

**Exhibit IV**

# **CODE OF CONDUCT**



ARCHDIOCESE OF DENVER

**Revised November 2, 2010 to be Effective January 7, 2011**

November 2, 2010

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## **INTRODUCTION**

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

*With these words, our Lord gave us the blueprint for Christian living. Our behavior toward one another is the essence of our discipleship. It is in this light that this Code of Conduct is presented. Its intent is to reinforce our Lord’s commandment to love one another through certain practical principles and guidelines.*

*All Archdiocesan Personnel shall receive a copy of this Code of Conduct. Please review it carefully, acknowledge the same by signing and dating the Acknowledgment of Receipt and Agreement attached hereto as Appendix G and returning it to your supervisor for inclusion in your Archdiocesan personnel file. This Code is a further revision to the Sexual Misconduct Policy promulgated in 1991 and revised in September 2002.*

## I. DEFINITIONS

*For purposes of this Code of Conduct:*

A. "*Archdiocese*" means the Archdiocese of Denver, the public juridic person established by the Holy See, all parishes within the territory of the Archdiocese of Denver, all parochial schools within the territory of the Archdiocese, and the Ecclesiastical Organizations. Please see Appendix A.

B. "*Archdiocesan Personnel*" means all paid employees of the Archdiocese (as defined above), all secular priests, religious priests, deacons, retired priests and retired deacons who are performing ministry in the Archdiocese who have been granted faculties by the Archbishop, and all Archdiocesan seminarians. It also includes all consecrated lay individuals who are performing ministry in the Archdiocese with the express permission of the Archbishop, and others who have read and agreed to be bound by this Code.

C. "*Child*" under Colorado law and for the purposes of this Code means anyone who has not attained their 18<sup>th</sup> birthday.

D. "*Sexual Misconduct*" is any sexual conduct that arises from the work of the Archdiocese involving any Archdiocesan Personnel and another individual that is either unlawful activity, including sexual harassment (Please see Appendix B.) or activity contrary to the moral teachings or canon law of the Catholic Church.

## II. REQUIRED CONDUCT

Relationships among people are the foundation of Christian ministry and are central to Church life. Defining safe relationships is not meant, in any way, 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 create the living Church to demonstrate their love for children and adults in the most sincere and healthy relationships.

All Archdiocesan Personnel are to carefully consider each standard in the Code of Conduct before agreeing to adhere to the standards and continue in service to the Archdiocese.

### CODE OF CONDUCT

- ❖ Archdiocesan Personnel will exhibit the highest Christian ethical standards and personal integrity.
- ❖ Archdiocesan Personnel will conduct themselves in a manner that is consistent with the discipline and teachings of the Catholic Church.
- ❖ Archdiocesan Personnel will provide a professional work environment that is free from physical, psychological, written, or verbal intimidation or harassment.

- ❖ Archdiocesan Personnel will avoid taking unfair advantage of counseling or a similar relationship of trust.
- ❖ Archdiocesan Personnel will not physically, sexually, or emotionally abuse or neglect a child or an adult.
- ❖ Archdiocesan Personnel will report promptly, in accordance with canon and civil law, any suspected abuse or neglect of a child to the appropriate civil and/or law enforcement authority.
- ❖ Archdiocesan Personnel will accept their personal responsibility to protect children and adults from all forms of abuse.

Because it would be impossible to compile a comprehensive list of specific acts constituting Sexual Misconduct, we must use common sense, guided by the principles set forth above, to direct our behavior. Archdiocesan Personnel must be alert to avoid any type of contact with children that might lead to misunderstandings, or be misconstrued or misinterpreted by reasonable people.

In their work, as appropriate, clergy and other Archdiocesan Personnel should seek to develop a proper rapport with children. But given the seriousness of the consequences of Sexual Misconduct, they should exercise caution and common sense to avoid potentially dangerous situations and to preclude any occasion that could give scandal or cause injury, whether that injury is intended or not by any Archdiocesan Personnel.

