

Code of Pastoral Conduct

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Foreword

The objective of the *Code of Pastoral Conduct* is to promote and safeguard social safety in the Roman Catholic Ecclesiastical Province in the Netherlands. Of those to whom the Pastoral Code of Conduct applies because their work includes, either directly or indirectly, performing the pastoral work of the Church, a correct, professional manner of dealing with each other and with others can be expected, using as an example the manner in which Jesus Christ worked with His disciples and other contemporaries. This is a basic condition for social safety. Within this framework, preventing transgressive behaviour is a *conditio sine qua non*, a necessary precondition.

The Church as a religious community and as an organisation must act as an example of social safety. The *Code of Pastoral Conduct* offers a framework within which social safety holds a central position and this includes concrete standards like a guide for appropriate behaviour in pastoral situations. It is the responsibility of those to whom the *Code of Conduct* applies to set and to keep clear and correct boundaries in all relationships in which they offer pastoral care or spiritual guidance as well as in all related relationships. Their work is and remains a service to the beliefs of people, groups and communities and thus to the Church.

All those to whom the *Code of Pastoral Conduct* applies must at all times in their lives and their work subscribe to the Christian values and standards and must speak and act accordingly. They must know that they are responsible and shall also be held responsible for their behaviour. To ensure accountability a clear picture of appropriate and inappropriate behaviour is indispensable. The *Code of Pastoral Conduct* offers a framework which provides the clear boundaries set.

In the past, there have been a few draft codes of conduct for pastoral workers, but there was still no harmonised text for the whole Roman Catholic Church in the Netherlands.¹

¹ There are the *Rules of Conduct for People serving in the Roman Catholic Church in the 's-Hertogenbosch and Roermond either through mission or nomination or appointment by the Diocesan Bishop* (2003), the *Rules of Conduct for Workers in Pastoral Service* of the Archdiocese of Utrecht (2000) and the *Professional Code for R.C. Chaplains* of the Dutch Association of Pastoral Workers (2011). These texts have been used with gratitude when drafting this *Code of Pastoral Conduct*. Use has also been made of the *Code of Conduct for Pastors and Church Workers* of the PCN (2011-2012) of the 'Professional Code' in the *Professional Standard in Humanistic Spiritual Guidance* of the Humanist Federation, dated 17 December 2012, pp. 14-19 and the *Model Code of Pastoral Conduct for Priests, Deacons, Pastoral Ministers, Administrators, Employees and Volunteers* of the 'National Catholic Risk Retention group, Inc' (U.S.A.).

In this respect, the ‘Deetman Report’² suggested arriving at greater consistency between the Dutch Roman Catholic dioceses (and where possible with religious institutions).

With this *Code of Pastoral Conduct*, we would like, as diocesan bishops of the Dutch Roman Catholic dioceses, to encourage social safety within our church community. ‘Social safety’ involves much more than just preventing transgressive behaviour. It also entails respecting each others’ spiritual, psychological and physical integrity and, in this respect, promoting each others’ well-being. A minimum condition for this is that there is in any case no transgressive behaviour.

The *Code of Pastoral Conduct* contains no standpoint on the content of the work of pastoral workers. Nor does the *Code* refer to a specific post, function or the content of these or to the necessary spirituality characteristic to clerics and others who work within the Church. It does govern the actual behaviour in relationships in pastoral care and in fields of work directly related to this. The *Code of Pastoral Conduct* is aimed at promoting and safeguarding social safety within the Church and at the requisite accompanying intrinsic work ethic and the necessary group ethos of the people involved.

The first draft of the text for the *Code of Pastoral Conduct* came into effect as of 1 July 2014 and was submitted to the superiors by the *Konferentie Nederlandse Religieuzen* (the Conference of Dutch Religious - CDR) to be declared valid within their order or congregation. Since then, the Church community has gained experience with the *Code of Pastoral Conduct* and many people involved have evaluated its effect. The results of this evaluation have been submitted to us and to the CDR. The CDR has also collaborated in preparing the current text of the *Code of Pastoral Conduct*.

