

DIOCESE OF BUFFALO

ADULT SEXUAL MISCONDUCT POLICY AND PROCEDURES

I. Introduction

“It shall not be so among you” (Mt 20:26). With these words, the Lord instructs his chosen disciples that being a leader in the community of believers requires a unique attitude toward service and authority. Those who hold positions of authority in the Church, whether officially recognized ecclesiastical offices or less formal leadership roles, must hear in the words of the Savior a command that invites Christian responsibility and calls for sacrifice. Within the Church those who lead bear a weight beyond that of their secular counterparts. Charged with the care of Christ’s flock on earth, Christian leaders must always remember that they will one day have to account for their ministry to the one who is both merciful Shepherd and just Judge.

Cognizant of the ways in which church leaders have failed in the past, especially in the area of sexual ethics, it is the goal of the current document to outline the ways in which the Diocese of Buffalo (“the Diocese”) intends to define and correct sexual misconduct among its ecclesial leadership. The Diocese has had policies in place since 1990 which have been periodically reviewed and updated. While the ideal future would be entirely free from sexual misconduct of any kind, the Diocese understands that such aspirations need to be held in tension with the reality of the fallen state of humanity. Pope Francis encourages the use of such disciplinary measures when he says, “Charity thus demands that the Church’s pastors resort to the penal system whenever it is required, keeping in mind the three aims that make it necessary in the ecclesial community: the restoration of the demands of justice, the correction of the guilty party and the repair of scandals” (*Pascite gregem dei*, 23 May 2021). For this reason, the current policy aims to both prevent future misconduct and provide procedural norms when sexual misconduct occurs.

II. Definitions

The current policy uses specific terms and language that will here be defined.

Adult: An adult is anyone who has completed his or her eighteenth (18th) birthday.

Authority or Power Relationship: is the relationship that exist between a public ecclesial minister and those who are under his/her authority or care. Within these types of relationships, it is always the responsibility of the public ecclesial minister to maintain proper boundaries and avoid situations of sexual misconduct. Furthermore, any relationship or encounter of a sexual nature between a public ecclesiastical minister and someone under his/her authority or care, except in the case of marriage, is considered sexual misconduct even if consent is otherwise present.

Consent: includes personal freedom and assumes the absence of any constraint, coercion, or manipulation. For the purposes of this policy, the term “consent” refers specifically to the freedom to choose actions related to the sexual faculty.

Public Ecclesial Minister: means any person who holds a leadership role in the Church whether formal or informal, permanent or temporary. These individuals include, but are not limited to: priests, deacons, seminarians, lay ecclesial ministers, youth ministers, chaperones, school principals, those employed by either the Diocese or a parish affiliated with it, members of institutes of consecrated life or societies of apostolic life who operate within the Diocese, etc.

Sexual Misconduct: indicates any violation of chastity as defined by the *Catechism of the Catholic Church* (CCC). Specifically included here is any action or behavior of a sexual nature that is committed without consent, by force, intimidation, coercion, manipulation, or between someone bound by marriage or a public vow or promise of chastity with another individual regardless of gender. It includes sexual abuse or sexual harassment.

III. Possible Examples of Sexual Misconduct

1. Universal Norms of the Code of Canon Law

The Code of Canon Law identifies more grave instances of sexual misconduct in canons 1385 (solicitation to a sin against the sixth commandment in the context of confession), 1395 (clerical concubinage or abuse of clerical authority to commit acts of sexual misconduct), and 1398 (the commission of abuse of authority by any public ecclesial minister to commit acts of sexual misconduct). All instances of a cleric engaging in sexual activity, except for a permanent deacon within the confines of marriage, are prohibited by canon 277. The commission of delicts (crimes) contained in the code are adjudicated by the norms of the same code or other relevant canonical legislation.

