



**CODE OF ETHICS AGREEMENT**  
***CHILD & YOUTH PROTECTION***  
***& GENERAL CONDUCT***

Archdiocese of Port of Spain  
Trinidad and Tobago

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## I. INTRODUCTION

The *Code of Ethics Agreement: Child & Youth Protection & General Conduct* (“*Code of Ethics*”) is applicable to all “Church Personnel,” including, but not limited to, priests, deacons, religious, principals, teachers, Employees, and Covered Volunteers. The *Code of Ethics* is intended to provide clear standards of behavior and, in particular, a blueprint for the boundaries of appropriate behavior for all interactions with children, young people, and, in select cases, fellow adults.

The *Code of Ethics* is intended to be read along with the *Policies and Procedures for the Protection of Children and Young People and Vulnerable Adults* (“Policies”) available on the archdiocesan website under Child & Youth Protection.

## II. DEFINITIONS

1. For purposes of the *Code of Ethics* only, the following are definitions for terms used herein:

1.1 **Sexual Misconduct:** Including, but not limited to:

A. **Abuse – Offense:** The term “Abuse” includes neglect, non-sexual abuse, and sexual abuse. Trinidad and Tobago law mandates all adults must report the “abuse or neglect” of a minor to the Children’s Authority of Trinidad and Tobago (CATT). Canonically, the revision of the new Book VI (M.P. *Pascite gregem Dei* 05/21) classifies a sexual abuse under the category of an offense against the Human Life, Dignity, and Liberty (“HLDL”) of another. For clerics, abuse of one’s authority to carry out sins related to the sixth commandment (cf. c. 1326 § 1,2<sup>o</sup>) constitutes Abuse. Furthermore, sexual sins with minors (under the age of 18) or those persons deemed equivalent to them (1398 § 1,1<sup>o</sup>), grooming or inducing for the purpose of pornographic performances (§ 1, 2<sup>o</sup>), or acquiring, retaining, exhibiting, or distributing child pornography (§ 1,3<sup>o</sup>) committed by a cleric, the canonical penalties are outlined in c. 1398. For non-clerics, namely consecrated persons or lay people holding a position in the Church, who committed these offenses would also face a just penalty outlined in 1336 § 2-4 (1389 § 2).

B. **Sexual Harassment:** unwelcome sexual advances, requests for sexual favors, and other communication (oral or written, including, but not limited to, electronic mail and social media) or physical behavior of a sexual nature. There are three categories. One type occurs when submitting to this type of behavior or conduct is implicitly or explicitly made a term of employment. Another type is when submitting or refusing to submit to this conduct is used as a basis for any decision affecting an individual's employment. The third type is behavior or conduct that creates a hostile environment.

1.2. **Archdiocese or Church:** the Roman Catholic Archdiocese of Port of Spain, which consists of parishes, primary and secondary schools, Commissions/Departments, and the Chancery; it may also apply to other Catholic entities subject to these Policies. Check Chancery for these figures.

1.3. **Church Personnel:** any priest, religious, deacon, administrator, Employee, or Covered Volunteer, as defined in the Policies, working on behalf of the Archdiocese or applying to work for the Archdiocese.

1.4. **Minors & Children:** All persons under eighteen (18) years of age (*Sacramentorum sanctitatis tutela* (“SST”)). In addition, as applicable, young adults who are of legal age but remain within the care of our parishes or schools under ministries oriented toward minors (e.g., members of youth groups and students at Catholic schools) are included under the terms: *minors*, *children*, and *child*.

1.5. **Vulnerable Adult:** “Any person in a state of infirmity, physical or mental deficiency, or deprivation of personal liberty which, in fact, even occasionally limits their ability to understand or to want to otherwise resist the offence” (art. 1 § 2, b *Vos Estis Lux Mundi* “VELM”). The definition of “vulnerable adult” is broader than the definition of adults who “habitually have an imperfect use of reason” (c. 1398 § 1,3°); thus, in certain cases, as determined by the Archbishop of Port of Spain, adults who qualify as “vulnerable adults” but not as “minors,” per these Policies,” will be addressed by policy and canonical considerations outside the scope of these Policies (VELM).

1.6 **Child Abuse Reporting:** Under Trinidad and Tobago law, Section 31 of the Sexual Offences Act, 1986 provides for the mandatory reporting of sexual offences against minors by certain persons.

This sections states that:

(1) Any person who—

(a) is the parent or guardian of a minor

(b) has the actual custody, charge or control of a minor

(c) has temporary custody, care, charge or control of a minor for a special purpose, as his attendant, employer or teacher, or in any other capacity; or

(d) is a medical practitioner, or a registered nurse or midwife, and has performed a medical examination in respect of a minor, and who has reasonable grounds for believing that a sexual offence has been committed in respect of that minor, shall report the grounds for his belief to a police officer as soon as reasonably practicable.

