiocese of Denver Code of Conduct
Comments: (i) renumbered ver 1.2 due to the addition of two new Ecclesiastical Organizations entities (*Annunciation Heights* and *Seeds of Hope of Northern Colorado, Inc*.), and due to the correction of minor typographical errors throughout; (ii) because edits were comparatively minor, this ver 1.2 was NOT reissued for re-execution by all Church Workers; (iii) translated into Spanish

2020 ver 1.3 Archdiocese of Denver Code of Conduct
Comments: (i) renumbered ver 1.3 due to: (a) the addition of new sections addressing Church finances, Disqualifying Offenses, and the Archdiocese's Sex Offender Policy; (b) edits in the sections addressing investigations and the newly named "Review Board" (formerly the "Conduct Response Team"); (c) the addition of the section on the Catholic Bishop Abuse Reporting Service; and (d) changes in select personnel titles and general clean-up edits; (ii) due to the extent of the revisions, re-execution of the document by Church Workers was mandatory; (iii) translated into Spanish

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NOTE

APPENDIX E to this **CODE OF CONDUCT** is an ***ACKNOWLEDGMENT OF RECEIPT & AGREEMENT***

All Church Workers are to acknowledge in writing that they have received and reviewed this Code of Conduct.

By executing the *Acknowledgment of Receipt & Agreement*, Church Workers are confirming that they understand and agree to act in conformity with the contents of this Code of Conduct.

After receiving and thoroughly reviewing this document, Church Workers are to promptly return their signed *Acknowledgment of Receipt & Agreement* form to their supervisor.

INTRODUCTION

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

Our behavior toward one another is at the essence of discipleship. It is in this light that this Code of Conduct (hereinafter referred to as either the "**Code**" or the "**Code of Conduct**") is presented to the Faithful of the Archdiocese of Denver. The intent is to reinforce our Lord's commandment to love one another through certain practical principles and guidelines.

As members of the Church founded by Christ[1], those who minister must always seek to uphold Christian values and conduct.[2] As good citizens and responsible members of society, we must endeavor to act properly at all times, obey all laws which seek the common good and employ morally licit means to attain the common good. As followers of Jesus, we are all called to live the Gospel and its mandates.[3]

This Code of Conduct does not presume to provide the answers to all ethical questions facing us; rather, it establishes a set of general principles, ethical standards and mandatory protocols for life and ministry that we must abide by, and thereby helps to delineate boundaries by which ethical questions can be evaluated. It is also intended that this Code will stimulate discussion within the Church community in order to broaden consensus on standards of practice and to further refine them. As well, it requires accountability from Church Workers who fail to abide by its terms.

Responsibility for adherence to this Code rests with each of us. If there is a failure to adhere to its contents, appropriate remedial action will be taken, including, but not limited to, termination.

Our public and private conduct has the potential to inspire and motivate people, as well as the potential to scandalize and tear down their faith. We must be aware of the responsibilities that accompany our work. God's goodness and grace supports us in our work and ministries.

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[1] Codex Iuris Canonici [1983] ("CIC"), cc. 208; 209.

[2] CIC, c. 210.

[3] CIC, cc. 223; 227.

ENTITIES AND INDIVIDUALS SUBJECT TO THIS CODE OF CONDUCT

This **CODE OF CONDUCT** applies to all **Church Workers** (defined below) of the following entities:

- the **Archdiocese of Denver**, that public juridic person[4] established by the Holy See, and a Colorado corporation sole;
- the **Catholic Parishes** and their **missions** located within the territory of the Archdiocese of Denver, which are public juridic persons[5] erected by the Archdiocese, and some of which have been incorporated as Colorado corporations sole (note: parish schools are not separate entities but are ministries of their respective parish); and
- the following related "**Ecclesiastical Organizations**":

○ Annunciation Heights	○ Frassati Catholic Academy
○ The Archdiocese of Denver Management Corporation	○ Holy Family High School
○ Archdiocese of Denver Mortuary at Mount Olivet, Inc.	○ The Mount Olivet Cemetery Association
○ Bishop Machebeuf High School	○ Redemptoris Mater House of Formation
○ Camp St. Malo Religious Retreat & Conference Center, Inc.	○ Saint John Vianney Theological Seminary
○ Catholic Charities of the Archdiocese of Denver	○ Seeds of Hope of Northern Colorado, Inc.
○ Family of Nazareth	○ St. Simeon Cemetery Association

NOTE
The above three categories of entities (the Archdiocese, the Catholic Parishes and their missions, and the Ecclesiastical Organizations) are referred to collectively in this Code of Conduct as the "**Archdiocesan Ecclesiastical Organizations**".

"Church Workers" are defined as consisting of the following individuals:

- all secular priests, religious priests, deacons, deacons in formation, retired priests and retired deacons who are performing ministry within the territory of the Archdiocese of Denver who have been granted faculties by the Archbishop;
- all Archdiocese of Denver seminarians;
- all paid employees of the Archdiocesan Ecclesiastical Organizations;
- all volunteers of the Archdiocesan Ecclesiastical Organizations whose duties include contact with Minors (note: for Archdiocese of Denver Catholic Schools, the Office of Catholic Schools may determine when a volunteer's duties include contact with Minors); [6]
- all consecrated lay individuals performing ministry within the Archdiocese with the permission of the Archbishop;
- all others who have read and have agreed to be bound by this Code.

[4] CIC, cc. 113; 116.

[5] CIC, c. 515.

[6] The words "Child(ren)" and "Minors" have the same meaning. Please see the definition of "Child(ren)" and "Minors"' in Part II: Section II of this Code.

PART I

STANDARDS OF MINISTERIAL BEHAVIOR AND BOUNDARIES

Relationships among people are the foundation of Christian ministry and are central to Church life. Defining what constitutes a safe relationship is not meant to undermine the strength and importance of personal interaction or the ministerial role. Rather it is designed to assist all who fulfill the many roles that make up the living Church to demonstrate their love for people (children and adults alike) sincerely, prudently, and by means that result in healthy relationships.

The following delineates the required conduct of every individual who falls within the definition of "Church Worker" (see the previous page for the definition of "Church Worker"). **All Church Workers are to carefully consider each General Principle and each Ethical Standard listed below before agreeing to adhere to this Code and continuing in service to the Archdiocesan Ecclesiastical Organizations.**

I. GENERAL PRINCIPLES. Five key principles form the basis of this Code. Specifically, Church Workers are to embrace the principles of *Ecclesial Commitment*, *Integrity*, *Respect for Others*, *Personal Well-Being* and *Professional Competence*.

A. Ecclesial Commitment. Church Workers shall embrace the teachings of Jesus and work to promote the Gospel.[7] Church Workers shall exhibit a deep commitment to the Church, and conduct themselves in a manner that is consistent with the Church's discipline and teachings.[8] Loyalty to the traditions of the past, attentiveness to the realities of the present, and readiness/preparedness for challenges of the future should be evident. Church Workers are responsible for providing for and nurturing the life of their respective parish community, especially its sacramental life. Church Workers shall evidence a commitment to their community at large and a special care and concern for the needs of society's poor and oppressed. Church Workers shall address community social concerns by active reflection on Catholic teachings, and shall share the spirit of ecumenism in their interactions with other community religious groups.[9]

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

C. Respect for Others. Church Workers shall respect the rights, dignity and worth of every human being. Church Workers shall respect each person as a creation of God without regard to his/her economic status or degree of participation in parish life. Church Workers shall refrain from physically, spiritually, sexually, emotionally intimidating and/or otherwise abusing persons of any age in any manner. Church Workers shall strive to be aware of cultural differences and appreciate the opportunities that ethnic diversity brings. Church Workers shall be aware that issues of age, gender, race, religion, physical, mental and developmental disabilities, and language influence how the message of the Gospel is received and interpreted.

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[7] CIC, c. 217.

[8] CIC, c. 225 § 2.

[9] CIC, c. 227; c. 229 § 1.

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

1. *Spiritual Well-being*. Church Workers have a duty to stay attuned to their own spiritual health. They shall maintain and nurture an ongoing prayer life. If appropriate, regular meetings with a spiritual director are encouraged, as are retreats and days of reflection.

2. *Intellectual Well-being.*[10] Church Workers have a responsibility to attend to their ongoing intellectual development. To the extent possible, they shall participate annually in seminars and workshops in areas that are relevant to their current ministry. Church Workers shall stay informed of current issues through reading of both religious and secular sources. Archdiocesan instruments and procedures should be used where these exist. Church Workers shall make use of the time and funding provided for ongoing formation.

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

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

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

II. ETHICAL STANDARDS IN PROFESSIONAL RELATIONSHIPS AND IN JOB DUTIES.

A. **Church Administration.** Church Workers shall exercise just treatment of others in the day-to-day administrative operations of their ministries.

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

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

3. Church Workers shall exercise responsible stewardship of all Church resources, in accordance with Church law, inclusive of the particular law of the Archdiocese of Denver to the extent applicable (see, e.g., the Archdiocese of Denver Pastoral Handbook).

4. Church Workers shall ensure that systems are in place to protect both the Church and individuals from financial mismanagement. Financial operations are to be conducted according to Archdiocese of Denver policies to the extent applicable (see, e.g., the Archdiocese of Denver Pastoral Handbook).

[10] CIC, 229 § 1.

5. Administrative decisions made by Church Workers shall not only meet civil and canon law obligations, but shall also reflect Catholic teachings to the extent applicable.