2. The Diocesan Code of Conduct

There are two diocesan policies that currently have binding force. The first is the Diocesan Code of Conduct which applies to “priests, deacons, pastoral ministers, administrators, staff, and volunteers” who work in the Diocese. While this document, which can be found at <https://www.buffalodiocese.org/protecting-gods-children/code-of-conduct/>, was created for the protection of minors who benefit from the ministry of the Diocese, it also includes language related to proper interactions with vulnerable adults. The second policy is specifically meant for clergy. The Diocese of Buffalo Code of Pastoral Conduct for Clergy outlines proper boundaries for pastoral ministry and contains standards relevant to sexual misconduct with adults. This can be found on the diocesan website at: <https://www.buffalodiocese.org/wp-content/uploads/2023/10/Code-Pastoral-Conduct-for-Clergy.pdf>. Both these documents should be reviewed with regularity and are attached to the current policy for easy reference (Appendix I and II). Any violation of these documents that constitute sexual misconduct will be punished with an appropriate penalty.

3. Additional Norms

Because the concepts of “sexual misconduct” and “sexual harassment” can remain unclear, a list of specific but not exhaustive examples are here listed.

- a. Abusive verbal language, including jokes, comments, teasing, or threats relating to an individual's sex, sexual activity and/or body parts whether said in that person's presence or in his/her absence, including, but not limited to:
 - Suggestive, derogatory, or insulting comments or sounds
 - Sexual propositions
 - Threats to elicit sexual actions
 - Sexually oriented comments, including those on a person's appearance or anatomy
 - Persistent and unwelcomed romantic propositions including the invitation to go on a date
 - Persistent and unwelcome sexual advances or demands for sexual favors
 - Sexual conversations or jokes communicated via telephone, text messaging, email or other methods of social communication
 - Requesting or transmitting sexual images or using sexual language

- b. Abusive, non-verbal communications, including, but not limited to:
 - Showing or displaying pornographic or sexually explicit objects or pictures
 - Sexually related gestures or motions
 - Sending sexually graphic material through the any diocesan or parish e-mail system or diocesan or parish-issued or reimbursed electronic communication devices
 - Using diocesan mail or computers to view or distribute sexually graphic material
 - Exhibiting hostility when the person being targeted attempts to set boundaries

- c. Unwelcome physical conduct, including, but not limited to:
 - Displaying private body parts
 - Unnecessary touching or other unwelcome physical contact
 - Tickling or playful aggression that creates discomfort
 - Oral or genital sexual interaction
 - Masturbation in the presence of another person
 - Coerced sexual intercourse
 - Assault
 - Rape

IV. Reporting Procedures

1. General Reporting

Complaints of sexual misconduct are to be reported to the Victim Assistance Coordinator at 716.895.3010, or by accessing the Diocese of Buffalo website, www.buffalodiocese.org, and click on the EthicsPoint/Misconduct Tab which will direct you to Navex Global, an independent company.

Accusations of misconduct by a Bishop should be reported using the ReportBishopAbuse.org link on the diocesan website. These reports are sent to the Metropolitan Archbishop of the ecclesiastical province of New York in accord with the norms of the motu proprio *Vos estis lux mundi*.

2. Required Reporters

Any individual employed by the Diocese or a public juridic person subject to the jurisdiction of the Bishop of Buffalo (e.g. parishes, Catholic institutions, etc.), including those who volunteer their services in a stable or occasional manner for any of the aforementioned institutions, who becomes aware of sexual misconduct by any means must make a report to the appropriate authorities outlined in the previous section.

This is not, however, binding on those who come by this information by way of legally protected conversations. Additionally, the norms regarding the seal of confession contained in canon 983 are to be strictly observed.

V. Procedures

1. Reception of a Report

Upon receipt of a complaint the Victim Assistance Coordinator or his/her delegate will reach out to the complainant and will complete and distribute a written complaint. The Victim Assistance Coordinator will offer pastoral care to any person who claims to have been the victim of sexual misconduct. Complainants will be informed by the Victim Assistance Coordinator that:

- The Diocese will provide and/or refer counseling, spiritual assistance, support groups, and other social services as agreed by the Diocese and the victim.
- The Diocese will reach out to victims of sexual misconduct, to promote their spiritual and emotional well-being, their healing and their reconciliation.
- The Bishop or his delegate will offer to meet with victims of sexual misconduct.

