

# Diocese of San Bernardino

## Code of Pastoral Conduct

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DSB 103 Promulgated December 15, 2003 – Revision #2 January 2008

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1201 East Highland Avenue,  
San Bernardino, CA 92404

# Diocese of San Bernardino

## Code of Pastoral Conduct

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Revision #2 January 2008 Promulgated December 15, 2003

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**I. Preamble**

Bishops, priests, deacons, pastoral ministers, seminarians, teachers, employees, independent contractors, and volunteers in our parishes and schools, men and women who are members of religious communities/institutes, and organizations must uphold Christian values and conduct. The Diocese of San Bernardino Code of Pastoral Conduct provides a set of standards for conduct in certain pastoral situations.

**II. Definitions**

Clergy:	includes all ordained Bishops, Priests and Deacons as defined below.
Bishops:	the Bishop of San Bernardino and all Auxiliary Bishops who may be appointed to serve in the Diocese of San Bernardino.
Priests:	all ordained priests, religious or secular, who serve in any ministerial capacity, whether or not they are incardinated within the Diocese of San Bernardino.
Deacons:	all ordained as deacons who serve in any ministerial capacity, whether or not they are incardinated within the Diocese of San Bernardino.
Pastoral Coordinators:	persons other than ordained priests who have completed appropriate training and are assigned to administer parishes which have no resident Pastor.
Pastoral Ministers:	all individuals, including seminarians during their pastoral year, participating in any parochial or diocesan pastoral ministry (for example: Choir, Eucharistic Ministers, Stephen Ministry, Marriage Encounter, Religious Education, etc.).
Religious:	all women and men of Institutes of Consecrated life and Societies of apostolic life serving in pastoral ministry in the Diocese of San Bernardino.
Staff:	Employees of the Diocese of San Bernardino and/or its aggregates.
Independent Contractors:	Person(s) contracted orally or in writing to provide a service to the Diocese, Parish or church organization, for example: a musician, a gardener, etc..
Volunteer:	anyone who offers their services free of remuneration of any kind to the Diocese, Parish, or church organization. (may begin at age 14)
Minors:	any person less than 18 years of age.
Youth or young people:	generally refers to minors between the ages of 14 and 18 years of age.

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### III. Responsibility

The public and private conduct of clergy, staff, pastoral ministers, independent contractors and volunteers can inspire and motivate people, but it can also scandalize and undermine the people's faith. Clergy, staff, and volunteers must, at all times, be aware of the responsibilities that accompany their work. They must also know that God's goodness and grace supports them in their ministry.

Responsibility for adherence to the Code of Pastoral Conduct rests with the individual. *Clergy, staff, and volunteers should and will be held accountable for their behavior.* Clergy, staff, and volunteers who disregard this Code of Pastoral Conduct will be subject to remediation per Diocesan and Human Resources Policy. Corrective action may take various forms depending on the specific nature and circumstances of the offense, the extent of the harm caused by the breach and the applicable Diocesan policies.

Clergy, staff, pastoral ministers, independent contractors and volunteers are also responsible for following their professional Code of Ethics as expressed by professional organizations in the secular and ecclesial world.

### IV. Pastoral Standards

#### 1. Conduct for Pastoral Counselors and Spiritual Directors<sup>1</sup> and other Ministers and/or Volunteers

*Pastoral Counselors, Spiritual Directors and all ministering in our churches, schools or other Catholic institutions, must respect the rights and advance the welfare of each person.*

- 1.1 No one shall step beyond their competence. When appropriate, counseling situations must be referred to licensed professionals.
- 1.2 All who minister in our churches, schools or other Catholic institutions should avoid any conflict of interest. They should carefully consider the possible consequences and avoid relationships with someone with whom they have a pre-existing relationship (i.e., employee, professional colleague, friend, or other pre-existing relationship). [See Section 7.2.2 for additional information].
- 1.3 Classes or activities will not be photographed, audio or videotaped without prior written permission from the participant or **in the case of a minor, from the parent/legal guardian.**
- 1.4 No one who is working in the name of the Diocese of San Bernardino, and/or its affiliated premises, should ever engage in sexual intimacies with the persons with whom they are ministering. This includes consensual and nonconsensual contact, forced physical contact, and inappropriate sexual comments or any form of harassment.
- 1.5 All who minister in our churches, schools or other Catholic institutions.
- 1.6 Physical contact (i.e., touching, hugging, holding) between **all** who minister in our churches, schools or other Catholic institutions and the persons with whom they minister can be misconstrued as inappropriate. Great care should be given and physical contact should be avoided if there is any question in the minister's mind that this behavior may be misunderstood.
- 1.7 Classes and activities should be conducted in appropriate settings at appropriate times.
  - 1.7.1 No class or activity should be conducted in private living quarters.
  - 1.7.2 Classes and activities should not be held at places or times that would tend to cause confusion about the nature of the relationship.
  - 1.7.3 Classes and activities will be held in appropriate locations as defined in Diocesan policy.