6. Church Workers whose duties include working with Church finances, on any level, shall at all times adhere to the following conduct:

   (a) To the extent possible, provide those to whom Church Workers report, or must be responsive to, with information that is accurate, complete, objective, fair, relevant, timely and reasonably understandable, whether submissions of financial data are to local or diocesan finance committees, or governments or other public bodies.
   (b) Comply with all applicable federal, state, and local rules and regulations, and other relevant private bodies and public regulatory agencies.
   (c) Act in good faith, responsibly, with due care, competence and diligence, and without intentionally misrepresenting facts or allowing the Church Worker's independent judgment to be subordinated if the Church Worker reasonably concludes that a difference of opinion creates a significant threat to the Church Worker's integrity and objectivity.
   (d) Maintain the confidentiality of information acquired in the course of a Church Worker's work except when disclosure is properly authorized or otherwise represents a legal obligation.
   (e) Not use confidential information acquired in the course of the Church Worker's work for personal advantage.
   (f) Not coerce, manipulate, mislead or unduly influence any audit/ investigation or interfere with any auditor/ investigator engaged in the performance of an internal or independent audit/ investigation of Church systems, whether they be of internal controls, financial statements or accounting books and records.
   (g) Achieve responsible use, control, and stewardship over all Church assets and resources that are employed or entrusted to the Church Worker.

B. <u>Conduct with Minors/Children</u>.[11]

1. Church Workers working with Minors shall use appropriate judgment to ensure trusting relationships marked by personal and professional integrity, and interaction is age appropriate.

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

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

   (c) Clerics[12] bound to celibacy[13] are prohibited from adopting Children, from serving as foster parents, from hosting foreign exchange students and, generally, from providing overnight accommodations for Minors in rectories or other personal residences. The only exception to providing overnight accommodations to a Minor is when the Minor is a family member

[11] The words "Child(ren)" and "Minors" have the same meaning. Please see the definition of "Children" and "Minors"' in Part II: Section II.

[12] On the canonical juridical status of clerics and special obligations and rights, CIC, cc. 273-289.

[13] CIC, c. 277.

(nephew, cousin, etc.) accompanied by a parent or guardian. Further, a Minor who is not a family member of the priest resident is not permitted as a guest in a parish rectory unless a parent or guardian is present (see Pastoral Handbook, Ch. 2.2.8).

(d) Church Workers shall not supply alcohol, illegal drugs or other intoxicants to Minors.

(e) Church Workers shall not provide any sexually explicit, inappropriate, or offensive material to Minors. Topics, vocabulary, recordings, films, games, computer software, or any other forms of personal interaction or entertainment that could not be used comfortably in the presence of parents must not be used with Minors.

(f) Church Workers shall know and understand Archdiocese of Denver policies and procedures concerning allegations of Sexual Misconduct involving Minors (see Part II of this Code entitled "Policy Regarding Sexual Misconduct and Child Abuse").

(g) Church Workers will be held to a policy of zero tolerance in regard to substantiated sexual abuse of Minors (see Part II of this Code entitled "Policy Regarding Sexual Misconduct and Child Abuse").

(h) Engaging in physical discipline of a Minor is unacceptable. Discipline situations are to be handled according to the applicable policies of the Archdiocesan Ecclesiastical Organization (see, e.g., Office of Catholic Schools Administrator Manual).

(i) Church Workers shall not be alone with Minors in areas inappropriate to a ministry relationship.

(j) Church Workers are prohibited from taking overnight trips alone with a Minor who is not a member of their immediate family.

(k) Church Workers shall never share beds with anyone except their spouse or their own Children. If attending a Church event that requires a stay in a hotel, the adult shall never sleep in a room alone with a single Child unless that Child is their own. If it is determined that adult supervision is needed for a number of Minors staying overnight in a room, Church Workers shall do their best to notify parents/guardians of this need prior to the event, and where possible, more than one adult is to stay in the room with the Minors (see also the Office of Catholic Schools Administrator Manual for more explicit requirements on this topic with regard to Catholic school related events; also see the chaperoning requirements, below, in section II.B.2.).

(l) Before a Church Worker administers medication to a Minor, a signed authorization must be obtained from the parent or guardian (proper certification required as well, consistent with state law and associated regulation). If administration is occurring in a Catholic school, administration of medication must be done consistent with the provisions of the Office of Catholic Schools Administrator Manual.

(m) If inappropriate personal or physical attraction develops between a Church Worker and a Minor, the adult is responsible for maintaining clear professional boundaries.

(n) If one-on-one pastoral care of a Minor should be necessary, Church Workers shall avoid meeting in isolated environments. Meetings should be scheduled at times and locations that provide for clear accountability. Limit both the length and number of sessions, and make appropriate referrals. Notify parent(s)/guardian(s) of the meetings.

(o) Adults shall never observe a Minor's intimate parts where there is an expectation of privacy on the part of the Minor. Taking photos of Minors while they are unclothed or in the process

of dressing is strictly prohibited (see Part II of this Code of Conduct entitled "Policy Regarding Sexual Misconduct and Child Abuse/Neglect").

(p) Unless it is either (i) part of approved school curriculum, or (ii) a minor portion of a lengthy presentation/discussion on all manner of topics (the presenter is to use reasoned discretion in assessing what constitutes "minor portion"), Church Workers are to send a communication to parents/guardians prior to any scheduled session addressing human sexuality. Parents/guardians shall then have the option to withdraw their Child from the scheduled activity. This requirement does not apply to school curriculum in Catholic schools that has been mandated by the Archbishop of Denver or is otherwise required by the Office of Catholic Schools (e.g., Theology of the Body).

(q) In the event that unscheduled or otherwise impromptu discussions occur with Minors that address human sexuality, or that address any other controversial issue, Church Workers shall use reasoned discretion with regard to the extent to which such discussion should continue. To the extent they are relevant, Church Workers have the obligation of teaching and advocating Church doctrine, which is contained in the *Catechism of the Catholic Church* or in other authentic teaching documents of the Catholic Church.

(r) Dress shall always be in keeping with modesty and Christian values.

2. Church Workers serving as chaperones and supervisors of Minors at Church group activities (trips/events, etc.) shall act to promote a safe environment for themselves and for Minors.

(a) During all activities, the number of chaperones shall be sufficient for the type of activity that is taking place (please refer to the Office of Risk Management and/or Office of Catholic Schools Administrator Manual (as applicable) for the appropriate adult to Minor ratio and related guidance; note: ratios are to be determined by gender in the event of overnight activities).

(b) Facilities shall be monitored during all organization activities.

(c) Children may be released only to a parent, guardian, or other person who has been authorized to take custody of them. A chaperone/supervisor must remain on-site to ensure that all Children have appropriate transportation.

(d) Parental/guardian approval shall be obtained, including a signed authorization form, before permitting Children to participate in trips, athletic events or any other activity that involves potential risk.

(e) Dress shall always be in keeping with modesty and Christian values.

(f) An accountability system, similar to a "buddy system," shall be used whenever Minors go on trips away from the original location of the activity. However, chaperone/supervisors shall also be sensitive to boundaries involved with personal sharing times and privacy needs.

(g) Only qualified adult drivers may transport Minors. Appropriate permission shall be received and all applicable insurance forms and motor vehicle record checks shall be completed and approved pursuant to the Archdiocese of Denver's Office of Risk Management protocols and procedures.

(h) Consumption of alcohol during Church group activities where Minors are present is not encouraged, and in certain instances may be prohibited (please review the Office of

Catholic Schools Administrators Manual). If Church Workers determine alcohol may be served during Church group activities where Minors are present, Church Workers shall strictly adhere to the policies and protocols of the Archdiocese of Denver's Office of Risk Management regarding Liquor Liability Rules and Regulations. Church Workers are expected to act responsibly and well within the limits of the law with regard to alcohol consumption during Church sponsored/related events.

(i) The possession or use of illegal drugs is strictly prohibited, as is the misuse of intoxicants.

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

(k) While on trips, groups of Minors will be assigned a specific chaperone who will be responsible for supervising their behavior throughout the event.

(l) Chaperones/supervisors shall make arrangements each day to check in with those entrusted to their care.

(m) On any trip, information will be distributed to chaperones/supervisors for review with all participants to help familiarize them with the program schedule and layout of the facilities where event activities will take place. This is also a good time to be sure that Minors understand important safety information.

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

(o) During overnight activities, chaperones/supervisors shall establish and enforce an appropriate curfew.

(p) Chaperones/supervisors shall check rooms after curfew to ensure Minors are in their rooms and remain there.

(q) Depending on the size of the space, sleeping arrangements should generally never include members of the opposite sex being in the same room, unless they are immediate family members, or unless the space being utilized is of such a size that segregated quarters are unreasonable/unnecessary (e.g., multiple cots set up in a school gymnasium or similar facility; chaperones/supervisors must be present in the space at all times if group sleeping arrangements are organized).

(r) Adults shall not go anywhere during the event where youth may not accompany them (e.g. cocktail lounges, bars, etc.)

C. **Sexual Conduct.** Church Workers shall not exploit the trust of others for sexual gain or intimacy.

1. Church Workers shall never exploit a person for sexual purposes.

2. It is the personal and professional obligation of Church Workers to be knowledgeable about what constitutes sexual exploitation of another and to be familiar with the laws of the State of Colorado and its sexual assault laws and the contents of this Code of Conduct and its Part II entitled "Policy Regarding Sexual Misconduct and Child Abuse/Neglect" addressing sexual exploitation, sexual abuse, and sexual assault.

3. Church Workers should be knowledgeable of the State of Colorado Child Abuse/Neglect laws (see Appendix B to this Code) and know the proper reporting requirements. Church Workers shall comply

with all internal and external reporting requirements of Sexual Misconduct and Child Abuse/Neglect (see this Code, Part II: Policy Regarding Sexual Misconduct and Child Abuse/Neglect).

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

5. Any allegations of Sexual Misconduct or Child Abuse/Neglect will be taken seriously and shall be reported according to this Code of Conduct and its Part II entitled "Policy Regarding Sexual Misconduct and Child Abuse/Neglect."

D. Abuse and Exploitation of Minors and At-Risk Adults.

1. *Reporting of Sexual Misconduct and Child Abuse/Neglect*. In the State of Colorado, certain categories of people are required, as a matter of state law, to report **Sexual Misconduct** and **Child Abuse/Neglect** to civil law authorities (including "Clergy Members" unless a Priest has information secured through the Sacrament of Confession).