If a written report has not already been prepared, the Victim Assistance Coordinator will prepare a written report within three (3) useful days. Immediate action may be required to

protect the victim if the potential harm is imminent or ongoing. If this is the case, the Victim Assistance Coordinator will make appropriate provisions within his/her power and in conjunction with local law enforcement and social services. The Victim Assistance Coordinator will provide the report to the Bishop, the Vicar General, Vicar for Clergy (if applicable), the Chancellor, and the Chief Compliance Officer. The Chief Compliance Officer will notify the diocesan insurance administrator. The forgoing reporting requirements assume and supplement reporting obligations that may be imposed by federal, state, and local laws.

For incidents of sexual misconduct by a member of an institute of consecrated life or society of apostolic life, the Chancellor will contact the Major Superior of that institute or society. Instances of sexual misconduct may also be reported directly to the institute or society.

2. Initial Inquiry

An initial inquiry to determine the credibility of the allegation will be conducted by the appropriate administrator. Should the initial inquiry indicate that the complaint is neither manifestly false nor frivolous, a preliminary investigation will follow. The Bishop will appoint an investigator who will conduct the investigation according to the norms of canons 1717-1719. The investigator will have access to relevant personnel files held in the archives of the Diocese or the parish so as to encourage the most complete investigation.

The preliminary investigation will be completed within forth-five (45) useful days. This length of time can be extended by the Ordinary for a just cause if necessary. During the investigation the investigator will have access to legal advice from both civil and canonical experts as necessary.

From the outset of the preliminary investigation and depending on the severity of the allegation, the accused may be placed on administrative leave according to the norms of canon 1722. The accused will be informed of the investigation and given every opportunity to respond to the complaint. The rights of privacy and a good reputation for both the alleged victim and the accused will be protected insofar as possible according to provision of canon 220. It is for the local ordinary, within the confines of universal law, to decide whether such leave, if imposed, is with or without pay or benefits.

The accused shall be informed that they have the right to canonical and/or civil representation.

Any imposition of administrative leave is for investigation purposes only and does not carry with it a judgment of guilt. Following canon 1321 §1, “Any person is considered innocent until the contrary is proven.” This will be communicated by the Diocese in all relevant press releases and interactions with concerned parties.

If at any time during the initial inquiry it appears that a prosecutable criminal offense has occurred, the Chief Compliance Officer will immediately contact the appropriate law enforcement agency to file a report.

3. Involvement of the Independent Review Board

In Independent Review Board (“IRB”) functions as a confidential consultative body to the Bishop in discharging his responsibilities. It is thus the responsibility of the IRB to assess the veracity of allegations of sexual misconduct by public ecclesial ministers based on the report of the investigator and to make recommendations to the Bishop concerning an individual’s fitness to continue in ministry or employment.

Once the investigator has completed his/her preliminary investigation, a report will be submitted to the local ordinary and the IRB for their consideration. Once the IRB has met and compiled a written assessment of the case, they will submit their findings to the Bishop for his determination of how to proceed.

4. Possible Canonical Process

Because the Christian faithful have a right not to be punished except by the norms of law (c. 221 §3), if the Bishop wishes to impose a penalty on an accused individual, the Bishop will then decide to proceed with a judicial or extrajudicial process contained in the Code of Canon Law. This decision will be informed by the findings of the investigator and the IRB and will further take into account any civil or canonical advice he may seek on his own.

Any movement toward the imposition of a penalty is regulated by the procedures established by the universal law of the Church and relevant civil employment law.