### **III. BACKGROUND INVESTIGATIONS**

As of September 27, 2002, all Archdiocesan Personnel were subjected to a criminal background check. All Archdiocesan Personnel hired after September 27, 2002 must complete an appropriate application for employment form, an authorization to obtain a criminal background check, and the mandated Fair Credit Reporting Act (FCRA) Authorization and Disclosure Notice (see Appendix H hereto). All applicants will be required to produce their date of birth and Social Security Number for the purpose of conducting this background check (this information will not be used in the interview and selection process, and will be maintained in confidence and protected in full compliance with state and federal law). A copy of the completed employment application should be retained in the employee's Personnel file. The results of the background check, along with the authorization to obtain a criminal background check and the mandated FCRA Authorization and Disclosure Notice shall be kept in a separate, confidential file at the employee's principal place of employment.

### **IV. EDUCATION**

Education alone cannot shape mature Christian attitudes, nor will it immediately change inappropriate sexual behavior. It can, however, make a positive difference. The Archdiocese expects all of its Archdiocesan Personnel to attend appropriate educational programs provided by the Archdiocese regarding the recognition and prevention of Sexual Misconduct.

The Archdiocese has established a Safe Environment Program to provide education and training for all Archdiocesan Personnel as well as children, educators, ministers, volunteers, parents and others who regularly have contact with children. The purpose of the program is to identify and create awareness of areas of concern regarding the safety of children and to provide training methods for the prevention of harm to children.

## V. REPORTING PROCEDURES

**A. General Reporting Requirements for Sexual Misconduct.** In the event of a known or suspected incident of Sexual Misconduct, the following procedures must be followed. There are two distinct types of reporting for suspected Sexual Misconduct: internal and external. Internal reporting provides notice to Archdiocesan officials of suspected instances of Sexual Misconduct and allows the Archdiocese to investigate and, as appropriate, apply corrective measures. External reporting provides notice to local law enforcement or local department of social services of suspected instances of child abuse or neglect. All Archdiocesan Personnel are mandatory child abuse reporters pursuant to this Code. Therefore, where the alleged Sexual Misconduct involves a child, all Archdiocesan Personnel must immediately report any suspected instance of child abuse to two entities: internally to the Archdiocese and externally to the appropriate local civil authority.

**B. Requirements of the Colorado Child Abuse Reporting Law.** In accordance with this Code, all Archdiocesan Personnel must report allegations of Sexual Misconduct involving a child in strict compliance with the Colorado child abuse reporting laws (Please see Appendix C.) and in strict conformity with this Code. For purposes hereof, a child is defined as any person under the age of 18. All Archdiocesan Personnel must remember:

1. Child Abuse Reports Must Be Made Promptly. Child abuse should be promptly reported to the local law enforcement authorities or 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 county department of social services.

2. All Archdiocesan Personnel Have a Duty to Report Child Abuse. It is the policy of the Archdiocese that Archdiocesan Personnel are not exempt from the reporting requirements of the Colorado child abuse reporting law, except for information received by a member of the clergy secured under the unbreakable Seal of the Sacrament of Reconciliation.

3. Responsibility to Ensure Compliance with Reporting Child Abuse. Every supervisor shares the responsibility to ensure compliance with internal and external reporting of child abuse. 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 Sexual Misconduct. In the case of students at Archdiocesan schools, the Superintendent of Catholic Schools is authorized to promulgate and disseminate to all students and their parents or legal guardians

procedures for students and parents or legal guardians of students who believe they have been subjected to Sexual Misconduct by any Archdiocesan Personnel to report such misconduct. Once such a report is received, the reporting procedures set forth herein and the investigation procedures set forth in Article VI shall apply.

**C. Internal Reporting Procedures.** Oral and written reports of Sexual Misconduct should be made promptly. The Director of the Office of Child and Youth Protection will oversee these procedures. The role of the Director of the Office of Child and Youth Protection is to (i) ensure that each allegation is handled in accordance with the policy of the Archdiocese and the Colorado child abuse reporting laws; and (ii) assist the reported victim and/or their family in obtaining, if appropriate, pastoral assistance, including, but not limited to spiritual guidance and professional counseling.