This *Code of Conduct* was adopted on 10 April 2018 by the diocesan bishops of the Dutch Roman Catholic dioceses, by the apostolic administrator of the Military Ordinariate and by the diocesan administrator of the Roermond Diocese and will come into effect on 13 April 2018. The *Code of Pastoral Conduct* will be published on 13 April 2018 on the websites of the Dutch Roman Catholic dioceses, of the Dutch Bishops’ Conference, of the Roman Catholic Contact

² Wim Deetman, et. al., *Seksueel misbruik van minderjarigen in de Rooms-Katholieke Kerk [Sexual Abuse of Minors in the Roman Catholic Church]*, Amsterdam 2011 (Extended version), p. 510, asks the bishops and the superiors general in ‘Aanbeveling B. Toelating, opleiding, begeleiding en personeelsbeleid’ [Recommendation B. Permission, training, guidance and personnel policy] “to harmonise as far as possible ... supervision of their priests and clergy and to improve the personnel policy by professionalising, cooperating more or even centralising”.

Point for Transgressive Behaviour and of the CDR. This *Code of Pastoral Conduct* will also be published in the *Analecta* of the Dutch Roman Catholic dioceses and in the *Kerkelijke Documentatie* series, a publication of the Secretariat of the *Rooms-Katholiek Kerkgenootschap* (SRKK, in English the Roman Catholic Church Association).

The *Code of Pastoral Conduct* is a proposition that carries an obligation. For this reason, we suggest and prescribe this *Code of Conduct* to each for his own diocese. In doing so, we would like to show that we urge everyone to whom the *Code of Conduct* applies to collaborate with enforcing and promoting social safety in our Church. For our part we shall also continue our efforts.

In this respect, we draw attention to the fact that complaints of infringements of the *Code of Pastoral Conduct*, by those for whom the *Code* applies, can be submitted within the Church in accordance with the standards enshrined in universal and particular ecclesiastical law.

Generally, it can be stated that the consequences for those to whom the *Code of Pastoral Conduct* apply and from which it is established that if he³ violates the *Code of Conduct*, a range of disciplinary measures may be taken that include an oral reprimand to radical and/or ecclesiastical consequences, to deprivation of the office. Furthermore, this depends on the nature and the circumstances of the act committed in violation of the *Code of Conduct* and the extent of the resulting pecuniary and non-pecuniary damage.

We invite everyone who works in pastoral care to discuss the *Code of Conduct* with each other and to test it out in specific practical situations. Moreover, it is necessary that in the various courses of study, in which people are preparing for pastoral work and are thus in direct contact with professional fields, care is taken to pay particular attention to this *Code of Pastoral Conduct*.

We have also presented the text of the *Code of Pastoral Conduct* to the CDR confident that the superiors general will also declare this text applicable to the religious institutes and to the societies for apostolic life.

Utrecht, 10 April 2018

³ The *Code of Pastoral Conduct* of course applies to both men and women. The reader is asked to read "he" to include "she" and "him" to include "her".

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I. Scope

The *Code of Pastoral Conduct* governs situations that involve anyone who:

is studying to become a priest or deacon (ecclesiastically responsible officer; rector of the programme concerned);

is studying in another pastoral service programme (ecclesiastically responsible officer; rector of the programme concerned);

has been given a mission, appointment or pastoral commission by a diocesan bishop (ecclesiastically responsible officer; diocesan bishop concerned);

has been incarnated as clergyman in one of the Roman Catholic dioceses in the Netherlands (ecclesiastically responsible officer; the diocesan bishop concerned) or in a Personal Prelature (ecclesiastically responsible officer; regional vicar);

is carrying out activities in a civilian institution based on a mission or task from an ecclesiastical authority within the Roman Catholic Church in the Netherlands (ecclesiastically responsible officer; ecclesiastical authority who provided the mission);

regularly provides, as priest or deacon, pastoral assistance in one of the Roman Catholic dioceses in the Netherlands but where he is not incarnated (ecclesiastically responsible officer; bishop of the diocese where the priest or deacon is incardinated or the superior general of the institute of consecrated life or the society of apostolic life where the priest or deacon is incardinated);

is working, based on an employment contract with a public ecclesiastical legal person or as a volunteer of the public ecclesiastical legal person, with minors and/or with people who are *non compos mentis* or are otherwise vulnerable (ecclesiastically responsible officer; the administration of the public ecclesiastical legal person concerned);

is preparing for membership in a Dutch-based institute of consecrated life or a society for apostolic life, if the superior general has declared the *Code of Pastoral Conduct* applicable within the institute or society concerned (ecclesiastically responsible officer; the superior general of the institute of consecrated life or the society of apostolic life concerned);

is a member of an institute of consecrated life or society for apostolic life established in the Netherlands, if the superior general concerned has declared the *Code of Pastoral Conduct* applicable within the institute or the society (ecclesiastically responsible officer; the superior general of the institute of consecrated life or the society of apostolic life concerned).