VI. Potential Penalties

1. Those delicts defined in canon law will be punished by the sanctions contained in the code or other relevant disciplinary documents.
2. Violations of either the Code of Conduct or the Additional Norms contained in this document will be punished by one or more of the following penalties:
 - a. Penance – including the requirement that the offender complete some act of piety or restorative justice under the direction of competent authority.
 - b. Rebuke – which entails a formal written demerit to be included in the individual’s personnel record.
 - c. Leave of Absence – allowing the public ecclesial minister to be relieved of his/her duties for some length of time while seeking professional help or for a time of discernment.
 - d. Restriction of Ministry – either partially or completely insofar as one’s future functioning in the Diocese will be determined on a temporary or perpetual basis.

- e. Loss of Office – where one will be dismissed from his/her employment or volunteer position. This also entails the loss of the status of a public ecclesial minister where applicable.
3. The imposition of any penalty will take into account previous violations of the Code of Conduct or the Additional Norms in addition to mitigating or aggravating circumstances that present themselves during the course of the investigation and/or canonical process with a constant eye to both equity and justice for the offender and the community.

VII. Communication

1. All communication with media outlets will be done with respect for the privacy and reputation of the parties involved. In the case of the accused public ecclesial minister being found innocent of the charges against him/her, the Diocese will make use of all possible opportunities to repair the individual's damaged reputation.
2. The Diocese will also take appropriate measures to communicate the status of the case with the institution most immediately affected by the allegation and interested parties. Ultimately, however, these measures will be undertaken at the discretion of the Bishop, his delegate, or the representative of institution in question.

Appendix I

Code of Conduct

Adults who work with young people or vulnerable adults through the Diocese of Buffalo or any of its parishes or schools have the legal, moral, and religious responsibility to perform their duties in a way that educates and assists – and does not harm — the young people and vulnerable adults with whom they work. In keeping with that obligation, the Diocese of Buffalo has established the following Code of Conduct for all who minister to young people or vulnerable adults in the parishes of the Diocese, teach young people in the schools of the Diocese, coach young people on sports teams connected with the Diocese or any of its parishes or schools, or in any other way work with young people or vulnerable adults through the Diocese of Buffalo. For purposes of this policy, the term “young people” or “young person” means anyone under the age of 18, and the term “vulnerable adult” means a person who is impaired by reason of mental illness, mental deficiency, physical illness, or disability to the extent that he or she lacks sufficient understanding or capacity to make or communicate responsible decisions concerning his or her person or to manage his or her affairs effectively.

As one of the priests and religious, teachers and coaches, employees and /or volunteers, who work with children and young adults in or through the Diocese of Buffalo, I solemnly pledge that:

1. I will to the best of my ability, perform my work in a manner consistent with the mission of the Catholic Church and the Diocese of Buffalo;
2. I will always remember that I am not a peer of the young people with whom I work and I will perform my duties accordingly;
3. I will maintain appropriate physical and emotional boundaries from the young people and vulnerable adults with whom I work;
4. I will avoid situations where I am alone with a young person at Church activities;
5. I will refrain from any and all physical conduct, conversations and other communications with young people or vulnerable adults that have a sexual purpose or result;
6. I will not touch a young person and/or vulnerable adult in a sexual or other inappropriate manner;
7. If I learn of an allegation of abuse or if I suspect abuse, I will report that allegation or suspicion to the Victim Assistance Coordinator (716-895-3010) and to the appropriate district attorney’s office;
8. I will cooperate fully in any investigation of abuse of young people and/or vulnerable adults;
9. I will treat everyone with respect, loyalty, patience, integrity, courtesy, dignity, and consideration;
10. I will use positive reinforcement rather than criticism, competition, or comparison when working with young people and/or vulnerable adults;

11. I will neither accept expensive gifts from young people and/or vulnerable adults nor give expensive gifts to them without prior written approval from the parents or guardians and from the pastor or administrator;
12. I will not smoke or use tobacco products in the presence of young people;
13. I will not use, possess, or be under the influence of alcohol while working with young people;
14. I will not use, possess, or be under the influence of illegal drugs at any time;
15. I will not pose any health risk to young people and/or vulnerable adults (i.e., no fevers or other contagious situations);
16. I will not strike, spank, shake, or slap young people and/or vulnerable adults;
17. I will not humiliate, ridicule, threaten, or degrade young people and/or vulnerable adults;
18. I will not use any discipline that frightens or humiliates young people and/or vulnerable adults;
19. I will not use profanity in the presence of young people and/or vulnerable adults;
20. I will not acquire, possess, or distribute a pornographic image of a young person, nor will I show a pornographic image of an adult to a young person.