   Regardless of whether a Church Worker is a mandatory reporter of Sexual Misconduct and Child Abuse/Neglect under Colorado law, all Church Workers shall report incidents or suspected incidents of Sexual Misconduct and Child Abuse/Neglect as set forth herein. Please carefully review Part II and Appendix B of this Code for a thorough review of Sexual Misconduct and Child Abuse/Neglect reporting requirements.

2. *Reporting of Abuse and Exploitation of At-Risk Adults*.

   (a) In the State of Colorado, certain categories of people are required, as a matter of state law, to report actual abuse or suspected abuse of "**at-risk elders**" to the authorities (including "Clergy Members", unless a Priest has information secured through the Sacrament of Confession). Currently, "at-risk elders" are a subset of "at-risk adults", and specifically defined as adults that "are 70 years of age or older".

   Regardless of whether a Church Worker is a mandatory reporter under Colorado law of abuse of "at-risk elders", please note that all Church Workers are expected to report actual incidents or suspected incidents of abuse of "at-risk elders" to civil law authorities pursuant to this Code of Conduct. For guidance regarding mandatory civil law reporting requirements, please review Appendix C of this Code entitled "Colorado Elder Abuse and At-Risk Adult Abuse Reporting Requirements".

   (b) In the State of Colorado, certain categories of people are required, as a matter of state law, to report actual abuse or suspected abuse of "**at-risk adults with an intellectual and developmental disability**" to the authorities (including "Clergy Members", unless a Priest has information secured through the Sacrament of Confession). "At-risk adults with an intellectual and developmental disability" are specifically defined as "adults that are 18 years of age or older".

   Regardless of whether a Church Worker is a mandatory reporter under Colorado law of abuse of "at-risk adults with an intellectual and developmental disability", please note that all Church Workers are expected to report actual incidents or suspected incidents of abuse of "at-risk adults with an intellectual and developmental disability" to civil law authorities pursuant to this Code of Conduct. For guidance regarding mandatory civil law reporting requirements, please review Appendix C of this Code entitled "Colorado Elder Abuse and At-Risk Adult Abuse Reporting Requirements".

E. **Professional Behavior.** Church Workers shall act professionally at all times, Church Workers shall not engage in physical, psychological or verbal harassment of others, and Church Workers shall not tolerate such behavior by other Church Workers (see Appendix A of this Code for "Harassment Reporting Procedures").

1. Church Workers shall ensure/provide a professional work environment free from harassment.

2. Harassment encompasses a broad range of physical or verbal behavior, which can include, but is not limited to, the following: physical or mental abuse; racial insults; derogatory ethnic slurs; unwelcome sexual advances or touching; sexual comments or sexual jokes; requests for sexual favors used as a condition of employment such as hiring, promotion, or compensation; display of sexually offensive material, and observing another person's intimate parts when that person has a reasonable expectation of privacy.

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

4. Church Workers are to follow the established procedures for reporting of harassment and are to ensure that no retaliation for bringing forward a claim of harassment will be tolerated. Those procedures are set forth in Appendix A of this Code, entitled "Harassment Reporting Procedures".

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

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

2. Disclosure of all relevant factors can in some circumstances lessen the potential for a conflict of interest (please see the Archdiocese of Denver Pastoral Handbook – Conflict of Interest Policy and Gift Acceptance Policy).

PART II

POLICY REGARDING SEXUAL MISCONDUCT AND CHILD ABUSE/NEGLECT

I. STATEMENT OF POLICY. Sexual Misconduct and Child Abuse/Neglect by Church Workers is prohibited.

Note: For purposes of this Code of Conduct, the terms Sexual Misconduct and Child Abuse/Neglect include the concepts of Sexual Harassment, Child Sexual Assault, Child Pornography (all as defined below and further discussed in Appendix B, hereto).

Sexual Misconduct and Child Abuse/Neglect violate Christian principles and run contrary to the duties and responsibilities of all who are in service to the Church. The gravity of such behavior is compounded when it occurs while performing the work of the Church. All Church Workers shall comply with this "Policy Regarding Sexual Misconduct and Child Abuse/Neglect" and shall comply with all applicable federal and state laws pertaining to actual or suspected Sexual Misconduct or Child Abuse/Neglect. The Archdiocese is committed to preventing Sexual Misconduct and Child Abuse/Neglect and to responding with justice and compassion should misconduct occur.

What follows are descriptions of programs and procedures designed to (1) prevent Sexual Misconduct and Child Abuse/Neglect by Church Workers and the resulting harm to others, and (2) protocols that Church Workers must follow in responding to and reporting allegations of Sexual Misconduct or Child Abuse/Neglect.

II. DEFINITIONS.

A. **Child(ren)** or a **Minor** is generally understood under civil law to be a person under 18 years of age.[14] The terms "Child(ren)" and "Minor" are used interchangeably in this Code of Conduct.

B. **Child Abuse/Neglect** is any conduct that causes or attempts to cause an injury to a child's life or health; permits a child to be unreasonably placed in a situation that poses a threat of injury to the child's life or health; or engages in a continued pattern of conduct that results in malnourishment, lack of proper medical care, cruel punishment, mistreatment, or an accumulation of injuries to the child. **Child Abuse/Neglect includes neglect and emotional abuse.** Please see below for a thorough review of mandatory reporting of Child Abuse/Neglect to both the Archdiocese and to civil authorities.

C. **Child Pornography** is a form of Child sexual exploitation and is defined under federal law as any visual depiction of sexually explicit conduct involving a Minor (Colorado law defines it as any photograph, motion picture, video, recording or broadcast of moving visual images, print, negative, slide, or other mechanically, electronically, chemically, or digitally reproduced visual material that depicts a child engaged in, participating in, observing, or being used for explicit sexual conduct). Images of Child Pornography are also referred to as Child sexual abuse images. Federal and State law prohibits the production, distribution, importation, reception, or possess of any image of Child Pornography. A violation of Child pornography laws is a serious crime, and convicted offenders face severe statutory penalties.

D. **Child Sexual Assault** includes sexual molestation, sexual exploitation, or any other behavior, including the use of the internet or phone, by which an adult uses a Child as an object of sexual gratification; and the commission of a sexual offense against a Child as defined by civil or criminal law. Please see below for a

[14] For purposes of canon law, the *2018 USCCB Charter for the Protection of Children and Young People* and accompanying *2006 USCCB Essential Norms for Diocesan/Eparchial Policies Dealing with Allegations of Sexual Abuse of Minors by Priests or Deacons* include in the definition of "minor" . . . "a person who habitually lacks the use of reason", regardless of age. Please take note that for purposes of this Code of Conduct, Church Workers are to report to the authorities actual or suspected incidents of abuse of "at-risk adults" (which would reasonably include "a person who habitually lacks the use of reason"). For further discussion and explanation of reporting requirements, review Part I: Section D of this Code, and review Appendices B and C of this Code.

thorough review of mandatory reporting of Child Sexual Assault to both the Archdiocese and to civil authorities.

E. **Sexual Harassment** is any unwelcome sexual advance, request for sexual favors, and other verbal or physical conduct of a sexual nature when submission to or rejection of such conduct is used as the basis for employment decisions, or such conduct has the purpose or effect of unreasonably interfering with an employee's work performance or creating an intimidating, hostile, or offensive work environment. Sexual harassment does not refer to behavior or compliments of a socially acceptable nature; rather, it refers to behavior that, to a reasonable person, is unwelcome, that is personally offensive, lowers morale, and consequently interferes with work effectiveness. Sexual harassment can be verbal, non-verbal, or physical.

F. **Sexual Misconduct** is any sexual conduct involving a Church Worker and another individual of any age that is unlawful or contrary to the moral teachings of the Catholic Church. This includes Sexual Harassment of any individual, as well as sexual conduct directed at a Minor by a Church Worker. Please see below for a thorough review of mandatory reporting of Sexual Misconduct to both the Archdiocese and to civil authorities.

III. **PREVENTING SEXUAL MISCONDUCT.** The steps that the Archdiocese is taking to prevent Sexual Misconduct by Church Workers include the following:

A. **Education.** The Archdiocese has established its *Safe Environment Program* through its Office of Child and Youth Protection. The Office of Child and Youth Protection organizes education and training for all Church Workers, as well as education and training for all other individuals such as Minors, their parents and any other interested individuals/entities. Education and training focus on such subjects as the dynamics of Sexual Misconduct, and the impact of such misconduct on its victims. The purposes of the Safe Environment Program are to identify areas of concern, to otherwise maintain awareness regarding the safety of Children, and to provide training dedicated to the prevention of harm to Children.

With regard to Safe Environment Program Training for Church Workers:

1. Church Workers who are volunteers whose duties include contact with Minors ***shall complete*** Safe Environment Training ***prior*** to such contact. All other Church Workers shall attend Safe Environment Training within 90 days of the start date of their position with the Church.

2. Church Workers shall complete the Safe Environment Training Refresher Course every five (5) years.

Education alone cannot shape mature attitudes, nor will it necessarily change inappropriate sexual behavior, but education can nonetheless make a positive difference.

B. **Criminal Background Investigations.** As of September 27, 2002 (the first iteration of this Code of Conduct), all Church Workers were subjected to a criminal background check. Church Workers continue to be subject to comprehensive national criminal background checks at the time of their applying to serve the Church.

1. All applicants will be required to produce their date of birth and address for the purpose of conducting this criminal background check (this information will not be used in the interview/selection process and will be maintained in confidence and protected in full compliance with state and federal law). A copy of the completed application for employment or volunteer form shall be retained in the employee's personnel file or employer's volunteer file. The results of the criminal background check, along with all application forms, shall be kept in a separate file at the employee's or volunteer's principle place of employment or volunteerism. To the extent permitted by law, such files are confidential.