<sup>1</sup> Pastoral counselors and spiritual Directors are those who have received specialized training and/or a professional degree as defined by the United States Conference of Catholic Bishops and the State of California.

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## 2. Confidentiality

*Information gained during the course of counseling, advising, spiritual direction, classes or other sponsored activities shall be held in the strictest confidence possible.*

- 2.1 Information obtained in the course of sessions, classes or other sponsored activities 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, student or activity participant or to others, information may be disclosed only as is necessary to protect the parties affected and to prevent harm **and/or as required by law.**
- 2.1.2 Before a disclosure is made, if feasible, the client, student or activity participant should be informed about the disclosure and the potential consequences.
- 2.2 Confidentiality and its limitations should be discussed with students and/or participants at the first class or at the beginning of activities.
- 2.3 Necessary records are always confidential. (Refer to Pastoral Standard # 6).
- 2.4 Knowledge that arises during the course of counseling, advising, spiritual direction, classes or other activities may be used in teaching, writings, 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 and permission is granted.
- 2.5 While counseling, teaching or ministering to any minor, a Pastoral Counselor or Spiritual Director or anyone who is working in the name of the Diocese of San Bernardino 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 Counselor, Spiritual Director or any other person ministering to a minor should:
- Attempt to secure written consent from the minor for the specific disclosure or except as required by California Law.
  - If consent is not given, disclose only the information necessary to protect the health and well being of the minor.
  - *Communication with the appropriate Church supervisory personnel is required by Diocesan policy.*
- |  |   |
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| ❖ <b>Catholic Schools:</b>                     | <b>Diocesan Office of Catholic Schools</b>      |
| ❖ <b>Parish Catechetical Ministry program:</b> | <b>Diocesan Office of Catechetical Ministry</b> |
| ❖ <b>Parish Youth Ministry program:</b>        | <b>Diocesan Ministry with Youth Office</b>      |
- 2.6 In cases of suspected child abuse California Law always prevails, but according to the Law, matters disclosed in the confessional are protected from disclosure, even in cases of suspected child abuse.
- 2.7 These obligations are independent of the confidentiality of the confessional. In terms of Canon Law under no circumstances whatsoever can there be any disclosure—even indirect disclosure—of information received through the confessional.

## 3. Conduct with Youth

*Clergy, staff, ministers, licensed independent contractors, and volunteers working with youth shall maintain open and trustworthy relationships between themselves and the youth whom they serve.*

- 3.1 Clergy, staff, ministers, licensed independent contractors, and volunteers must be aware of their own and others' vulnerability when working alone with youth. Use a team approach to managing youth activities.

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- 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, staff, ministers, independent contractors **and volunteers must refrain from:**
- (a) The illegal possession and/or illegal use of drugs at all times.
  - (b) Using alcohol or tobacco in the presence of minors at parish events, or otherwise, (unless carefully considered by utilizing utmost discretion, control, and caution) and in no circumstance shall minors serve alcohol or be involved in the handling or consuming thereof nor the clean up of any alcohol related residual materials.
  - (c) Offering alcohol or tobacco to youth or minors, or helping them in any way to purchase or use alcohol or tobacco.
  - (d) The possession of pornographic/offensive materials in all forms.
- 3.4 Priests will not allow individual young people or minors to stay overnight in the Priest's private accommodations or residence according to Diocesan Policy 700.1.26, "Residence – Lay Persons Residing in Rectories".
- 3.5 Staff, Deacons, Ministers, and Volunteers should not provide shared, private, overnight accommodation for individual young people or minors 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 young person or minor, the clergy, staff, or volunteer 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 manage emergency situations.