I understand that this code is to be applied fairly and equitably on a case by case basis.

I understand that whenever I am working with children and/or youth, as a volunteer or employee, I am subject to a thorough background check including criminal history.

I further understand that this criminal background check will be conducted prior to beginning my employment/assignment and thereafter at such times and frequencies as determined by the agency, department, and/or organization by which I am employed and/or to which I am assigned.

I understand that criminal background and character reference information may be requested from public and private sources.

I understand that any action inconsistent with this Code of Conduct, or actions inconsistent with Diocesan policies for the protection of children and young adults, or failure to take action mandated by this Code of Conduct may result in removal from my position.

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

I hereby authorize, without reservation, any law enforcement agency, institution, information service bureau, school, employer, reference, or insurance company contacted by the Diocese of Buffalo or its agent to furnish the information described herein. I hereby release the employer and agents and all persons,

agencies, and entities providing information or reports about me from any liability arising out of the requests for or release of any of the information or reports herein.

Printed Name

Signature

Date

Rev. January 19, 2017

Appendix II

Diocese of Buffalo Code of Pastoral Conduct for Clergy

I) Preamble

Bishops, priests, and deacons must uphold Christian values and conduct. The Code of Pastoral Conduct for Clergy provides a set of standards for conduct in certain pastoral situations. This Code of Conduct applies to all Clergy that live and serve in the Diocese of Buffalo. Seminarians, since they aspire to ordination, are also called to conduct themselves according to this Code of Conduct.

II) Responsibility

The public and private conduct of Clergy can inspire and motivate people, but it can also scandalize and undermine the people's faith. Clergy must, at all times, be aware of the sacred responsibilities that accompany their noble calling. They must also know that God's goodness and grace supports them in their ministry to the people of God.

Responsibility for adherence to the Code of Pastoral Conduct for Clergy rests with the individual. Clergy members who disregard this Code of Pastoral Conduct for Clergy will be subject to remedial action by the Chancery. Corrective action may take various forms – from a verbal reproach to removal from the ministry – depending on the specific nature and circumstances of the offense and the extent of the harm.

III) Sacramental Confidentiality

The Code of Conduct provides a set of standards in our ministry. Violations of these standards should be reported to the appropriate authorities. However, none of the obligations stated in this Code of Conduct are independent of the confidentiality of the confessional. Under NO circumstances can there be any disclosure – even indirect disclosure – of information received through the confessional.

IV) Pastoral Standards

1. Conduct for Clergy When Acting as Pastoral Counselors and Spiritual Directors Clergy, when acting as Pastoral Counselors and Spiritual Directors, must respect the rights and advance the welfare of each person.

1.1 Clergy, when acting as Pastoral Counselors or Spiritual Directors, shall not step beyond their competence in counseling situations and will refer clients to other professionals when appropriate.

1.2 Clergy, when acting as Pastoral Counselors or Spiritual Directors, should carefully consider the possible consequences before entering into a counseling relationship with someone with whom they have a pre-existing relationship (i.e., employee, professional colleague, friend, or other pre-existing relationship). [See section 6. 2.2]

1.3 Clergy, when acting as Pastoral Counselors or Spiritual Directors, should not audiotape or videotape sessions.

1.4 Clergy, acting as Pastoral Counselors or Spiritual Directors, assume the full burden of responsibility for establishing and maintaining clear, appropriate boundaries in all counseling and counseling-related relationships.