Any report involving Child Abuse (as that term is defined in Appendix C) should be made directly to the Director of the Office of Child and Youth Protection. All reports involving only adults should be made to your immediate supervisor or to one of the following, as appropriate:

Vicar for Clergy:	303-715-3197
Superintendent of Catholic Schools:	303-715-3132
Director of Human Resources:	303-715-3193
Director of the Office of Child and Youth Protection:	303-715-3226

A copy of any written reports involving Child Abuse, as required by paragraph D below, filed with local departments of social services or with local law enforcement authorities should be forwarded to the Office of Child and Youth Protection.. All written reports should be sent in a sealed envelope, addressed to the Director of the Office of Child and Youth Protection and marked “confidential”.

**D. External Reporting Pursuant to Colorado Child Abuse Reporting Laws.** It is the policy of the Archdiocese that all Archdiocesan Personnel must report allegations of Sexual Misconduct with a child in accordance with the Colorado child abuse reporting laws (Please see Appendix C). A report to the Vicar for Clergy, the Superintendent of Catholic Schools, the Director of Human Resources or the Director of the Office of Child and Youth Protection does not relieve any individual from the duty to report Child Abuse to the civil authorities. All Archdiocesan Personnel must remember the following:

1. No Liability Arises from Reporting. No one who reports a known or suspected incident of child abuse 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. Therefore, no one should fear for his or 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, nevertheless, make a report if there is reason to believe that abuse has occurred. "Reason to believe" includes any evidence that, if presented to a reasonable and prudent person, would cause that person to believe that the child was abused or 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.

**E. False Accusations and Unsubstantiated Claims.** Unfortunately, false accusations and unsubstantiated claims do occur. All Archdiocesan Personnel should know that both civil law and canon law (cc. 1390-1391) provide grave penalties when innocent individuals become victims of false denunciation and calumny.

## **VI. INVESTIGATION PROCEDURES**

**A. Commencement of Investigation.** Once an incident of alleged Sexual Misconduct is reported, an investigation will immediately be commenced. Every investigation will be guided by Christian care for the reported victim, his or her family, the person reporting the incident and the accused.

**B. Coordinator of Investigation.** The Vicar for Clergy will ordinarily serve as the primary coordinator of the investigation for persons who claim to have been sexually abused when they were a child by any priest, deacon, seminarian or member of a religious institute. The Vicar for Clergy will also supervise and be assisted by the Superintendent of Catholic Schools to aid persons who claim to have been sexually abused when they were a child by any principal, teacher or other Archdiocesan school Personnel or who claim to be the subject of current abuse by a principal, teacher or other Archdiocesan school Personnel. He will also supervise and be assisted by the Director of Human Resources to aid persons who claim to have been sexually abused as a child by any other employee of the Archdiocese.

**C. Investigations Into Allegations of Sexual Misconduct.** If the incident reported involves alleged Sexual Misconduct by any lay Archdiocesan Personnel, the Director of Human Resources or the Superintendent of Catholic Schools, as appropriate, will immediately investigate. If the incident reported involves alleged Sexual Misconduct by clergy or a seminarian, the Vicar for Clergy will immediately investigate.

1. *Pastoral Response to the Reported Victim.* When any claim of Sexual Misconduct is made with reasonable grounds to believe that it is truthful, the Director of the Office of Child and Youth Protection will meet promptly with the reported victim to offer pastoral encouragement and open communication with Archdiocesan officials.

2. *Notification.* The accused will be informed of the specific allegations that have been made against him or her 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 party can possibly be used against him or her in any subsequent criminal proceeding or civil lawsuit. The accused will also be advised to consider retaining his or her own legal and/or canonical counsel, as appropriate.

3. Administrative Leave. If deemed to be in the best interests 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 or her responsibilities and placed on administrative leave pending the outcome of any investigation. This leave may be with or without pay and benefits as the Archbishop or his designee may decide. In the case of priests or deacons, the Archbishop also may limit or revoke ministerial faculties, pending the outcome of any investigation. Note that such actions do not imply guilt on the part of the accused. If the circumstances so warrant, the Congregation for the Doctrine of the Faith shall be notified and their instruction followed.