#### **4. Sexual Conduct**

*Clergy, Religious, ministers, staff, and volunteers must not, for sexual gain or intimacy, exploit the trust placed in them by the faith community.*

- 4.1 Clergy and religious, who are committed by vows to a celibate lifestyle, are called to be examples of celibate chastity in all relationships at all times, while staff and volunteers are called to live lives of Christian chastity in all relationships at all times.
- 4.2 Staff and volunteers who provide pastoral counseling or spiritual direction services must avoid developing inappropriately intimate relationships with minors, other staff, or parishioners. Staff and volunteers must behave in a professional manner at all times.
- 4.3 No clergy, staff, or volunteer may exploit another person for sexual purposes.
- 4.4 Allegations of sexual misconduct should be taken seriously and reported as described in the Diocesan Policy, "Diocesan Policy on Sexual Abuse by Clergy" and to civil authorities if the situation involves a minor according to California Law. Diocesan procedures will be followed to protect the rights of all involved.
- 4.5 Clergy, religious, ministers, staff, and volunteers should review and know the contents of the child abuse regulations and reporting requirements for the State of California and should follow those mandates.

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## **5. Harassment**

*Clergy, Religious, Ministers, staff, and volunteers must not engage in physical, psychological, written, or verbal harassment of anyone. Note: Effective January 1, 2006 the State of California requires that all supervisory personnel complete Sexual Harassment Avoidance Training.*

- 5.1 Clergy, religious, ministers, staff, and volunteers shall provide a professional work environment that is free from physical, psychological, written, or verbal intimidation or harassment.
- 5.2 Harassment encompasses a broad range of physical, written, electronic, or verbal behavior, including but not limited to the following:
  - o Physical or mental abuse.
  - o Racial insults.
  - o Derogatory ethnic slurs.
  - o Unwelcome sexual advances or touching.
  - o Sexual comments or sexual jokes.
  - o Requests for sexual favors used as but not limited to:
    - a condition of employment, or
    - to affect other personnel decisions, such as promotion or compensation.
  - o Display of offensive materials.
  - o Retaliation.
  - o Humiliation, ridicule, degrading, or threatening behavior.
  - o Forwarding or sending of inappropriate or unwelcome e-mails.
  - o Inappropriate use of the internet, cell phones and/or any other technological instruments.
- 5.3 Harassment can be a single severe incident or a persistent pattern of misbehavior where the purpose or the effect is to create a hostile, offensive, or intimidating environment.
- 5.4 Allegations of harassment should be taken seriously and reported immediately to the Director of Human Resources for complaints against the laity; and to the Vicar General, for complaints against the clergy/religious. The Diocesan Policy Manual, "Human Resources Section 500.1, Para 1000-1006 Harassment" will be followed to protect the rights of all involved.

## **6. Parish, School, Religious Community/Institute, and Organizational Records and Information**

*Confidentiality will be maintained in creating, storing, accessing, transferring, and disposing of parish, religious community/institute, or organizational records.*

- 6.1 Sacramental records shall be regarded as confidential. When compiling and publishing parish, school, religious community/institute, or organization statistical information from these records, great care must be taken to preserve the anonymity of individuals.
- 6.2 Most sacramental records older than 70 years are open to the public.
  - 6.2.1 Information regarding adoption and legitimacy remains confidential, regardless of age.
  - 6.2.2 Only staff members who are authorized to access the records and supervise their use shall handle requests for more recent records.
- 6.3 Parish, school, religious community/institute, or organization financial records are confidential unless review, disclosure, or annual public reporting is required by the Diocese of San Bernardino or appropriate governmental authority. Contact Chief Financial Officer for the Diocese of San Bernardino upon receipt of any request for release of financial records.
- 6.4 Individual contribution records of the parish, religious community/institute, or organization shall be regarded as private and shall be maintained in strictest confidence, except as required by law.
- 6.5 Dissemination of all private information will be in accordance with State and Federal regulations.
- 6.6 The storage of records and private information will follow Diocesan policy.