1.5 Physical contact of any kind (i.e., touching, hugging, holding) between Clergy in the role of Pastoral Counselors or Spiritual Directors and the persons they counsel can be misconstrued and should be avoided.

1.6 Sessions should be conducted at appropriate times and places.

1.6.1 No sessions should be conducted in private living quarters.

1.6.2 Sessions should not be held at places or times that would tend to cause confusion about the nature of the relationship for the person being counseled or other observers.

1.7 Clergy, when acting in the role of Pastoral Counselors or Spiritual Directors, shall maintain a log of the times and places of sessions with each person counseled.

2. Confidentiality

Information disclosed to a Clergy member during the course of counseling, advising, or spiritual direction shall be held in the strictest confidence possible.

2.1 Information obtained in the course of sessions shall be confidential, except for compelling professional reasons or as required by law.

2.1.1 If there is clear and imminent danger to the client or to others, the Clergy member may disclose only the information necessary to protect the parties affected and to prevent harm.

2.1.2 Before disclosure is made, if feasible, the Clergy member should inform the person being counseled about the disclosure and the potential consequences.

2.2 Clergy members should discuss the nature of confidentiality and its limits with each person in counseling.

2.3 Clergy members should keep minimal records of the content of sessions, if any record is necessary.

2.4 Knowledge that arises from professional contact may be used in teaching, writing, homilies, or other public presentations only when effective measures are taken to absolutely safeguard both the individual's identity and the confidentiality of the disclosures.

2.5 All these obligations listed above are independent of the confidentiality of the confessional. Under NO circumstances can there be any disclosure – even indirect disclosure – of information received through the confessional.

3. Conduct with Youth

Clergy, when working with youth, shall maintain an open and trustworthy relationship between youth and themselves.

3.1 Clergy must be aware of their own and others' vulnerability when working alone with youth. Use a team approach to managing youth activities.

3.2 Physical contact with youth can be misconstrued and should occur (a) only when completely nonsexual and otherwise appropriate, and (b) never in private.

3.3 Clergy should refrain from (a) the illegal possession and/or illegal use of drugs and/or alcohol at all times, and (b) the use of alcohol when working with youth.

3.4 Clergy should not allow individual young people to stay overnight in the cleric's private accommodations or residence.

3.5 Clergy should not provide shared, private, overnight accommodation for individual young people including, but not limited to, accommodations in any Church-owned facility, private residence, hotel room, or any other place where there is no other adult supervision present.

3.5.1 In rare, emergency situations, when accommodation is necessary for the health and well-being of the youth, the Clergy member should take extraordinary care to protect all parties from the appearance of impropriety and from all risk of harm.

3.5.2 Use a team approach to managing emergency situations.

4. Sexual Conduct

Clergy members must not, for sexual gain or intimacy, exploit the trust placed in them by the faith community.

4.1 Clergy members who are committed to a celibate lifestyle are called to be an example of celibate chastity in all relationships at all times.

4.2 No Clergy member may exploit another person for sexual purposes.

4.3 Allegations of sexual misconduct must be taken seriously and reported to the appropriate person and to civil authorities if the situation involves a minor. Diocese of Buffalo procedures will be followed in all allegations of sexual misconduct to protect the rights of all involved.

4.4 Clergy members must review and know the contents of the child abuse regulations and follow the Diocese of Buffalo Policy for the Protection of Children, and Young People as well as Adult Sexual Misconduct.

5. Harassment

Clergy members must not engage in physical, psychological, written, or verbal harassment of staff, volunteers, or parishioners and must not tolerate such harassment by other Church staff or volunteers.

5.1 Clergy members shall provide a professional work environment that is free from physical, psychological, written, or verbal intimidation or harassment.

5.2 Diocese of Buffalo procedures, as outlined in the Adult Sexual Misconduct Policy, will be followed to protect the rights of all involved.

6. Conflicts of Interest

Clergy members should avoid situations that might present a conflict of interest. Even the appearance of a conflict of interest can call integrity and professional conduct into question.