4. The Archdiocesan Conduct Response Team. An investigating team has been established and is known as the Archdiocesan Conduct Response Team. This Team focuses especially on cases of clergy Sexual Misconduct and Sexual Misconduct by any Archdiocesan Personnel against children. This Team consists of a minimum of five persons who shall include the Vicar for Clergy, at least one mental health professional, and at least one member from a judicial or law enforcement background. The majority of the members must be Catholic laypersons active in the practice of their faith and who are not in the employ of the Archdiocese. The Archbishop will select and appoint each member of the Conduct Response Team for a term of five years. From among these members, the Archbishop will also appoint a Chairperson for a term of the Archbishop's choosing. The Archbishop may reappoint a member to one or more terms of service. Those involved in the investigation will strictly abide by canons 1717 and 1718 of the 1983 Code of Canon Law with regard to process and confidentiality. The attorney advising the Archdiocese in these matters will be notified of every investigation, will be kept informed throughout the process, and is authorized to attend all Conduct Response Team meetings.

5. Every Credible Reported Incident Will Be Pursued Promptly. When an allegation of Sexual Misconduct occurs, the lead investigator of the allegation will confer with the Director of the Office of Child and Youth Protection, the Director of Human Resources, the Superintendent of Catholic Schools and/or the Vicar for Clergy, as appropriate, and at his or her discretion, also may attempt to contact the person making the allegation. If the investigator determines that this is a proper subject for consideration by the Conduct Response Team, they will ask the Chairperson to convene a meeting to investigate the details of the allegation. If deemed appropriate, the alleged victim, the accused and any other person deemed necessary by the Chairperson shall be invited to meet with the Conduct Response Team. Each party will be advised of his or her right to have an advocate and/or counsel present during any interview with members of the Conduct Response Team. In all its actions, the Conduct Response Team will take care not to interfere with any criminal investigation. Moreover, every investigation will respect confidentiality for the reported victim (if requested by the victim, or in the case of a minor, the parent or guardian), the family of the alleged victim, the person reporting the incident and the accused.

6. Findings of the Conduct Response Team. Following the completion of its investigation, the Conduct Response Team will promptly advise the Archbishop of its findings and any recommendations it deems appropriate. Once the Archbishop has made a determination in the matter, both the alleged victim and the accused will be promptly advised. In every confirmed case of clergy Sexual Misconduct, especially those involving minors, the Archbishop or his designee, if requested, will meet personally with the victim and his or her family.

7. Further Action Involving Allegations against Priests or Deacons. In cases involving clergy, whether the priest or deacon admits or denies that Sexual Misconduct has occurred, and the allegations are serious and the evidence warrants, the priest or deacon will be asked to participate in a professional, independent psychological evaluation at a time and place determined by the Archbishop or his designee. Decisions concerning further active ministry can only be made after receiving the results of this evaluation and pending further investigation of any allegations. If a priest or deacon declines to take part in an evaluation, the Archbishop will act pursuant to canon 1718 and begin the appropriate canonical process. 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 priest or deacon in an effort to arrive at a mutual agreement on response and treatment.

a. There shall be a pastoral response to any accused priest or deacon. In keeping with canon law, the Vicar for Clergy will offer an accused priest or deacon professional assistance for his own healing and well-being, and for the purposes of future misconduct prevention.

b. In the event that the priest or deacon makes any admission of wrongdoing, a record of the complaint and the accused's response, as well as the results of any investigation by the Archdiocese, will be maintained in accordance with the requirements of canon 489.

c. If there is no mutual agreement between the Archbishop and the Archdiocesan priest or deacon on the appropriate response and treatment, the Archbishop will begin the canonical process deemed most appropriate to protect those in the community who might be at risk. Pursuant to Article 5 of the Charter for the Protection of Children and Young People, a single, confirmed act of sexual abuse of a child – including an incident from the past – requires that the offending priest or deacon be removed permanently from ministry.