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## 7. Conflicts of Interest

*Clergy, religious, ministers, staff, and volunteers 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.*

- 7.1 Clergy, religious, ministers, staff, and volunteers should disclose all relevant factors that potentially could create a conflict of interest.
- 7.2 Clergy, religious, ministers, staff, and volunteers should inform all parties when a real or potential conflict of interest arises. Resolution of the issues must protect both parties.
- 7.2.1 No clergy, religious, minister, staff, or volunteer should take advantage of anyone to whom they are providing services in order to further their personal, religious, political, or business interests.
- 7.2.2 Pastoral counselors should not provide counseling services to anyone 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.
- 7.2.3 When pastoral counseling or spiritual direction services are provided to two or more people who have a relationship with each other, the Pastoral Counselor or Spiritual Director 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.
- 7.3 Conflicts of interest may also arise when a person's independent judgment is impaired by:
- prior dealings,
  - becoming personally involved, or
  - becoming an advocate for one (person) against another. In these circumstances, the person shall advise the parties that he or she can no longer provide services and refer them to other professionals.

## 8. Reporting Ethical or Professional Misconduct

*Clergy, religious, ministers, staff, and volunteers have a duty to report their own ethical or professional misconduct and the misconduct of others.*

- 8.1 Clergy, religious, ministers, staff, and volunteers must hold each other accountable for maintaining the highest ethical and professional standards. When there is an indication of illegal actions by clergy, staff, or volunteers, you should notify the proper civil authorities immediately.  
***Also notify the appropriate supervisor or the Office of the Bishop for the Diocese of San Bernardino.***
- 8.2 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:
- Immediate supervisor, and/or
  - Human Resources, and/or
  - The Office of the Bishop for the Diocese of San Bernardino..
- 8.3 When it appears that a member of clergy, a staff member, religious, minister, or a volunteer has violated this Code of Pastoral Conduct or other religious, moral, or ethical principles:
- Report the issue to a supervisor or next higher authority, or
  - Refer the matter directly to the Office of the Bishop for the Diocese of San Bernardino

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- 8.4 The obligation of Pastoral Counselors and Spiritual Directors 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 well being of any of the persons involved except as provided for in Section 2.7.

## **9. Administration**

*Employers and supervisors shall treat clergy, staff, religious, ministers, and volunteers justly in the day-to-day administrative operations of their ministries.*

- 9.1 Personnel and other administrative decisions made by clergy, staff, and volunteers shall meet civil and canon law obligations and also reflect Catholic Social Teachings and this Code of Pastoral Conduct.
- 9.2 No clergy, religious, minister, staff, or volunteer shall use his or her Diocesan position to exercise unreasonable or inappropriate power and authority.
- a. Anyone providing services to minors, which includes all children and youth, must read and sign the Safe Environment Policy and Code of Pastoral Conduct before providing services.

## **10. Staff or Volunteer Well-being**

*Clergy, staff, religious, ministers, and volunteers have the duty to be responsible for their own spiritual, physical, mental, and emotional health.*

- 10.1 Clergy, religious, ministers, staff, and volunteers should be aware of warning signs that indicate potential problems with their own spiritual, physical, mental, and/or emotional health.
- 10.2 Clergy, religious, ministers, staff, and volunteers should seek help immediately whenever they notice behavioral or emotional warning signs in their own professional and/or personal lives.
- 10.3 Clergy, religious, ministers, staff, and volunteers must address their own spiritual needs. Support from a Spiritual Director is highly recommended.
- 10.4 Inappropriate or illegal use of alcohol, drugs, and the electronic media is prohibited.

## **V. Distribution**

The Code of Pastoral Conduct will be disseminated to the Diocesan Offices, Parishes, Schools and other Diocesan Organizations by:

- Newsletters and/or Bulletin articles,
- Diocesan website [www.sbdioocese.org](http://www.sbdioocese.org) - Online Training,
- Direct mail to parishes and schools,
- Live Training Opportunities in each Vicariate and the Diocesan Pastoral Center (DPC).

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**Appendix I**

Pre-Evaluation

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1. All Children under 18 who are part of programs in the Diocese are ONLY required to have training in Age-appropriate Personal Safety.  
A. True  
B. False
2. All Safe Environment Training Documentation is very important for both the Parish and the Diocese.  
A. True  
B. False
3. Formal training session workshops are the only training method recommended for Safe Environment training.  
A. True  
B. False
4. Background checks, (Live Scan fingerprinting), are required for only clergy and employees.  
A. True  
B. False
5. The Two Adult Rule and Windows and Open Doors are the only two rules that need to be followed when supervising minors in an activity at as Parish or School.  
A. True  
B. False
6. The Diocese has specific guidelines that must be followed to supervise minors in parish and or school programs. These rules don't need to be followed with Youth Groups. The Office of Ministry with Youth has policies of their own.  
A. True  
B. False
7. All of the following people are required to complete the training for Safe Environment: Diocesan employees, Volunteers who have regular contact with children, Eucharistic Ministers, lectors at all masses.  
A. True  
B. False
8. Confidentiality is very important for all Diocesan employees and volunteers.  
A. True  
B. False
9. Open and trustworthy relationships between youth and adults are very important. It is also important that behaviors never exploit any other person.  
A. True  
B. False
10. To report unethical or inappropriate behaviors of a Bishop, priest or Deacon, contact the Office of the Vicar for Clergy.  
A. True  
B. False