6.1 Clergy members should disclose all relevant factors that potentially could create a conflict of interest.

6.2 Clergy members should inform all parties when a real or potential conflict of interest arises. Resolution of the issues must protect the person receiving ministry services.

6.2.1 No Clergy member should take advantage of anyone to whom they are providing services in order to further their personal, religious, political, or business interests.

6.2.2 Clergy members should not provide counseling services to any one with whom they have a business, professional, or social relationship. When this is unavoidable, the client must be protected. The counselor must establish and maintain clear, appropriate boundaries.

- 6.2.3 When pastoral counseling or spiritual direction services are provided to two or more people who have a relationship with each other, the Clergy member must:
- Clarify with all parties the nature of each relationship,
 - Anticipate any conflict of interest,
 - Take appropriate actions to eliminate the conflict, and
 - Obtain from all parties written consent to continue services.

6.3 Conflicts of interest may also arise when a Clergy member's independent judgment is impaired by:

- Prior dealings,
- Becoming personally involved, or
- Becoming an advocate for one (person) against another.

In these circumstances, the Clergy member shall advise the parties that he or she can no longer provide services and refer them to another Clergy member.

7. Reporting Ethical or Professional Misconduct

Clergy members have a duty to report their own ethical or professional misconduct and the misconduct of others.

7.1 Clergy members must hold each other accountable for maintaining the highest ethical and professional standards. When there is an indication of illegal actions by a Clergy member, you should notify the proper civil authorities.

7.2 When an uncertainty exists about whether a situation or course of conduct violates this Code of Pastoral Conduct or other religious, moral, or ethical principles, consult with:

- Peers,
- Others knowledgeable about ethical issues, or
- The Office of Professional Responsibility

7.3 When it appears that a member of the Clergy has violated this Code of Pastoral Conduct or other religious, moral, or ethical principles:

- Report this issue to a Supervisor
- Refer the matter directly to the Chancery office (or responsible administrative authority for the religious community)

7.4 The obligation of Clergy to report client misconduct is subject to the duty of confidentiality. However, any agreement or duty to maintain confidentiality must yield to the need to report misconduct that threatens the safety, health, or wellbeing of any of the persons involved except as provided for in Section 2.5.

8. Clergy Well-Being

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

8.1 Clergy members should be aware of warning signs that indicate potential problems with their own spiritual, physical, mental, and/or emotional health.

8.2 Clergy members should seek help immediately whenever they notice behavioral or emotional warning signs in their own professional and/or personal lives.

8.3 Clergy members must address their own spiritual needs. Support from a Spiritual Director is highly recommended.

8.4 Inappropriate or illegal use of alcohol and drugs is prohibited.

V) Clergy Member's Code Of Conduct

Our children are the most important gifts God has entrusted to us. As a Clergy member, I promise to strictly follow the rules and guidelines in this Clergy member's Code of Conduct when ministering to the children and youth of our parish, school, facility, diocese, etc.

As a Clergy member, I will:

- To the best of my ability, perform my work in a manner consistent with the mission of the Catholic Church and the Diocese of Buffalo.
- Always remember that I am not a peer of the young people with whom I work and I will perform my duties accordingly.
 - Treat everyone with respect, loyalty, patience, integrity, courtesy, dignity, and consideration.
- Maintain appropriate physical and emotional boundaries from the young people and adults with whom I work.
 - Avoid situations where I am alone with a child or youth at Church activities.
- I will refrain from any and all physical conduct, conversations and other communications with young people that have a sexual purpose or result.
- Use positive reinforcement rather than criticism, competition, or comparison when working with children and/or youth.
- Refuse to accept expensive gifts from children and/or youth.
- Do not give expensive gifts to children and/or youth.
 - If I learn of an allegation of abuse or if I suspect abuse, I will report the allegation or suspicion to the Victim Assistance Coordinator (716-895-3010) and to the appropriate district attorney's office.
- Cooperate fully in any investigation of abuse of children and/or youth.