d. If the Conduct Response Team's investigation (including any investigation conducted by civil authorities) leads to the conclusion that there is no substance to the allegations, the case will be closed. A record of the complaint, and the priest's or deacon's response, as well as the conclusions of the investigation, will be maintained pursuant to canon 1719. A summary of the complaint and the results of the investigation will be made a permanent portion of the accused's Archdiocesan Personnel file. If necessary, every step possible will be made to restore the good

name of the priest or deacon. 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.

e. In the event that it is determined that any Archdiocesan priest or deacon has indeed caused damage to any person, the Conduct Response Team shall make a written report with recommendations concerning fitness for ministry to the Archbishop.

f. If disciplinary action is indicated against a priest or deacon, the proper canonical processes shall be observed and the provisions of canon law will be followed. These provisions may include a request by a priest or deacon for dispensation from the clerical state, or a request by the Archbishop for dismissal of the priest or deacon from the clerical state even without the consent of the priest or deacon. For the sake of due process, the accused will be encouraged to retain civil and canonical counsel. The cost of legal assistance, shall be borne by the priest or deacon.

g. 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 priest or deacon 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 Archdiocesan Director of Communications. Please also see Article VII.

h. These investigation procedures shall govern allegations against both transitional and permanent deacons.

i. Seminarians and candidates for the permanent diaconate, while not members of the clerical state, have the goal of ordination and therefore come under the jurisdiction of the Vicar for Clergy. Any substantiated allegation of Sexual Misconduct with a child against a seminarian or candidate for the permanent diaconate will result in immediate dismissal from formation.

**D. Allegations Against Members of Religious Institutes Serving in the Archdiocese.** Under canon law, members of religious institutes 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 institutes residing or ministering in the Archdiocese. Please see Appendix E.

**E. Investigations Into Alleged Sexual Misconduct That Constitute Sexual Harassment.** If the allegations of Sexual Misconduct constitute sexual harassment directed at an Archdiocesan employee and the Chairperson of the Conduct Response Team concludes that the matter is not a proper subject for consideration by the Team, the procedures for

investigation set forth in Appendix B (the Archdiocese of Denver Harassment Policy), shall apply.

**F. Action Upon Completion of Investigation.** Should the investigation reveal that Sexual Misconduct has occurred, corrective action will be taken. Corrective action against priests and deacons will be taken as set forth in paragraph 7 above. For all others who have been found to have engaged in Sexual Misconduct, disciplinary action, up to and including termination of employment, will be applied.

## **VII. COMMUNICATIONS**

Regular, accurate and responsible communications are critical in our efforts to protect the children and young people in our care and respect the rights of the accused.

The Office of Communications will assist the Archbishop, or his designee, in providing detailed information on safe environment programs, policies and procedures, codes of conduct and reporting requirements for employees. It will also 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 web site focusing on Child and Youth Protection. The site is available on the diocesan home page ([www.archden.org](http://www.archden.org)) and on universal menus, providing 24-hour access to information related to the protection of children. The *Denver Catholic Register* and *El Pueblo Católico* will publish – at a minimum - quarterly notices reminding readers where to locate diocesan policies on abuse and how to file reports.

In the event of a report of Sexual Misconduct, the Archdiocese commits itself to communicate 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 Register*, *El Pueblo Católico*, the Archdiocesan web site, press releases and other available diocesan and non-diocesan 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 Director for Communications will serve as the primary spokesperson regarding allegations of misconduct (303-715-3123).

## **CONCLUSION**

The Archdiocese is charged with the responsibility to teach the people of God to “have love for one another.” As a result, an environment of proper conduct, exemplifying our true discipleship, is a special goal of the Archdiocese. This Code of Conduct is established to provide guidance for such an environment. A Code of Conduct, however, must necessarily speak to the consequences of any misconduct. It is essential, therefore, that we view this Code of Conduct as a means of growth in our discipleship.