All above-mentioned persons must ensure that there are binding guidelines to govern their acts in the *Code of Pastoral Conduct* and the values and standards therein.

This *Code of Pastoral Conduct* applies to all above-mentioned categories of people. At the same time all (other) volunteers are expected, *mutatis mutandis*, to carry out their activities in compliance with the values and standards contained in this *Code of Pastoral Conduct*.

The diocesan bishop or superiors general can declare that this *Code of Pastoral Conduct* also applies to other people and/or functions.

II. Values and Standards in Pastoral Service

1. General

1.1. Anyone to whom this *Code of Pastoral Conduct* applies is personally responsible for the interpretation and performance of the office, task or service within the rules as set out by the Church.

1.2. If there is uncertainty or doubt about how he should conduct himself, he shall consult a colleague or superior.

1.3. In social interactions, he shall conduct himself with care and be trustworthy. He behaves in such a way that the trust in the Church and in those who hold office or perform a task or service therein remains unharmed.

1.4. He maintains the knowledge and skills he requires for a high-quality, proper performance of his mission through, amongst other methods, study and through continuing education and training courses and ongoing care for his spiritual life.

1.5. He acknowledges that he fulfils an exemplary function and endeavours to ensure that his personal life conforms with the Christian values and standards that flow from the mission.

1.6. He does not take any money for services provided, accepts no inheritance or any significant gifts from people with whom he has a pastoral relationship through his mission within the Church and does not manage any money that cannot be openly justified.

2. In Relation to the Bishop⁴

2.1. He acknowledges that it is the Bishop's place and responsibility in the Church to act as shepherd and supervisor of the diocese, which as such tests and sanctions the vocation for certain offices and tasks in an ecclesiastical appointment or task.

2.2. He is always prepared to have a faithful dialogue with the Bishop and acknowledges that his function should be performed in the context of the one mission of the universal Church in the diocese of the Ecclesiastical province.

3. In Relation to Colleagues

3.1. He fosters collegiality with a view to mutual cooperation.

3.2. He takes account of the diversity of views amongst his colleagues and knows how to deal with this professionally.

3.3. He and his colleagues are responsible for social safety in the Church. Through confidential dialogue with colleagues, he shall facilitate giving appropriate consideration to social safety.

3.4. He shall seek out evaluation of his pastoral activities from his peers.

3.5. In confidential dialogues with colleagues, he will discuss situations of possible transgressive behaviour and possible reasons for this.

3.6. If there are signs of a colleague behaving in a possibly transgressive manner, he shall address the matter with the colleague.

⁴ If the *Code of Pastoral Conduct* is declared applicable for persons who are members of a Netherlands-founded institute of consecrated life or of a society of apostolic life, for activities within or outside the institute or society concerned, this paragraph shall be considered *mutatis mutandis* to have been read.

3.7. In public discussions, he shall remain professional and respectful of the opinion about colleagues.

4. Conduct in Pastoral Relations and in Spiritual Guidance

4.1. He shall create a professional work environment, in which social safety is assured and can be experienced.

4.2. He is aware of his position of trust and of the intrinsic imbalance of power that comes with every pastoral relationship.

4.3. Anyone who undertakes a life of celibacy is said to be at all times and in all relationships an example of celibate purity.

4.4. He shall not use his position to exercise his power unreasonably or inappropriately.

4.5. He must respect each person's own responsibility, rights and values and foster each person's well-being.

4.6. Within reasonable limits, he is available to anyone who directly or indirectly seeks his services.

4.7. He makes it clear in what manner, in what form and to what extent pastoral care or spiritual guidance can be provided.

4.8. He ensures that pastoral contact can be undertaken, maintained and ended freely. If he is of the opinion that it would be better to end a pastoral contact, he shall explain this.

4.9. In situations where he is offering assistance, he does not exceed his field of competence and refers, in a timely manner, the matter to other professionals.

4.10. He should, in consultation with the superior and/or colleagues, carefully weigh possible consequences before entering into a pastoral relationship with someone with whom he had had another relationship (for example, as employee, colleague, girl-/boyfriend, etc.).

4.11. He exercises prudence and restraint when in contact with those to whom pastoral care or spiritual guidance is provided to avoid every possible

misunderstanding and/or the appearance of transgressive behaviour. He will not respond to any sexual advances.