2. All other individuals that fall within the definition of "Church Workers" shall also be subject to a criminal background check.

3. Criminal background checks shall be re-run every five (5) years on every Church Worker.

C. **Disqualifying Offenses**.

1. No individual may serve with Minors in the Archdiocese if he or she has ever been convicted of any Disqualifying Offense, been on probation for or received deferred judgement and sentence or deferred prosecution for any Disqualifying Offense, or has presently pending any criminal charges for any Disqualifying Offense until a determination of guilt or innocence is made, including any person who is presently on deferred judgement and sentence or deferred prosecution.

2. The following are always Disqualifying Offenses and will always constitute grounds for denial, suspension, revocation, or annulment of an opportunity to work/volunteer with Minors in the Archdiocese:

   (a) felony child abuse

   (b) a crime of violence, as defined in Colo. Rev. Stat. §18-1.3-406

   (c) a felony offense involving unlawful sexual behavior

   (d) indecent exposure, as described in section Colo. Rev. Stat. §18-7-302

   (e) felony domestic violence

   (f) a felony drug offense

3. The above list is not comprehensive; other offenses may be deemed Disqualifying Offenses per the applicable facts and circumstances, as determined within the discretion of the Archdiocese exercised in the interest of protecting the health and safety of Minors.

D. **Sex Offender Policy for Parish Interaction**. Contact the Archdiocese's Office of Child and Youth Protection for the Archdiocese's policy on this topic.

IV. PORNOGRAPHY.

A. **Generally.** In relation to their work for the Church, Church Workers are prohibited from: possessing pornography; searching through employer owned technology for pornography; searching through employer owned technology for any topic related to sexually explicit material that is unrelated to any ministry project addressing the prevention/treatment of addictions; and, producing, distributing, collecting or viewing sexually explicit content on employer owned technology, or allowing anyone else to do so.

B. **Reporting of Child Pornography.** If a Church Worker encounters Child Pornography, they must report it to law enforcement; see the external and internal reporting procedures outlined below.

V. PROCEDURES FOR REPORTING SEXUAL MISCONDUCT AND CHILD ABUSE/NEGLECT. Church Workers shall comply with civil law with regard to reporting allegations of Sexual Misconduct or Child Abuse/Neglect and will cooperate with any investigation.

A. **General Reporting Requirements.** Under this Code of Conduct, there are two distinct types of reporting for suspected or known instances of Sexual Misconduct or Child Abuse/Neglect:

External reporting – external reporting involves notifying local law enforcement or the local department of social services of suspected instances of **Child Abuse/Neglect**.

Internal reporting – internal reporting provides notice to Archdiocesan officials of known or suspected instances of any **Sexual Misconduct** (no age limit) or **Child Abuse/Neglect** and allows the Archdiocese to investigate and, as appropriate, apply corrective measures.

NOTE: All Church Workers are mandatory reporters of Child Abuse/Neglect pursuant to this Code. Church Workers must immediately report any suspected instances of Child Abuse/Neglect to two different groups: first, report externally to the appropriate local civil authority; second, report internally to the appropriate office within the Archdiocese of Denver (see below for listing of such offices).

B. **Requirements of the Colorado Child Abuse/Neglect Reporting Law.** In accordance with this Code, ALL Church Workers MUST report allegations of Child Abuse/Neglect in strict compliance with the Colorado Child Abuse/Neglect reporting laws (please see Appendix B to this Code).

All Church Workers must remember:

1. *Child Abuse/Neglect Reports Must Be Made Promptly*. Suspected or known instances of Child Abuse/Neglect should be promptly reported to local law enforcement authorities or to the local department of social services in the county in which the Child resides. Further, each oral report must be followed immediately by a written report to the local law enforcement authority or the county department of social services.

2. *All Church Workers Have a Duty to Report Child Abuse/Neglect*. It is the policy of the Archdiocese of Denver that no Church Worker is exempt from the reporting requirements of the Colorado Child Abuse/Neglect reporting law, except for information received by a Priest secured through the Sacrament of Confession.

3. *Responsibility to Ensure Compliance with Reporting Child Abuse/Neglect.* Every supervisor shares the responsibility to ensure compliance with external and internal reporting requirements. Every supervisor to whom a report is made must confirm that the local department of social services or the local law enforcement agency and the Archdiocesan officials designated to receive these reports have been notified.

4. *Policies and Procedures for Student Reporting Child Abuse/Neglect*. In the case of Minors who are students at archdiocesan schools or at parish schools, the Superintendent of Catholic Schools is authorized to promulgate and disseminate procedures for students and parents/legal guardians who believe they have been subjected to Child Abuse/Neglect by any Church Worker for the reporting of such misconduct. Once such a report is received, the reporting and investigation procedures set forth below apply.

C. **External Reporting Pursuant to Colorado Child Abuse/Neglect Reporting Laws**. All Church Workers must report allegations of Child Abuse/Neglect in accordance with the Colorado Child Abuse/Neglect reporting laws (see Appendix B). A report to the Vicar for Clergy, to the Superintendent of Catholic Schools, to the Director of Human Resources, and/or to the Office of Child and Youth Protection, does not relieve any individual from the duty to report Child Abuse/Neglect to the civil authorities.

Reporting can be made to the following state-wide phone number:
1-844-CO-4-KIDS (1-844-264-5437)

Per the State of Colorado, this number is designed to provide one, easy-to-remember phone number for individuals to use state-wide to report suspected Child Abuse/Neglect. The hotline serves as a direct, immediate and efficient route to Colorado's 64 counties and two tribal nations, which are responsible for accepting and responding to Child Abuse/Neglect inquiries and reports. All callers will be able to speak with a call-taker 24 hours a day, 365 days a year. See also the website of the Archdiocese of Denver's Office of Child and Youth Protection: http://archden.org/child-protection

All Church Workers must remember the following:

1. *No Liability Arises from Reporting*. No one who reports a known or suspected incident of Child Abuse/Neglect shall be civilly or criminally liable for any report required by law, unless it can be proven that a false report was made and that the person knew that the report was false, or it was made with reckless disregard for the truth. No one should therefore fear for his/her own liability in making a report in good faith, even if the report turns out to be without substance. On the other hand, anyone who is required to report and who does not do so, faces possible civil and criminal liability. Therefore, if in doubt, make the report.

2. *A Report is Required Whenever there is Reason to Believe the Allegation.* Even if there is no evidence legally admissible in court, you must make a report if there is reason to believe that abuse has occurred/is occurring. "Reason to believe" includes any evidence that, if presented to a reasonable and prudent person, would cause that person to believe that a Child has been/is being abused/neglected.

3. *No One Is Bound to Report Unreliable Rumors of Alleged Abuse with "No Reason to Believe."* In case of doubt about a situation, however, you should discuss it with the local county department of social services or the local law enforcement authority using a hypothetical situation. If you are advised to report, you must do so immediately.

D. Internal Reporting – All Instances and Suspected Instances of Sexual Misconduct (all ages, and inclusive of Sexual Harassment) **and Child Abuse/Neglect**. All internal reporting should be done promptly.

1. *Minors*. The Office of Child and Youth Protection oversees the internal reporting process with regard to instances and suspected instances of Child Abuse/Neglect.

   One critical role of the Office of Child and Youth Protection is: (i) to ensure that each allegation is handled in accordance with the policies of the Archdiocese and with the requirements of the Colorado Child Abuse/Neglect reporting laws; (ii) to assist the reported victim and/or their family in obtaining, if appropriate, pastoral assistance, including, but not limited to spiritual guidance and professional counseling; and (iii) ensuring that the reported victim and/or their family knows of their right to make a report to public authorities, and supporting him/her/them in the decision to do so.

   Any internal report involving Child Abuse/Neglect should be made directly to the Office of Child and Youth Protection:

Archdiocese of Denver Confidential Abuse Reporting Line	**720-239-2832**

See also the website of the Archdiocese of Denver's Office of Child and Youth Protection:
http://archden.org/child-protection

   A copy of any written reports involving Child Abuse/Neglect filed with local departments of social services or with local law enforcement authorities should be forwarded to the Office of Child and Youth Protection. These written reports should be sent in a sealed envelope, addressed to the "*Office of Child and Youth Protection*" and marked "*Confidential*".

2. *Adults*. All reports of instances or suspected instances of Sexual Misconduct involving only adults should be made to one's **immediate supervisor** or to one of the **following administrative offices within the Archdiocese of Denver**, as appropriate:

Vicar for Clergy	**303-715-3197**

Superintendent of Catholic Schools	**303-715-3132**
Executive Director of Human Resources	**303-715-3193**

E. **Catholic Bishop Abuse Reporting Service.** In 2019, a reporting resource was created to gather and relay reports of sexual misconduct involving bishops of the United States, and reports of their intentional interference in a sexual abuse investigation:

http://www.reportbishopabuse.org

or

1-800-276-1562

VI. INVESTIGATION PROCEDURES.[15]

A. **Commencement of Investigation.** Once an incident of alleged Sexual Misconduct/Child Abuse/Neglect is received, and external and internal reporting has occurred, an investigation shall immediately commence. Every investigation will be guided by Christian care for the reported victim, his/her family, the person reporting the incident, and the accused, all in keeping with the provisions of c. 220 of the Code of Canon Law.

The investigation procedures, persons, offices, and archdiocesan bodies involved are as follows:

1. *Allegations Against Church Workers Who Are Other Than Clergy, Seminarians, and Members of Religious Communities*. The **Office of Child and Youth Protection** will ordinarily serve as the primary investigative coordinator to aid a person alleging Child Abuse/Neglect by any Church Worker other than Clergy, Seminarians, and members of religious communities. Depending on the nature of the complaint and the age of the alleged victim, the Office of Child and Youth Protection may be assisted by, or cede oversight of the investigation to, the **Archdiocese of Denver's Superintendent of Catholic Schools** (who will ordinarily serve as the primary coordinator of investigations involving Sexual Misconduct or Child Abuse/Neglect within a parish school or archdiocesan school), and/or to the **Archdiocese of Denver's Executive Director of Human Resources** (who will ordinarily serve as the primary coordinator of the investigation into Sexual Misconduct involving all other Church Workers).