All Church Personnel should have recourse to the *Quick-Reference Guide: Reporting Procedures for Suspected Abuse or Neglect* to understand their legal obligations under Trinidad and Tobago law.

### **III. RESPONSIBILITY & PERSONAL WITNESS**

1. The various missions of each parish, school, or other Catholic entity all serve the mission of the Roman Catholic Archdiocese of Port of Spain. All Church Personnel—by virtue of their employment or volunteerism—are called to support and advance the mission of the Catholic entity in which they participate. In order to advance the mission, Church Personnel must speak and act in accordance with the precepts of the Catholic Church and strive to give a personal witness to the teachings of Christ and His Church. All Church Personnel share in the responsibility to advance the mission through their personal lives both while serving at their respective Catholic entity and while in public.
2. The conduct of Church Personnel, both public and private, has the potential to inspire and motivate God’s people, or to scandalize and devastate their faith. Church Personnel must, at all times, be aware of the responsibilities that can accompany their work as a representative of the Catholic Church. They must also know that God's goodness and grace support them in their ministry.
3. Responsibility for adherence to these *Code of Ethics* rests with the individual. Church Personnel who disregard the *Code of Ethics* will be subject to remedial or disciplinary action by the Diocese. Corrective action may take various forms, including but not limited to a verbal reproach, termination of employment, removal from the ministry, or other remedial action, depending on the specific nature and circumstances of the offense and the extent of the harm.

### **IV. STANDARDS FOR ADULTS WHO COME INTO CONTACT WITH MINORS**

#### **1. General Standards of Conduct**

1.1 Church Personnel can and should develop a good rapport with minors. They must also be vigilant to avoid the type of contact with children that could raise questions about the appropriateness of the contact, or which may lead to negative comments about the contact by reasonable people. Church Personnel must not only refrain from inappropriate/improper contact with children but also refrain from engaging in any action that could give the appearance of inappropriate/improper contact.

1.2 Church Personnel must always exercise the highest degree of care when interacting with minors. Minors are not independent. Church Personnel should cultivate an atmosphere of open communication and transparency between them and the parents or legal guardians of the minors.

1.3 Church Personnel must always behave in a professional manner.

1.4 Church Personnel are to be cognizant of any perceived unhealthy attachment being expressed by a minor. Such attachments need to be recognized, acknowledged and properly addressed. In some instances, it may be necessary to terminate further contact

with the child. Church Personnel must always be aware of the "power" of their role/position and be aware of the phenomenon of transference and of countertransference.

1.5 Church Personnel should avoid being alone with minors and, whenever possible, have another adult present or nearby. A recommended ratio of adults to minors for First year to Form 2 is two adults for the first seven (7) minors and one (1) adult for every additional seven minors. Preschools under the jurisdiction of the Office of Catholic Schools shall follow the standard for sufficient staff set forth by that office. The recommended ratio for Secondary school is two (2) adults for the first ten (10) minors and one adult for every additional seven minors.

Note:

- In the case of female minors, the recommended ratio is two (2) female adults but may include one (1) male adult where applicable.
- In the case of male minors, the recommended ratio is two (2) male adults but may include one (1) female, where applicable.

1.6 Impromptu discussions of a sexual nature should only occur, if necessary, to respond to a specific question from a minor. Any such discussion should use appropriate, professional language and adhere to the teachings of the Catholic faith.

1.7 Topics that could not be comfortably discussed with parents or another adult should not be discussed with children. Church Personnel should not use foul, offensive, or crude language in talking to children.

1.8 Meetings with minors should only occur on Church property, if possible. Church Personnel should never invite or take into the private areas of Church property or the private areas of private homes minors who are unrelated to them. Church Personnel should not spend their days off alone with minors they know from ministry who are not related to them.

1.9 Games or sporting activities with minors should only be engaged in the presence of at least two adults. (See 1.5)

1.10 Alcohol, tobacco, controlled substances, or sexually explicit material, including, but not limited to, self-generated pornography, et al., are never to be supplied to minors by Church Personnel.

1.11 Church Personnel are not to engage in the physical discipline of minors. Matters of discipline should be handled in coordination with the parent(s) or legal guardian of the minor.

1.12 Youth groups, in adherence to the recommended ratios in Section IV above are recommended to have adult chaperones proportionate in gender to the gender of the minors present, for any activity. While on youth group trips, Church Personnel are to maintain a professional stature and be prudent and professional when socializing with minors. During such youth group trips, individual Church Personnel are not to sleep alone in the same room with a minor.

1.13 Unsupervised minors should not be given keys to Church facilities.

1.14 Church Personnel are never to take photographs of minors while they are unclothed or dressing (e.g., in locker rooms or restroom facilities) and are never to engage in any rough housing around in locker rooms or restroom facilities.