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**Appendix I (continued)**

11. To report unethical or inappropriate behaviors of a non-clergy or religious sister or brother, contact the Office of Consecrated life.  
A. True  
B. False
12. Most abuse is committed by strangers.  
A. True  
B. False
13. Personal Safety training is one way that we can help break the cycle of abuse in our communities.  
A. True  
B. False
14. Many children don't know how to tell someone that they have been molested. This is usually the only reason they don't tell someone about their abuse.  
A. True  
B. False
15. It is the responsibility of each member of our parishes and/or schools to help create a safe environment for our children.  
A. True  
B. False
16. The Code of Pastoral Conduct states that everyone must respect the rights and advance the welfare of each person.  
A. True  
B. False
17. When you have knowledge that a child is being abused, you are obliged to make a report as soon as possible.  
A. True  
B. False
18. If you discover there is a serious threat to the welfare of a minor, The Code of Pastoral Conduct allows you to only call Child Protective Services and make a report.  
A. True  
B. False
19. Clergy, staff, ministers, licensed contractors and volunteers must refrain from inappropriate intimate relationships with minors.  
A. True  
B. False
20. Clergy, staff, ministers and volunteers are permitted to provide overnight accommodations only when these accommodations are on school or parish premises.  
A. True  
B. False

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**Appendix II**

**Prayer**

**Leader:** Creator God please hear your people as together we pray:

**All:** God of endless love,  
ever caring, ever strong,  
always present, always just,  
You gave your only Son  
to save us by the blood of his cross.

Gentle Jesus, shepherd of peace,  
join to your own suffering  
the pain of all who have been hurt  
in body, mind, and spirit  
by those who betrayed the trust placed in them.

Hear our cries as we agonize  
over the harm done to our brothers and sisters.  
Breathe wisdom into our prayers,  
soothe restless hearts with hope &  
steady shaken spirits with faith.  
Show us the way to justice and wholeness,  
enlightened by truth and enfolded in your mercy.

Holy Spirit, comforter of hearts,  
heal your people's wounds  
and transform our brokenness.  
Grant us courage and wisdom, humility and grace,  
so that we may act with justice  
and find peace in you.  
We ask this through Christ, our Lord. Amen.

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**Appendix III**

**CASE STUDY**

One Sunday afternoon a teen group attended a retreat at St. Justin's Parish. The adults present included the Youth Minister (YM), the Pastor and the Confirmation Coordinator. There were 15 teens in the group ranging in age from 13 to 16. During the break, one of the teens noticed that the Youth Minister had left the group to go into a side room. He noticed that the YM was typing on his lap top and laughing. Thinking that the YM was playing a video game, the teen eagerly went to join him. As he approached the YM, the teen realized that he was watching child pornography on his lap top. When the YM realized that the teen was also staring at his computer screen, in shock and embarrassment he quickly shut the computer down and tried to shrug it off as a fluke with his computer system. He told the teen, "Keep this silly thing between us guys.", and quickly walked away.

When the group returned from break, the teen told his friend about the "naked kids" on the YM's lap top. His friend just laughed and said that the YM was okay and didn't mean any harm. He reminded the teen how the YM always bought pizza for them and had all the kids over to his house on weekends. The friend even bragged that he had spent some weekend sleepovers at the YM's house with his parent's full permission. "The guy is cool, don't sweat it".

The teen decided to report the incident to the Confirmation Coordinator. She assured the teen that she would discuss this issue with the Youth Minister and let him know that he should never do that again. Shortly after that conversation she went to the Youth Minister and asked him to put his lap top into his car, which he did immediately.

- A. List one person whose behavior followed the Code of Pastoral Conduct. What was that behavior?
- B. List three people whose behaviors did NOT follow the Code. What were their behaviors?
- C. Should the incident be reported? If yes, why and to whom? If no, why not?