2. *Allegations Against Clergy and Seminarians*. Aided by the **Office of Child and Youth Protection**, the **Vicar for Clergy** will ordinarily serve as the primary coordinator of the investigation for a person alleging Sexual Misconduct or Child Abuse/Neglect (regardless of the age of the alleged victim at the time of the alleged occurrence) by any member of the Clergy or a Seminarian.[16]

3. *Allegation Against a Member of a Religious Community Serving in the Territory of the Archdiocese*. See Section C, below, and see Appendix D for procedures involving an accusation of Sexual Misconduct or Child Abuse/Neglect against a member of a religious community serving in the Archdiocese.

4. *The Archdiocese of Denver Review Board ("Review Board")*. The Review Board functions "as a confidential consultative body to the Bishop in discharging his responsibilities" pertaining to allegations of Sexual Misconduct involving a Minor.[17] Confidentiality shall be maintained by the Review Board to the extent permitted by law. The Review Board and its activity are governed by its Canonical Statutes (see Exhibit XVI of the Archdiocese of Denver Pastoral Handbook).

5. *Legal counsel*. Legal counsel advising the Archdiocese of Denver in these matters will be notified of every investigation, will be kept informed throughout the process, and is authorized to attend all Review Board meetings.

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[15] These procedures reflect the general procedures for investigating penal crimes according to the norms of canon law, especially canons 1717-1719 of the 1983 Code of Canon Law, *Sacramentorum Sanctitiatis Tutela*, issued *motu proprio* by Pope St. John Paul II in 2001, *Normae de gravioribus delictis*, issued by Pope Benedict XVI in 2010, and the *Essential Norms for Diocesan/Eparchial Policies Dealing with Allegations of Sexual Abuse of Minors by Priests or Deacons* (hereafter, "*Essential Norms*"), issued by the United States Conference of Catholic Bishops (USCCB) in 2006.

[16] "Clergy" or a "Clergy member" are those who have been ordained (c. 266); a "seminarian" is defined as any person studying for the Priesthood or Diaconate (whether permanent or transitional) and enrolled at a (major) seminary located in the territory of the Archdiocese of Denver, or any person sponsored by the Archdiocese of Denver to study for the Priesthood or Diaconate (whether permanent or transitional) and enrolled at another seminary. Note: see Part II: Section VI. E. regarding the procedure to be followed in the event of allegations against extern clergy serving in the territory of the Archdiocese of Denver.

[17] *Essential Norms*, art. 4.

6. *Independent Investigator.* The Archdiocese will contract with a private investigator (or private investigation firm) that is competent and qualified to conduct investigations into such matters. It will not be required that this individual be a Catholic. This person will not be employed by the Archdiocese in any other capacity.

7. *Victim Assistance Coordinator.* A mental healthcare professional hired as an independent contractor by the Archdiocese who serves as the primary liaison with victims, advocating and caring for their needs, communicating information about the process, arranging ongoing support, etc.

B. Internal Investigation Procedures Concerning Allegations of Sexual Misconduct/Child Abuse by a Church Worker other than Clergy, Seminarians and Members of Religious Communities. If the reported incident involves alleged Sexual Misconduct/Child Abuse/Neglect by any Church Worker other than Clergy, Seminarians or Members of Religious Communities, and depending on the age of the alleged victim and the nature of the complaint, then the Executive Director of Human Resources and/or the Superintendent of Catholic Schools, as appropriate, and after consulting with the Office of Child and Youth Protection, will coordinate an investigation.

C. Internal Investigation Procedures Concerning Allegations of Sexual Misconduct/Child Abuse/Neglect by Clergy or Seminarians.

1. *The Opening of the Preliminary Investigation.* If the reported incident involves alleged conduct by a member of the Clergy or by a Seminarian, then the Vicar for Clergy, after consulting with the Office of Child and Youth Protection, will coordinate an investigation. If the allegation is credible, meaning the date(s) and location of the reported Child Abuse/Neglect coincide with the assignment of the accused and the victim was also present at the location during the date(s), and the report is firsthand[18], meaning that the victim is the one denouncing the accused, then the Vicar for Clergy will report the allegation to the Archbishop, who shall then open a Preliminary Investigation by decree according to cc. 1717-1719 .

   (a) *Pastoral Response to the Reported Victim*. When any claim is made with reasonable grounds to believe that it is truthful, the Victims Assistance Coordinator will promptly offer to meet with the reported victim to offer pastoral encouragement and open communication with the Archdiocese.

   (b) *Notification*. The accused will be informed of the specific allegations that have been made against him and will have the opportunity to ask clarifying questions before responding to the allegation. If reasonable grounds exist to believe the accusation, the accused will be informed that any statements or admissions by the accused can possibly be used against him in any subsequent civil law and/or canonical proceeding.

   (c) *Legal/Canonical Counsel.* The accused will also be advised to consider retaining his own civil law and/or canonical counsel, as appropriate.[19]

   (d) *Precautionary measures pursuant to c. 1722 (Administrative Leave for Clergy).* If deemed to be in the best interest of the alleged victim, the accused or the Archdiocese, then in the sole judgment of the Archbishop or his designee, the accused shall be relieved of his responsibilities and be placed on administrative leave pending the outcome of any investigation. The Archbishop may also limit or revoke ministerial faculties, withdraw the accused from the exercise of sacred ministry or any ecclesiastical office or function, impose

[18] If the report is secondhand, at least one other point of supporting information will be needed in order to open a preliminary investigation.

[19] *Essential Norms*, art. 6.

or prohibit residence in a given place or territory, and prohibit public participation in the Most Holy Eucharist pending the outcome of the process.[20]

(e) *Presumption of innocence*.[21] Any of the actions taken above shall not be interpreted to imply guilt on the part of the accused.

2. *Every Credible Reported Incident Will Be Pursued Promptly*. When an allegation of Sexual Misconduct or Child Abuse/Neglect is made, the Vicar for Clergy will confer with the Office of Child and Youth Protection. If the allegation is determined to be credible, the Review Board will be notified of the pending matter. Once law enforcement has concluded its process (if any process is initiated), an Independent Investigator will be charged with finding evidence to substantiate or dismiss the case. Once this investigation is concluded, the Review Board will convene to receive the report from the investigator, hearing from the accused, and deliberate. It may be the case that such definitive evidence substantiating the accusation exists, the Archbishop can act without convening the Review Board.

3. *Findings of the Review Board*. The Review Board will be asked to give a report to the Archbishop including their judgment on the veracity of the claim and recommendations for next steps. Once the Archbishop has made a determination in the matter, both the alleged victim and the accused will be promptly advised.

Depending on the conclusion, the Archbishop will, at his discretion, do one of the following:

(a) *Substantiated Claims Against Clergy Regarding Reserved Delicts.*[22] If the Vicar for Clergy and the Review Board find the accusation to be substantiated regarding a reserved delict (which includes Sexual Misconduct against a Minor, cf. c. 1395 §2) and the Archbishop deems that the claim has the *semblance of truth*, regardless of any pending civil investigation (which will continue its course), he is to close the preliminary investigation according to c. 1718 and send the file to the Congregation of the Doctrine of Faith.[23] The Archbishop is required to await further instruction from the Congregation before proceeding further. Pursuant to Article 8 of the *Essential Norms*, when a single, confirmed act of Sexual Misconduct against a Minor "*is admitted or is established after an appropriate process in accord with canon law*" – including an incident from the past – the offending Cleric will be removed permanently from ministry.

(b) *Substantiated Claims Against Clergy Regarding Other Forms of Misconduct including Acts of Sexual Misconduct with an Adult*. If the investigation leads to a substantiated claim regarding other acts of Misconduct (that is, those not reserved to the Holy See, and thus, not involving Minors), the Archbishop may choose to consult the Clergy Misconduct Advisory Committee (CMAC) before closing the preliminary investigation according to c. 1718 and will then decide how best to proceed, according to canon law, possibly through an administrative penal process or a judicial penal process (cf. cc. 1720-1721).

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[20] CIC, c. 1722 and *Essential Norms*, art. 6.

[21] *Essential Norms*, art. 6.

[22] Delicts can be described as crimes acknowledged in canon law, that is, external violations of canon law that may be subject to a penalty (c. 1321, c. 1399). Reserved delicts are those which are subject exclusively to the authority of the Holy See in regard to judgment of the delict and the imposition/declaration of a penalty. In regard to Sexual Misconduct, the reserved delicts are specified in *Normae de gravioribus* delictis, articles 4 §1 1° and 4° and article 6 §1.

[23] *Normae de gravioribus* delictis, art. 16.

(c) *Further Action Involving Allegations Against Clergy.*

(1) *Damage*. In the event that it is determined that any Archdiocesan Clergy has indeed caused damage to any person, the Review Board or Clergy Misconduct Advisory Committee shall make a written report with recommendations concerning fitness for ministry.

(2) *Psychological Evaluation*. Regardless of whether the Cleric admits or denies that Sexual Misconduct with a minor has occurred, and if the allegations are determined sufficiently serious and the evidence so warrants, the Cleric will be asked to participate voluntarily in a professional, independent psychological evaluation at a time and place determined by the Archbishop or his designee.[24] Informed decisions concerning further active ministry can be made only after receiving the results of this evaluation and pending further investigation of any allegations. The resulting professional evaluation will not be considered therapy, but rather a professional psychological assessment of fitness to remain in ministry. The Archbishop, upon receipt of the report, will evaluate it personally with the Clergy member in an effort to arrive at a mutual agreement on a response and, if applicable, subsequent treatment. If there is no mutual agreement between the Archbishop and the Clergy member, the Archbishop may act as he deems appropriate to protect those in the community who might be at risk and to promote the common good of the Church, which is the salvation of souls.[25]

(d) *Substantiated Claim Against Seminarians*. While not members of the Clergy until ordination, seminarians have the goal of ordination and therefore come under the jurisdiction of the Vicar for Clergy. If the investigation leads to a substantiated claim of Sexual Misconduct with a Minor, the Archbishop will close the preliminary investigation according to c. 1718 and immediately dismiss the seminarian from formation.