1.15 Church Personnel must be aware of their own and others' vulnerability when working alone with minors and use a team approach to managing youth activities.

1.16 Appropriate physical contact with youth can be misconstrued. It should only occur in an appropriate, nonsexual context and never in private.

1.17 Church Personnel must not, for sexual gain or intimacy, exploit the trust placed in them by the faith community.

1.18 The Archdiocese strictly prohibits sexual misconduct by any Church Personnel. The Diocese strictly prohibits anyone from interacting with minors on behalf of the Archdiocese who has a civil or criminal record of child sexual abuse, has admitted prior sexual abuse, or is known to have a diagnosis of pedophilia or any related disorder.

1.19 Church Personnel should, at all times, be examples of the virtue chastity.

1.20 Church Personnel who provide pastoral counseling or spiritual direction must be cognizant of attachments and avoid developing inappropriate, intimate relationships with people that they counsel.

1.21 All allegations of sexual misconduct or suspected sexual abuse against a minor by Church Personnel must be taken seriously. Church Personnel must be familiar with the *Quick- Reference Guide: Reporting Procedures for Suspected Abuse or Neglect*.

### **3. Harassment of Minors or Other Church Personnel**

3.1 Church Personnel who are Employees of the Archdiocese should consult the *Diocesan Personnel Handbook* for information on harassment and how to report it to diocesan HR.

3.2 Church Personnel must not engage in physical, psychological, written, or verbal harassment of minors, staff, volunteers, or parishioners, and must not tolerate such harassment by other Church Personnel. Harassment can be a single severe incident or a persistent pattern of behavior where the purpose or the effect is to create a hostile, offensive, or intimidating work environment. Some examples of behavior or environment that could be considered harassment:

1. Any derogatory jokes, comments, or slurs especially if delivered in a manner that could be considered belligerent or threatening to another,
2. Any unwanted touching, assault, deliberate blocking, or any intimidating action that interferes with free movement,
3. Any inappropriate promises or inappropriate quid pro quo language, and
4. Any unwelcome touching and/or demands for sexual favors, and any unwelcome sexually oriented behavior, comments or visually derogatory or demeaning images, written words, drawings, novelties, or gestures which create a hostile or offensive environment.

3.3 The Diocese prohibits all such conduct, whether committed by supervisory or non-supervisory personnel as well as by a third party (i.e., non-employee of the Archdiocese of Port of Spain) engaged in business with the Diocese.

3.4 Allegations of harassment are to be taken seriously and reported immediately to the individual's immediate supervisor, or other appropriate Church authorities.

#### **4. Standards of Conduct for Pastoral Counselors and Spiritual Directors**

4.1 As used in this section, the terms “Pastoral Counselors” and “Spiritual Directors” refer to priests, deacons, seminarians, church personnel, and volunteers who provide formal or informal pastoral, or spiritual counseling services to individuals, families, or other groups. Pastoral Counselors and Spiritual Directors must respect the rights and advance the welfare of each person.

4.2 Pastoral Counselors and Spiritual Directors:

- a) Shall not step beyond their competence in pastoral or spiritual counseling and shall refer persons they counsel to other professionals after four sessions if matters arise that are outside the purview of pastoral matters.
- b) Shall carefully consider the possible consequences of pastoral counseling before entering into any pastoral counseling relationship with someone with whom they have a pre-existing relationship (i.e., employee, professional colleague, friend, etc.).
- c) Shall not audiotape or videotape sessions.
- d) Shall never counsel anyone at a person's home unless the individual is homebound or as required by an emergency situation. If an exception applies, the Pastoral Counselor or Spiritual Director should observe prudent visibility and regularity in engaging in pastoral counseling or spiritual direction.

- e) Shall not engage in any form of sexual conduct, including physical conduct of a sexual nature, with the persons they counsel. This includes consensual sexual contact.
- f) Shall not engage in sexual conduct with any individual who is close to the persons they counsel, such as a relative or friend of the person they counsel. Pastoral Counselors and Spiritual Directors should presume that the potential for exploitation or harm exists in any such intimate relationships.
- g) Are responsible for establishing and maintaining clear, appropriate boundaries in all pastoral counseling and pastoral or spiritual counseling-related relationships.
- h) Are to avoid physical contact of any kind (i.e., touching, hugging, holding hands) between themselves and the persons they counsel. Such actions can be misconstrued and should be avoided. Church Personnel should be mindful that not all members of the congregation are comfortable with physical touching and that a handshake should ordinarily suffice.
- i) Shall conduct pastoral counseling sessions in appropriate settings at appropriate times. Specifically, any meetings held in an office or room anywhere within a Diocesan facility shall not block the window in any manner or, if there is no window, shall always keep the door open for all to see.

Pastoral or spiritual counseling sessions must take place in only the professional portion of the rectory or other Church facility. Sessions are never to be conducted in the private living quarters.