As a Clergy member, I will not:

- Use, possess or be under the influence of alcohol at any time while working with children/or youth.
- Use, possess, or be under the influence of illegal drugs at any time.
- Pose any health risk to children and/or youth (i.e., no fevers or other contagious situations).
- Strike, spank, shake, or slap children and/or youth.
- Humiliate, ridicule, threaten, or degrade children and/or youth.
- Touch a child and/or youth in a sexual or other inappropriate manner.
- Use any discipline that frightens or humiliates children and/or youth.
- Use profanity in the presence of children and/or youth.
- Acquire, possess, or distribute a pornographic image of a young person, nor will I show a pornographic image of an adult to a young person.

I understand that this Code of Conduct is binding on all members of the clergy serving in the Diocese of Buffalo, under the authority of the policy relating to Adult Sexual Misconduct and Policy and Procedures for the Protection of Children, Young People and Vulnerable Adults.

_____ Printed Name

_____ Signature

_____ Date



DECREE

In nomine Domini. Amen.

PROMULGATION OF THE DIOCESE OF BUFFALO ADULT SEXUAL MISCONDUCT POLICY AND PROCEDURES

I, the undersigned Most Reverend Michael W. Fisher, Bishop of the Diocese of Buffalo, hereby promulgate the Diocese of Buffalo Adult Sexual Misconduct Policy and Procedures (“Adult Policy”). The policy and procedures contained in this document and subsequent changes, additions, or amendments are considered particular law for the Diocese.

The current Adult Policy is a clarification and revision of a document by the same name which was issued on 17 September 2019. This document suffered from a certain lack of clarity and insufficient promulgation. To remedy these shortcomings, attempts had already been made to revise the 2019 document in February 2023. It was not until the Autumn of that year that serious progress was realized. A small group of Chancery personnel met to discuss the proposed revisions in October of 2023. On 1 May 2024, the Independent Review Board had the opportunity to comment and make suggestions on the revised document. That consultation led to minor changes to the draft. The draft was then presented to the Presbyteral Council on 14 May 2024. The Council did not raise any serious objections to the document but said that members would make comments as needed in the future. During the more than three months since that meeting, no comments have been received. Thus, cognizant of the need to fix the errors of the 2019 document, I have decided that the current Adult Policy is to be promulgated.

By the Adult Policy, all those who qualify as Public Ecclesial Ministers (defined in the document) in the Diocese of Buffalo are bound to these norms and procedures out of concern for the protection of adults who have been the victim of sexual misconduct. The Diocese is committed to justice for victims as well as those Public Ecclesial Ministers accused of crimes. The Lord reminds us, “If you remain in my word, you will truly be my disciples, and you will know the truth, and the truth will set you free” (Jn 8:31-32). Out of this confidence in the unburdening nature of the truth, the Diocese again commits itself to its pursuit of justice according to the norms laid out in the 1983 Code of Canon Law, other relevant of legislation, and this document.

The Adult Policy is to be published on the official website of the Diocese of Buffalo and notification of its publication provided to all Public Ecclesial Ministers and parishes located in the Diocese of Buffalo. Public Ecclesial Ministers are to review carefully the contents of the Adult Policy so that they may know what is expected of them in the course of their ministry.

The Adult Policy takes legislative effect on Tuesday 1 October 2024. As of that date, all prior procedures and norms that conflict with the contents of the Adult Policy are abrogated. Any changes, additions, or amendments will take effect on the date indicated in said policy. All universal law of the Church and particular law issued by the United States Conference of Catholic Bishops remain in force. The Diocesan Bishop is the authentic interpreter of the Adult Policy.

Given at Buffalo, New York, on this 12th day of September, in the year of Our Lord 2024.



Michael W. Fisher
+
Most Reverend Michael W. Fisher
Bishop of the Diocese of Buffalo

[Signature]

Ms. Melissa Potzler
Chancellor of the Diocese of Buffalo