(e) *Unsubstantiated Claim.* If the investigation (including any investigation conducted by civil law authorities) leads to the conclusion that the allegations are unsubstantiated, the case will be closed according to c. 1718. A record of the complaint, and the Clergy member's or Seminarian's response (as applicable), as well as the conclusions of the investigation, will be maintained pursuant to canons 1719 and 489 §2. A summary of the complaint and the results of the investigation will be made a permanent portion of the accused's personnel file. If necessary, every step possible will be made to restore the good name of the Clergy member or the Seminarian, as applicable. In all circumstances, the Archdiocese will seek to treat all parties with pastoral sensitivity and with due regard to the privacy rights of all concerned.

(f) *Other General Principles to be Followed.*

(1) In every confirmed case of Sexual Misconduct, especially those involving Minors, the Archbishop or his designee, if requested, will meet personally with the victim and his/her family.

(2) There shall be a pastoral response to any accused Clergy member. In keeping with canon law, the Vicar for Clergy will offer an accused Clergy member professional assistance for his own healing and well-being.[26]

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[24] *Essential Norms,* art. 7.

[25] CIC, cc. 223 §2; 381 §1; 383 §1.

[26] CIC, c. 384.

(3) If disciplinary action is indicated against a Clergy member, the proper canonical processes shall be observed and the provisions of canon law will be followed. These provisions may include a request by a Clergy member for dispensation from the clerical state, or a request by the Archbishop for his dismissal from the clerical state even without the Clergy member's consent. For the sake of due process, the accused will be encouraged again to retain civil law and canonical counsel.[27] The cost of legal assistance shall be borne by the Clergy member.

(4) As appropriate to the circumstances, there shall be a pastoral response to the wider Church and community. The Archbishop or his designee, as necessary, will ensure effective communication and pastoral response to the people of the parish or community where the accused Clergy member is or has been assigned, or where the reported misconduct occurred. Note that any media contact or inquiries regarding such matters should be addressed only by the Office of Communications. Please see Section VII, below, for further details regarding the role of the Archdiocese of Denver's Office of Communications.

(g) *Assignment, Transfer, and Residence of Clergy*. No Clergy member who has committed an act of Sexual Misconduct with a Minor may be transferred for ministerial assignment to another diocese/eparchy or religious province. Before a Clergy member can be transferred for residence to another diocese/eparchy, his religious ordinary shall forward in a confidential manner to the local bishop/eparch and religious ordinary (if applicable) of the proposed place of residence any and all information concerning any act of Sexual Misconduct against a Minor and any other information indicating that he has been, or may be, a danger to Minors. This shall apply even if the Clergy member will reside in the local community of an institute of consecrated life or society of apostolic life (or, in the Eastern Churches, as a monk or other religious, in a society of common life according to the manner of religious, in a secular institute, or in another form of consecrated life or society of apostolic life). Every bishop/eparch or religious ordinary who receives a member of the Clergy from outside his jurisdiction shall obtain the necessary information regarding any past act of Sexual Misconduct against a Minor by the Clergy member in question.[28]

D. Allegations Against Members of Religious Communities Serving in the Territory of the Archdiocese. Under canon law, members of religious communities serving in the territory of the Archdiocese belong to communities separate from the Archdiocese and are responsible to their own religious superiors. Special procedures necessarily govern the response to allegations against members of religious communities residing or ministering within the territory of the Archdiocese (see Appendix D).

E. Allegations Against Extern Clergy Serving in the Territory of the Archdiocese. All pertinent information concerning allegations against Clergy not incardinated in the Archdiocese of Denver will be forwarded as soon as possible to the bishop of the diocese in which that Cleric is incardinated.[29] Although the preliminary investigation will be conducted by the competent authority in that diocese, the Vicar for Clergy is responsible for coordinating the transfer of all pertinent information. In addition, the Vicar for Clergy will act as liaison with the other diocese and will assist that diocese as requested and insofar as assistance is deemed possible and appropriate.

F. Investigations Into Alleged Sexual Misconduct That Constitute Sexual Harassment. If the allegations of Sexual Misconduct constitute Sexual Harassment directed at a Church Worker and the Review Board

[27] *Essential Norms,* art. 8a.

[28] Ibid., art. 12.

[29] According to canons 265 and 266, through ordination to the diaconate, a man becomes a member of the clergy and, at the same time, is *incardinated* in the diocese, particular church, personal prelature, institute of consecrated life, or society of apostolic life, for whose service he has been advanced.

concludes that the matter is not a proper subject for consideration by them, the procedures for investigation set forth in Appendix A entitled "Harassment Reporting Procedures" shall apply.

G. **Action Upon Completion of Investigation.** Should the investigation reveal that Sexual Misconduct has occurred, corrective action shall be taken. Corrective action against Clergy members will be taken as set forth above. For all others who have been found to have engaged in Sexual Misconduct, disciplinary action, up to and including termination of employment, will take place.

VII. COMMUNICATIONS.

Regular, accurate and responsible communications are critical in our efforts to protect Minors in our care and to respect the rights of the accused. The Archdiocese of Denver's Office of Communications will assist the Archbishop, or his designee, in providing detailed information on safe environment programs, related policies and procedures, the Code of Conduct, and reporting requirements of Church Workers.

The Office of Communications and the Office of Child and Youth Protection will publicize Colorado abuse reporting requirements and relevant telephone numbers to assist those individuals seeking to make a report. These communications will be accomplished through available archdiocesan media, including a website focusing on Child and Youth Protection. The site is available on the Archdiocese of Denver's website (www.archden.org), providing 24-hour access to information related to the protection of Children. The Archdiocese's periodicals, the *Denver Catholic* and *El Pueblo Católico,* will publish periodic notices reminding readers where to locate Archdiocesan policies on abuse and how to file reports.

In the event of a report of Sexual Misconduct/Child Abuse/Neglect the Archdiocese commits itself to communicating openly and fully with any affected parish or community, consistent with respect for the privacy of the individuals involved and any ongoing legal processes.

The Office of Communications will utilize the *Denver Catholic, El Pueblo Católico*, the Archdiocese of Denver website, press releases and other available Archdiocesan and non-Archdiocesan media to assist in providing clear communications as appropriate. If possible, the accused will be notified in advance of the nature of any such public disclosure and will be invited to add remarks.

To encourage responsible and accurate coverage in the media, the Office of Communications will serve as the primary spokesperson regarding allegations of misconduct.

PART III

SOCIAL MEDIA POLICY

In an increasingly digital world, much of the Church's ministry work is being conducted online. To that end, Church Workers shall never forget the public and far-reaching nature of the Internet. As opposed to print publications that have a more limited circulation, anything published on the Internet can be disseminated around the globe in a matter of seconds, and it cannot be withdrawn.

While the Internet provides a great opportunity for the Church's further evangelization efforts, modern technology also requires each of us to be conscientious residents of the "digital continent" and to know how to interact safely and responsibly online.

Church Workers are to act in accord with this Code of Conduct when they publish anything online or when they interact with others using social networks or new media technologies.

Church Workers shall at all times be mindful of what constitutes appropriate content/boundaries when it comes to interacting with Minors.

Church Workers shall ensure that anything they post online, whether it is in a personal or professional capacity, reflects the values of the Catholic Church and the dignity of the human person.

Parish Pastors and ministry heads should monitor their parish/ministry websites and blogs to ensure that they are being used to conduct ministry consistent with the values and teachings of the Catholic Church.

Church Workers with personal websites and personal blogs shall not engage in activity that contradicts the values and teachings of the Catholic Church.

Church Workers and students involved with Catholic schools should review and understand the policies of their school with regard to Internet use.

Refer to the Archdiocese of Denver's Office of Child and Youth Protection webpage for additional guidance on this topic: http://www.archden.org/child-protection

As well, additional resources are as follows:

http://www.usccb.org/about/communications/social-media-guidelines.cfm

http://www.netsmartz.org

https://www.faithandsafety.org/

http://www.missingkids.com/cybertipline/

http://www.commonsensemedia.org/

APPENDIX A

HARASSMENT REPORTING PROCEDURES

The Archbishop holds every person associated with the Archdiocese in an official capacity accountable for maintaining the integrity of all ministerial and professional relationships. Any time that a Church Worker, while exercising his/her duties, engages in the harassment of another, he/she involves himself/herself in unethical and potentially unlawful acts. The Archdiocesan Ecclesiastical Organizations will not tolerate any form of sexual, racial, ethnic, national origin or youth peer sexual harassment, nor tolerate any retaliation against any employee, volunteer, or student for refusing unwelcome harassing overtures, for reporting instances of harassment, or for providing statements or evidence related to alleged harassment.

"**Sexual harassment**" is any unwelcome sexual advance, request for sexual favors, and other verbal or physical conduct of a sexual nature when submission to or rejection of such conduct is used as the basis for employment decisions, or such conduct has the purpose or effect of unreasonably interfering with a person's work performance or creating an intimidating, hostile, or offensive working environment. Sexual harassment does not refer to behavior or compliments of a socially acceptable nature; it refers to behavior that, to a reasonable person, is unwelcome, that is personally offensive, lowers morale, and consequently interferes with work effectiveness. It can be verbal, non-verbal, or physical.

"**Youth peer sexual harassment**" is any unwelcome sexual advance, request for sexual favors, or other verbal or physical conduct of a sexual nature by or between Minors involved in any Church activity which has the purpose or effect of intimidating, embarrassing, or humiliating the other person.