## **APPENDIX A**

### **THE ECCLESIASTICAL ORGANIZATIONS WITHIN THE TERRITORY OF THE ARCHDIOCESE ARE THE FOLLOWING:**

The Archdiocese of Denver (a Colorado corporation sole); St. Simeon Cemetery Association; The Archdiocese of Denver Management Corporation; Archdiocese of Denver Mortuary at Mt. Olivet, Inc.; Bishop Machebeuf High School, Inc.; Camp St. Malo Religious Retreat & Conference Center, Inc.; Catholic Charities and Community Services of the Archdiocese of Denver, Inc.; Family of Nazareth, Inc.; Holy Family High School, Inc.; The John Paul II Center for the New Evangelization; The Mount Olivet Cemetery Association.; Saint John Vianney Theological Seminary; The Redemptoris Mater House of Formation; and Seeds of Hope Charitable Trust.

## **APPENDIX B**

### **HARASSMENT**

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 Archdiocesan employees, while exercising their duties, engage in the harassment of parishioners, clients, employees, co-workers, students or volunteers, they involve themselves in unethical and potentially unlawful acts. The Archdiocese will not tolerate any form of sexual, racial, ethnic, national origin or youth peer sexual harassment. It will not 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 an 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 an employee'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 Archdiocesan activity which has the purpose or effect of intimidating, embarrassing, or humiliating the other person.

If an individual believes that he or she has been harassed, he or she should immediately notify the appropriate supervisor. If the employer's immediate supervisor is the source of the alleged harassment, or if the employee is uncomfortable for any reason going to his or her immediate supervisor, then the employee should report the problem to the supervisor's supervisor, the Vicar for Clergy or the Director of Human Resources. School employees also may report allegations of harassment to the principal, pastor, or Superintendent of Catholic Schools.

An employee 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, questioning all employees who may have knowledge of either the incident in question or similar problems. The investigator(s) shall take reasonable steps to preserve the confidentiality of the circumstances and any findings. During the investigation, the Archdiocese 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 Director of Human Resources and, in the event of a school employee, to the Superintendent of Catholic Schools.

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At the completion of an investigation, the Archdiocese shall take any remedial action that is necessary and appropriate. This shall include communication with the employee or employees who brought the accusation and with the individual or individuals 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.

Please note that all Archdiocesan employees have the right to appeal to the Due Process procedures of the Archdiocese if they feel aggrieved or unjustly treated. Contact should be made with the Clerk of Due Process (303-894-8994).

## APPENDIX C

### CHILD ABUSE AND NEGLECT REPORTING ACT REQUIREMENTS COLORADO LAWS REGARDING SEXUAL OFFENSES

In Colorado, as in other states, child abuse or neglect is a crime. Colorado also has a specific statute, which requires that child abuse or neglect be reported to the county department of social services or to the local law enforcement agency. Sexual abuse of a child, of course, falls within the definition of child abuse. Thus, it must be reported in accordance with the requirements of the Colorado reporting statute which requires that any person who has reasonable cause to know or suspect that a child has been subjected to abuse or neglect or who has observed the child being subjected to circumstances or conditions which would reasonably result in abuse or neglect 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.

"Neglect" and "abuse" are defined to include sexual assault or molestation, sexual exploitation or prostitution.

Included among persons who are required to immediately report any known or suspected child abuse to the county or district department of social services or local law enforcement agency are any:

- (1) member of the clergy including bishops, priests or deacons;
- (2) registered nurse or licensed practical nurse;
- (3) public and private school official or employee;
- (4) social worker or worker in a family care home or day care center;
- (5) mental health professional;
- (6) psychologist.

Any other person may report known child abuse or suspected child abuse to the local law enforcement agency or the county department. 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 or neglect "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." § 19-10-110, C.R.S.