Pastoral counseling sessions are not to be held in places or at times that would tend to cause confusion about the nature of the relationship for the person being counseled. Pastoral counseling sessions should be held in an appropriate professional setting and should be scheduled for normal business hours - ordinarily between the hours of 7:00 a.m. and 9:00 p.m.

- j) It is recommended that Church Personnel maintain a written log of the times and places of each counseling session with each person being counseled.
- k) Pastoral Counselors shall ordinarily engage in no more than **four** pastoral counseling sessions with an individual before advising the individual to be seen by a licensed therapist of his or her choice; Spiritual Directors shall observe prudent regularity and intensity in their spiritual direction.
- l) **Counseling Minors.** Counseling minors presents additional considerations for Pastoral Counselors and Spiritual Directors. In addition to the aforementioned standards listed in A-K of this section, Pastoral Counselors and Spiritual Directors should adhere to the following:
  - If possible, another adult should be in close proximity during the counseling session.
  - Unless the subject matter precludes it, the child's parent(s) or legal guardian should be present or aware of the session.
  - The relationship must always remain professional during the counseling sessions.
  - The Pastoral Counselor and Spiritual Director need to assess regularly the relationship to determine whether the child is developing a personal/physical attraction to him or her. Such attractions need to be recognized, and the child immediately referred to another Pastoral Counselor or Spiritual Director.

## 5. Confidentiality of Pastoral Counselors and Spiritual Directors

5.1 Information disclosed to a Pastoral Counselor or Spiritual Director during the course of counseling, advising, or spiritual direction is to be held in the strictest confidence possible.

5.2 The obligation of confidentiality contained herein is independent of the Sacramental Seal of Confession. Under no circumstances whatsoever can there be any disclosure—even indirect disclosure—of information received through the confessional.

1. At the initial meeting, Pastoral Counselors and Spiritual Directors are to discuss the nature of confidentiality and its limitations with each person in counseling.
2. Information obtained in the course of the pastoral counseling sessions is to be confidential, except for compelling professional reasons or as required by law.

If there is clear and imminent danger to the people they counsel, or to others, the Pastoral Counselor or Spiritual Director may disclose only the information necessary to protect the parties affected and to prevent harm.

Before disclosure is made, if feasible, the Pastoral Counselor or Spiritual Director should inform the person being counseled about the disclosure and the potential consequences.

C. Pastoral Counselors should keep minimal records of the content of sessions and retain them in a fashion to prevent inadvertent disclosures. 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.

4. While providing pastoral counseling to a minor, if a Pastoral Counselor or Spiritual Director discovers that there is a serious threat to the welfare of the minor and that communication of confidential information to a parent or legal guardian is essential to the child's health and well-being, the Pastoral Counselor or Spiritual Director shall:
  - Attempt to secure written consent from the minor for the specific disclosure.
  - If consent is not given, disclose only the information necessary to protect the health and well-being of the minor.
  - Consult with the Archbishop of Port of Spain, the Vicar General, or the Chancellor.

## V. REPORTING CODE OF ETHICS VIOLATIONS

1. **Reporting Misconduct:** Church Personnel have a duty to report their own ethical or professional misconduct and the misconduct of others. Church Personnel must hold each other accountable for maintaining the highest ethical and professional standards. When there is an indication of misconduct by Church Personnel, the person who learns of the misconduct should notify his/her supervisor or other appropriate Church authorities.

**CODE OF ETHICS AGREEMENT:  
CHILD & YOUTH PROTECTION & GENERAL CONDUCT**

STATEMENT OF CONSENT & UNDERSTANDING

I hereby represent that I have received, read, and understood the *Code of Ethics Agreement: Child & Youth Protection & General Conduct* of the Archdiocese of Port of Spain, and I agree to strictly adhere to and actively support these policies as a condition of my employment or appointment. I specifically understand that an investigation of my background may be conducted by the Archdiocese of Port of Spain or by a parish, agency or department of the Archdiocese of Port of Spain as a condition of employment, appointment or retention for which I am being considered.

Accordingly, I hereby consent to the release of otherwise confidential information and records concerning me by any government or law enforcement agency, and by any former employer or supervisor with or for whom I have been employed, to the Archdiocese of Port of Spain, or any parish, agency or department thereof, to be used in considering my fitness for employment, appointment or retention. It is understood that such information shall be treated by the Archdiocese, its parishes, agencies and departments as strictly confidential, and shall be used only for the purpose of considering my appointment, employment or retention.

It is further understood that this consent is not intended to permit or include the release of any records or information obtained or compiled by any attorney, physician, counselor or other health care professional in the course of performance of any professional services for or on my behalf.

*This Code of Ethics Agreement is attested to via the VIRTUS Online platform.*

Signed by: Name and Signature \_\_\_\_\_

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