If a Church Worker believes that he/she has been harassed, he/she should immediately notify their immediate supervisor. If the immediate supervisor is the source of the alleged harassment, or if the Church Worker is uncomfortable for any reason going to his/her immediate supervisor, then the Church Worker should report the problem to the supervisor's supervisor, to the Archdiocese of Denver's Vicar for Clergy or to the Archdiocese of Denver's Director of Human Resources. Church Workers in the schools may also report allegations of harassment to the school principal, pastor of the parish school (as applicable), or to the Archdiocese of Denver's Superintendent of Catholic Schools.

A Church Worker who brings a complaint in good faith will be listened to attentively and treated with respect. Upon receipt of such a report, a representative of the Archdiocese will carefully investigate the matter, and question all who may have knowledge of either the incident in question or similar problems. To the extent permitted by law, the investigator(s) shall take reasonable steps to preserve the confidentiality of the circumstances and any findings. During the investigation, the applicable Archdiocesan Ecclesiastical Organization may, at its sole discretion, take interim actions such as separating employees and suspending the accused, with or without pay. A copy of the investigation will be forwarded upon completion and as soon as possible to the Archdiocese of Denver's Executive Director of Human Resources and, in the event of a school employee, to the Archdiocese of Denver's Superintendent of Catholic Schools.

At the completion of an investigation, necessary and appropriate remedial action shall be taken. This shall include communication with the individual(s) that brought the accusation and with the accused. Any employee who has been found, after investigation, to have engaged in behavior that the Archdiocese deems inappropriate or a violation of this Code will be subject to discipline, which may include immediate termination.

APPENDIX B

COLORADO CHILD ABUSE/NEGLECT AND CHILD SEXUAL ASSAULT REPORTING ACT REQUIREMENTS

In Colorado, as in other states, Child Abuse/Neglect and Child Sexual Assault are crimes. Colorado also has a specific statute, which requires that Child Abuse/Neglect and Child Sexual Assault be reported to the county department of social services or to the local law enforcement agency. Reporting is critical. Not only is it required by law, but it is often the first step in our criminal justice system that enables law enforcement to stop the abuse and prosecute those responsible. The Colorado reporting statute requires that any person who has reasonable cause to know or suspect that a Child has been subjected to abuse or neglect or sexual assault or who has observed a Child being subjected to circumstances or conditions which would reasonably result in abuse or neglect or sexual assault shall report the matter immediately to:

(1) a local law enforcement agency; or

(2) the county department of social services.

A "**Child**" is defined as any person under the age of 18.

Included, but not limited to, the persons who are required to immediately report any known or suspected Child Abuse/Neglect or Sexual Assault to the county or district department of social services or local law enforcement agency are the following professionals:

(1) a member of the Clergy (unless a Priest has information secured through the Sacrament of Confession);

(2) a registered nurse or licensed practical nurse;

(3) a public and private school official or employee;

(4) a social worker or worker in a family care home or day care center;

(5) a mental health professional;

(6) a psychologist;

(7) a coach, assistant coach, etc.

Any other person may report known or suspected Child Abuse/Neglect or Sexual Assault to the local law enforcement agency or to the county or district department of social services. Any person who willfully violates the mandatory reporting provision of this statute commits a Class 3 misdemeanor. A separate Colorado statute provides that a person reporting an incident of alleged Child Abuse/Neglect or Sexual Assault "acting in good faith in making the report shall be immune from liability, civil or criminal, or termination of employment that otherwise might result by reason of such reporting." Colo. Rev. Stat. §19-3-309, and Colo. Rev. Stat. §18-6-401(4).

Colorado law changes from time to time by enactment of new legislation or by amendments to existing statutes and through judicial interpretations. Accordingly, it is beyond the scope of this Code to provide a current and comprehensive list of all the laws that bear upon Sexual Misconduct and Child Abuse/Neglect. However, assistance will be given to all Church Workers having any questions or seeking knowledge concerning any of the laws governing these areas.

Be aware that the following statutes may have been amended by the time you have read this section.

The primary areas of concern are:

(1) **Sexual Assault**, Colo Rev. Stat §18-3-402. Any individual who knowingly inflicts sexual penetration or sexual intrusion upon a victim without the victim's consent; or when the victim is incapable of appraising the nature of his/her own conduct or who is physically helpless or drugged commits a sexual assault. Sexual assault is a Class 4 Felony. If the victim is over 15 years of age, but less than 18 years of age and the individual is more than 10 years older than the victim, and the victim consented to the sexual contact, it is a Misdemeanor.

(2) **Unlawful Sexual Contact**, Colo. Rev. Stat §18-3-404. Any individual who knowingly subjects a victim to any sexual contact commits unlawful sexual contact when the victim does not consent; or the victim is incapable of appraising the nature of his/her own conduct; or who is physically helpless and the individual knows the victim is physically helpless; or the individual has drugged the victim without the victim's consent and the victim's power to appraise or control the victim's conduct is impaired by such drugs or alcohol (a misdemeanor unless the individual uses force, intimidation or threat against the victim, in which case it is a felony).

(3) **Unlawful Sexual Contact**, Colo Rev. Stat §18-3-404. Any individual who knowingly, with or without sexual contact induces or coerces a child under 18 to expose intimate parts or to engage in any sexual contact, intrusion, or penetration with any person for the purpose of the individual's sexual gratification, commits unlawful sexual contact (a felony).

(4) **Sexual Assault on a Child**, Colo. Rev. Stat. §18-3-405. Any individual who knowingly subjects another to any sexual contact commits sexual assault on a Child if the victim is less than 15 years of age and the individual is at least 4 years older than the victim (a felony; under certain circumstances, a person can be sentenced to a potential life sentence in prison).

(5) **Sexual Assault on a Child By One in a Position of Trust**, Colo. Rev. Stat. §18-3-405.3. Any individual who knowingly subjects another to any sexual contact commits "sexual assault on a Child by one in a position of trust" if the victim is less than 18 years of age and the individual committing the offense is one in a position of trust with respect to the victim. "Position of Trust" is defined under Colorado law as: a parent of one acting in place of a parent charged with a parent's rights, duties, or responsibilities concerning a child, including a guardian or someone otherwise responsible for the general supervision of a child's welfare, or a person charged with any duty or responsibility for the health, education, welfare or supervision of a child, including foster care, child care, family care, or institutional care, either independently or through another, no matter how brief at the time of the unlawful contact. Colo. Rev. Stat. §18-3-401 (3.5). A conviction under this statute may subject an individual to a potential life sentence.

(6) **Sexual Assault on a Client by a Psychotherapist**, Colo. Rev. Stat. §18-3-405.5. A psychotherapist (which is defined under this statute as any person who performs or purports to perform psychotherapy, when such person is licensed by the state), commits aggravated sexual assault if he/she knowingly inflicts sexual penetration or sexual intrusion on a victim or if the sexual penetration or intrusion occurred by means of therapeutic deception. Depending on the circumstances, sexual assault by a psychotherapist can be a felony or a misdemeanor.

(7) **Sexual Exploitation of Children**, Colo. Rev. Stat. §18-6-403. Sexual exploitation of any Child under 18 constitutes a wrongful invasion of the Child's privacy and results in injury to the Child; any Child below the age of 18 is incapable of granting informed consent to the use of his or her body for a sexual purpose. To protect Children from sexual exploitation, it is necessary to prohibit the production of material which is derived from sexual exploitation and to exclude all such materials from commerce. Further, the mere possession of any sexually exploitative material results in continuing victimization of Children by the fact that such material is a permanent record of an act or acts of sexual abuse of a Child. Each time such material is shown or viewed, the Child is harmed. To stop the sexual exploitation and abuse of Children, the state has banned the possession of any sexually exploitative materials. Sexually exploitative material is defined as any photograph, motion picture, video, video tape, print, negative, slide, or other mechanically, electronically, chemically, or digitally reproduced visual material that depicts a child engaged in, participating in, observing, or being used for explicit sexual conduct. Sexual Exploitation of a child includes causing or permitting a child to engage in sexually explicit conduct for the production of sexually explicit materials; possessing such sexually explicit materials and/ or sharing such materials with any person.

(8) **Enticement of a Child**, Colo. Rev. Stat. §18-3-305. A person commits the crime of enticement of a child if he/she invites or persuades, or attempts to invite or persuade a child under 15 to enter any vehicle, building, room or secluded place with the intent to commit sexual assault or unlawful sexual contact upon the necessary. Enticement of a Child is a felony.

(9) **Internet Luring of a Child**, Colo. Rev. Stat. §18-3-306. Internet luring of a child occurs when a person communicates over a computer network, by telephone or text or instant message with a person who the person believes to be under 15, and the communication describes explicit sexual conduct, and the person attempts to persuade the child to meet the individual for any purpose, and the person is more than 4 years older than the perceived child. Internet luring of a child is a felony.

(10) **Internet Sexual Exploitation of a Child**, Colo. Rev. Stat. §18-3-405.4. Internet Sexual Exploitation of a Child occurs when an individual invites or entices a child the person believes is under 15 through communication through a computer network, telephone, data network, text message or instant message to expose or touch the child's own or another person's intimate parts or to observe the individual's intimate parts while communicating with the person through the computer network, telephone, data network, text message or instant message. This applies to individuals who are more than 4 years older than the child. This crime is a felony.

(11) **Indecent Exposure**, Colo. Rev. Stat. §18-7-302. A person commits indecent exposure by knowingly exposing his/her genitals to the view of any person. The seriousness of the offense depends upon whether the age of the victim is 15 years or older.

(12) **Criminal Invasion of Privacy**, Colo. Rev. Stat. §18-7-801. Criminal Invasion of Privacy occurs when a person observes or takes a photograph of another person's intimate parts without the person's consent in a situation where the person has a reasonable expectation of privacy. Criminal Invasion of Privacy is a misdemeanor.