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. However, assistance will be given to all Archdiocesan Personnel having any questions or seeking knowledge concerning any of the laws governing Sexual Misconduct. 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: Any individual who knowingly inflicts sexual penetration or sexual intrusion upon a victim or who knowingly subjects a victim to any sexual contact commits a sexual assault. Depending on the circumstances, sexual assault can be a Class 4 Felony or a Class 1 Misdemeanor.
- (2) Sexual Assault on a Child, § 18-3-404, C.R.S.: 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. Sexual assault on a child is a felony.
- (3) Sexual Assault on a Child By One in a Position of Trust, § 18-3-405.3, C.R.S.: 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.
- (4) Sexual Assault on a Client by a Psychotherapist, § 18-3-404, C.R.S.: A psychotherapist, which is defined under this statute as any person who performs or purports to perform psychotherapy, whether or not such person is licensed by the state, commits aggravated sexual assault if he or 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. There is no exception in this statute for those engaged in the practice of religious ministry.
- (5) Sexual Exploitation of Children, § 18-6-403, C.R.S.: 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.

- (6) Indecent Exposure, § 18-7-302, C.R.S. A person commits indecent exposure by knowingly exposing his 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.

**APPENDIX D****CHILD ABUSE HOTLINE NUMBERS**

As of the date of this revision, the following are the child abuse hotline numbers used in each county in which the Archdiocese of Denver is located:

<i>Adams County</i>	.....	303-636-1750
<i>Arapahoe County</i>	.....	303-795-4850 (press 2)
<i>Boulder County</i>	.....	303-441-1000 303-441-4444 (After hours/ Weekends & holidays)
<i>Broomfield County</i>	.....	720-887-2271
<i>Clear Creek County</i>	.....	303-679-2365
<i>Denver County</i>	.....	720-944-3000
<i>Eagle County</i>	.....	970-328-8840
<i>Garfield County</i>	.....	970-945-9193
<i>Gilpin County</i>	.....	303-582-5444
<i>Grand County</i>	.....	970-725-3331
<i>Jackson County</i>	.....	970-723-4750
<i>Jefferson County</i>	.....	303-271-4131 or 303-271-4357
<i>Larimer County</i>	.....	970-498-6990
<i>Logan County</i>	.....	970-522-2194
<i>Moffat County</i>	.....	970-824-8282
<i>Morgan County</i>	.....	970-542-3530 x1529
<i>Phillips County</i>	.....	970-854-2280
<i>Pitkin County</i>	.....	970-927-1611
<i>Rio Blanco County</i>	.....	970-878-5011
<i>Routt County</i>	.....	970-879-1540
<i>Sedgwick County</i>	.....	970-474-3397
<i>Summit County</i>	.....	970-668-4100
<i>Washington County</i>	.....	970-345-2238
<i>Weld County</i>	.....	970-352-1551x6214
<i>Yuma County</i>	.....	970-332-4877

**In addition to the above-referenced numbers, reports also may be made to the local law enforcement agency.**

## **APPENDIX E**

### **PROCEDURES FOR RESPONDING TO ALLEGATIONS AGAINST MEMBERS OF RELIGIOUS INSTITUTES SERVING IN THE ARCHDIOCESE OF DENVER**

**Notification of the religious institute.** 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 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.

**Status of the member of the religious institute.** As circumstances warrant, the Archbishop may immediately withdraw an accused's archdiocesan priestly faculties, 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 institute to provide a prompt and appropriate pastoral response to the reported victim.

**Pastoral response to the accused.** The religious institute 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 Code 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.

**APPENDIX F**

**ACKNOWLEDGMENT OF RECEIPT AND AGREEMENT**

I hereby acknowledge that on \_\_\_\_\_ I received a copy of the Archdiocese of Denver's Code of Conduct, revised to be effective as of January 7, 2011, that I have read the Code, understand its meaning, and agree to conduct myself in conformity with the Code. I also understand that this acknowledgment will be maintained in my Archdiocesan personnel file.