(13) **Invasion of Privacy for Sexual Gratification**, Colo. Rev. Stat. §18-3-405.6. Invasion of Privacy for Sexual Gratification occurs when a person observes or takes a photograph for the purpose of sexual gratification of another person's intimate parts without that person's consent in a situation where there was a reasonable expectation of privacy. This crime is a misdemeanor. It is a felony if the person who was observed or photographed was less than 15 and the actor was more than 4 years older than the victim.

(14) **Child Abuse**, Colo. Rev. Stat. §18-6-401. A person commits child abuse if such person causes an injury to a child's life or health, or permits a child to be unreasonably placed in a situation that poses a threat of injury to a child's life or health, or engages in a continued pattern of conduct that results in malnourishment, lack of proper medical care, cruel punishment, mistreatment or an accumulation of injuries that ultimately results in the death of a child or serious bodily injury to a child**. Child abuse includes neglect and emotional abuse.** Child abuse also occurs when a child is allowed to observe, live in or be cared for in a residence, or allowed to ride in a vehicle that contains methamphetamine or items used in the production of methamphetamine, or where methamphetamine is manufactured. Child abuse can be a misdemeanor or a felony.

APPENDIX C

COLORADO ELDER ABUSE AND AT-RISK ADULT ABUSE REPORTING REQUIREMENTS

At-Risk Elder

As of July 1, 2014, Clergy Members are mandatory reporters[30] of elder abuse. **Mandatory reporters who witness or become aware that an "At-Risk Elder" has been or is at imminent risk of mistreatment** (which means abuse, caretaker neglect or exploitation) **shall report the situation to law enforcement within 24 hours** (**UNLESS** a Priest has this information secured through the Sacrament of Confession). There are criminal consequences for a mandatory reporter failing to report elder abuse, such as a Class 3 Misdemeanor. However, a person who files a report in good faith is immune from civil or criminal prosecution.

At-Risk Adult with an Intellectual and Developmental Disability

As of July 1, 2015, Clergy Members are mandatory reporters[31] of the abuse or exploitation of an "At-Risk Adult with an Intellectual and Developmental Disability" (**Mandatory reporters who witness or become aware that such an person has been abused or exploited or is at imminent risk of mistreatment** (which means abuse, caretaker neglect or exploitation) **shall report the situation to law enforcement within 24 hours** (**UNLESS** a Priest has this information secured through the Sacrament of Confession). There are criminal consequences for a mandatory reporter failing to report such abuse, such as a Class 3 Misdemeanor. However, a person who files a report in good faith is immune from civil or criminal prosecution.

Please note the following definitions that are currently part of Colorado law on this topic:

> "**Clergy Member**" means a **priest**; a rabbi; **duly ordained, commissioned, or licensed minister of a church**; **member of a religious order**; or a recognized leader of any religious body. "Clergy Members" therefore not only include pastors, parochial vicars, religious, etc., but also include deacons, including transitional deacons.
>
> An "**At-Risk Adult with an Intellectual and Developmental Disability**" means a person who is 18 years of age or older and is a person with an "intellectual and developmental disability" (see the definition of such disability, below).
>
> An "**At-Risk Elder**" is a person 70 years of age or older (regardless of whether the person suffers from a disability/impairment of any sort).
>
> "**Abuse**" means any of the following acts or omissions committed against an at-risk adult with an intellectual or developmental disability, or against an at-risk elder: (a) the non-accidental infliction of bodily injury, serious bodily injury, or death; (b) confinement or restraint that is unreasonable under generally accepted caretaking standards; (c) subjection to sexual conduct or contact otherwise classified as a crime; and (d) caretaker neglect.

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[30] Mandatory reporters include physical therapists; emergency medical service providers; chiropractors; physicians; surgeons; physicians' assistants; osteopaths; physicians in training; podiatrists; occupational and physical therapists; medical examiners; coroners; registered nurses; licensed practical nurses; nurse practitioners; hospital and long-term care facility personnel engaged in the admission, care or treatment of patients; psychologists and other mental health professionals; social work practitioners; dentists; law enforcement officials and personnel; court-appointed guardians and conservators; fire protection personnel; pharmacists; community-centered board staff; personnel of banks, savings and loan associations, credit unions, another lending or financial institutions; caretaker, staff member, employee or consultant for a licensed or certified care facility, agency, home or governing board, including but not limited to home health providers; caretaker, staff member, employee of, or a consultant for, a home care placement agency, as defined in Colo. Rev. Stat. §25-27.5-102(5) and **clergy** (as defined in the children's code, Colo. Rev. Stat. §19-3-304(2)(AA) and Colo. Rev. Stat. §13-90-107(1)(C)).

[31] See footnote 34.

"**Caretaker neglect**" means neglect that occurs when adequate food, clothing, shelter, psychological care, physical care, medical care, or supervision is not secured for an at-risk adult with an intellectual or developmental disability, or secured for an at-risk elder, or is not provided by a caretaker in a timely manner and with the degree of care that a reasonable person in the same situation would exercise; except that the withholding, withdrawing, or refusing of any medication, any medical procedure or device, or any treatment, including but not limited to resuscitation, cardiac pacing, mechanical ventilation, dialysis, and artificial nutrition and hydration, in accordance with any valid medical directive or order or as described in a palliative plan of care shall not be deemed caretaker neglect. As used in this subsection, "medical directive or order" includes but is not limited to a medical durable power of attorney, a declaration as to medical treatment executed pursuant to section 15-18-104, Colo. Rev. Stat., a medical order for scope of treatment form executed pursuant to article 18.7 of title 15, Colo. Rev. Stat., and a CPR directive executed pursuant to article 18.6 of title 15, Colo. Rev. Stat.

"**Intellectual and developmental disability**" means a disability that manifests before a person reaches 22 years of age, that constitutes a substantial disability to the affected person, and that is attributable to mental retardation or related conditions, which include cerebral palsy, epilepsy, autism, or other neurological conditions when those conditions result in impairment of general intellectual functioning or adaptive behavior similar to that of a person with mental retardation.

"**Exploitation**" means an act or omission committed by a person who:

A. Uses deception, harassment, intimidation, or undue influence to permanently or temporarily deprive an at-risk adult with an intellectual or developmental disability, or deprive an at-risk elder, of the use, benefit, or possession of his or her money, assets, or property;

B. In the absence of legal authority:

1. Employs the services of a third party for the profit or advantage of the person or another person to the detriment of the at-risk adult with an intellectual or developmental disability, or to the detriment of the at-risk elder; or

2. Forces, compels, coerces, or entices an at-risk adult with an intellectual or developmental disability, or an at-risk elder, to perform services for the profit or advantage of the person or another person against the will of the at-risk individual; or

3. Misuses the property of an at-risk adult with an intellectual or developmental disability, or an at-risk elder, in a manner that adversely affects the at-risk person's ability to receive health care or health care benefits or to pay bills for basic needs or obligations.

APPENDIX D

PROCEDURES FOR RESPONDING TO ALLEGATIONS MADE AGAINST MEMBERS OF RELIGIOUS COMMUNITIES SERVING IN THE TERRITORY OF THE ARCHDIOCESE OF DENVER[32]

Notification of the Religious Community. Allegations of Sexual Misconduct presented to the Archdiocese that involve a priest, brother, monk, sister, nun or other member of a religious community serving in an assignment from that community will be referred to the appropriate superior for investigation and appropriate action.

Investigation. When an incident is reported, the Archdiocese shall expect the accused's religious community to initiate an investigation immediately. The investigation will be done with the highest level of Christian care, concern and confidentiality (to the extent permitted by law) for the reported victim, his or her family, the person reporting the incident and the accused. A copy of the report resulting from the investigation shall be forwarded to the Archbishop as soon as it is completed in order to assist him in determining the appropriateness of future ministry or the granting of faculties. Any recommendation concerning further ministry or service in the Archdiocese will be considered by the Archbishop in consultation with the major superior or otherwise competent authority according to canon law.

Status of the Member of the Religious Community. As circumstances warrant, the Archbishop may immediately withdraw an accused's faculties in the Archdiocese and/or exercise of the external apostolate (c. 678), thereby making the individual ineligible for active ministry in the Archdiocese, pending the outcome of the accused's religious community's internal investigation and any outside investigation. Such action does not imply guilt on the part of the accused religious.

Pastoral Response to the Reported Victim. The Archbishop expects the religious community to provide a prompt and appropriate pastoral response to the reported victim.

Pastoral Response to the Accused. The religious community will attend to the spiritual, emotional and physical well-being of the accused.

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

[32] The Catholic Church recognizes several distinct forms of consecrated life. For the purposes of this Code, any member of a religious institute (c. 607), secular institute (c. 710), or society of apostolic life (c. 731) not incardinated in the Archdiocese is considered a member of a religious community.

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APPENDIX E

ACKNOWLEDGMENT OF RECEIPT & AGREEMENT

I, the undersigned, hereby acknowledge that on the following date, _____, I received a copy of the Archdiocese of Denver's Code of Conduct.

I have since read its contents and understand its meaning and agree to conduct myself in conformity with its terms.[33]

I understand that this *Acknowledgment of Receipt & Agreement* will be maintained in my personnel file.

Signature of Church Worker: _____

Printed Name of Church Worker: _____

Archdiocesan Ecclesiastical Organization: _____

Signature Date: _____

[33] As Catholic employers, we welcome and are grateful to Church Workers of all faiths who fill those positions that do not require they be filled by a fully initiated Catholic in the communion of the Catholic Church and intentionally living out the five precepts of the Church (*Catechism of the Catholic Church* §§2041-2043). If you fill such a position, and you are not a fully initiated Catholic in the communion of the Catholic Church and intentionally living out the five precepts of the Church, it is understood that certain provisions of the Code may not apply to you, such provisions consisting principally of those terms regarding involvement in parish life and the practicing of the sacraments (as referenced in Part I, Sections I.A. and I.D.3. of the Code). All other provisions of the Code apply to all Church Workers.