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

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

Parish/School/Organization \_\_\_\_\_

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

**APPENDIX G**

**AUTHORIZATION TO OBTAIN CRIMINAL BACKGROUND CHECK**

**I hereby authorize the Archdiocese of Denver, parishes within its territory, or an Ecclesiastical Organization as set forth in Appendix A of the Code of Conduct, as appropriate, to obtain a criminal background check for the purpose of evaluating suitability for employment or volunteer services. I understand that one background check will be completed in association with a “conditional employment offer or conditional volunteer services offer” (contingent upon an acceptable background check), and that during the course of employment or volunteer services, there will be additional background checks completed to ensure compliance with the Archdiocese of Denver Code of Conduct (unless revoked by applicant in writing). This background report is one part of the overall evaluation process.**

**If you have resided in Colorado for less than seven years, please provide information for the state of Colorado and previous state(s) of residence for the last ten years.**

**Location where you are applying** \_\_\_\_\_

**Full Name (please print)** \_\_\_\_\_

**Maiden Name** \_\_\_\_\_

**\*Date of Birth** \_\_\_\_\_  
month/day/year

**Phone Number** \_\_\_\_\_

**\*Social Security Number** \_\_\_\_\_

**Current Address** \_\_\_\_\_

**Any Other Name(s) Previously Used** \_\_\_\_\_

**Resided in Colorado How Many Years** \_\_\_\_\_

**If less than seven years residence in Colorado, please provide information for past residence**

**State** \_\_\_\_\_ **Address** \_\_\_\_\_

**State** \_\_\_\_\_ **Address** \_\_\_\_\_

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

\*used only for background check purposes

**FAIR CREDIT REPORTING ACT  
DISCLOSURE & AUTHORIZATION**

**PLEASE NOTE: THIS IS REQUIRED BECAUSE WE ARE USING VENDORS THAT PERFORM CREDIT CHECKS; IT DOES NOT MEAN WE ARE PERFORMING CREDIT CHECKS (THIS IS USED FOR INFORMATIONAL PURPOSES AND EXPLAINS YOUR RIGHTS UNDER THE FCRA).**

**Disclosure**

As an applicant for volunteer services or for employment with the Archdiocese of Denver, a parish within its territory, or an Ecclesiastical Organization as set forth in Appendix A of the Code of Conduct, as applicable, you are a consumer with rights under the Fair Credit Reporting Act (FCRA). When any of the following circumstances exist, the applicable entity listed above may choose to obtain and use information contained in either a consumer report or an investigative consumer report from a consumer reporting agency about you: (1) when considering your application for volunteer services or employment, (2) when making a decision whether to offer you volunteer services or employment, (3) when deciding whether to continue your volunteer services or employment, or (4) when making other volunteer-related or employment-related decisions directly affecting you.

For explanation purposes, a “consumer reporting agency” is: a person or business which, for monetary fees, dues, or on a cooperative nonprofit basis, regularly assembles or evaluates consumer credit information or other information on consumers for the purpose of furnishing consumer reports to others, such as the Archdiocese, a parish within its territory, or an Ecclesiastical Organization, as applicable.

A “consumer report” means any written, oral or other communication of any information by a consumer reporting agency bearing on your credit worthiness, credit standing, credit capacity, character, general reputation, personal characteristics, or mode of living which is used or expected to be used or collected in whole or in part for the purpose of serving as a factor in establishing your eligibility for volunteer or employment purposes.

An “investigative consumer report” means a consumer report or portion thereof in which information on your character, general reputation, personal characteristics, or mode of living is obtained through personal interviews with your neighbors, friends, associates or others with whom you are acquainted or who may have knowledge concerning any such items of information.

An investigative consumer report may be requested by the organization. You may request, in writing and within a reasonable time, additional disclosures regarding the nature and scope of the investigation requested, as well as a written summary of your rights under the Fair Credit Reporting Act.

Authorization:

By signing below, I, \_\_\_\_\_, hereby voluntarily authorize the Archdiocese of Denver, a parish within its territory, or an Ecclesiastical Organization, as applicable, to obtain either a consumer report or an investigative consumer report about me from a consumer reporting agency and to consider this information when making decisions regarding my volunteer services or employment at the Archdiocese of Denver, a parish within its territory, or an Ecclesiastical Organization, as applicable. I understand that I have rights under the Fair Credit Reporting Act, including the rights discussed above.

Name

Date