4.12. Pastoral care or spiritual guidance should take place in an appropriate environment and at appropriate times, unless it involves an emergency. The conversations must not be held in places or at times that cause or that could cause confusion in the person receiving the care or guidance about the nature of the relationship.

5. Transgressive Behaviour

5.1. He shall not commit transgressive behaviour with regard to employees, volunteers, parishioners, colleagues or anyone else and shall not tolerate such behaviour from other pastoral workers.

5.2. Serious and/or punishable 'transgressive behaviour' includes:

- psychological transgressive behaviour, including emotional abuse;
- physical transgressive behaviour, including assault;
- sexual transgressive behaviour, including sexual remarks and touching, showing offensive material and sexual abuse⁵;
- neglect and/or denying care;
- discrimination;
- infringement of rights;
- financial and material abuse.

5.3. Cases in which the transgressive behaviour described under paragraph 5.2 takes place or has already taken place, should be given priority and be reported immediately to the ecclesiastically responsible officer (see I Scope). When there is a complaint about sexual abuse of a minor that at least bears some appearance of truth, the ecclesiastically responsible officer should report it without delay to the public prosecutor's office or the police.

5.4. For forms of transgressive behaviour other than those listed under paragraph 5.2., resort will be taken to consultation amongst the colleagues to correct it and, if the behaviour persists, the direct superior will be contacted.

⁵ Sexual abuse includes: any conduct which pressures or forces someone in a dependent relationship to perform, submit to or watch sexual acts or to tolerate sexually-explicit advances or comments in whatever form and/or other acts or behaviours similar to those that are subject to punishment pursuant to the Criminal Code. To pressure or to force means to use or threaten to use physical violence, psychological pressure, intimidation and/or blackmail. Furthermore, sexual abuse also includes making sexually-explicit images of someone and using and/or circulating them.

5.5. If he has committed transgressive behaviour, he should be prepared at all times to listen to any advice and/or instructions given by superiors, colleagues and superiors to prevent a repeat of the behaviour.

5.6. Where there is no (direct) provision in the *Code of Pastoral Conduct*, or where there is doubt about the permissibility of certain behaviour, it is the responsibility of the colleagues to look to the spirit of the *Code of Conduct* to address the behaviour. The behaviour may be raised as such in confidential dialogue with colleagues. If this does not lead to a change in the behaviour of the person involved, then the direct superior contacts the ecclesiastically responsible officer (see I Scope).⁶

6. Contact with Minors⁷

6.1. He ensures an environment and atmosphere where minors are safe and respected.⁸

6.2. He refrains from treating minors in a manner that could make them feel their dignity has been offended.⁹

6.3. He does not intrude on the private lives of minors beyond what is appropriate in the pastoral care or spiritual guidance he offers. He never receives minors in private.

6.4. He refrains from all forms of sexual transgressive conduct as regards minors. No sexual acts, contacts or relations with minors are permitted under any circumstances and any such act, contact or relation will be considered deemed sexual transgressive behaviour.

⁶ The *Basismodel meldcode huiselijk geweld en kindermishandeling. Stappenplan voor het handelen bij signalen van huiselijk geweld en kindermishandeling [Basic Reporting Code for Domestic Violence and Child Abuse. Roadmap for Acting in cases of Suspected Domestic Violence and Child Abuse]* of the Ministry of Health, Welfare and Sport (2017 version) offers suggestions for steps to be taken when there is suspicion of 'violence', which includes the self-materialisation of signs (what did you see exactly, what did you hear?), consulting with the colleague about what you saw/heard; if this is not satisfactory and/or the behaviour is seen/heard again then the supervisor will interview you, like the AMK (advies- en meldpunt kindermishandeling, [child abuse advice and contact point]). An investigation should be undertaken as soon as possible into whether and what kind of assistance can and should be offered the alleged victim.

⁷ What is stipulated in this paragraph also applies *mutatis mutandis* for all pastoral relationships with persons who are non *compos mentis* or otherwise vulnerable persons.

⁸ The formulation of numbers 6.1 up to and including 6.9 is largely borrowed from appendix 6 ('Modelgedragscode (vrijwillige) medewerkers' ['Model code of conduct (volunteer) workers']) from the *Toolkit In veilige handen [Toolkit in safe hands]* from the NOV association (July 2010). A detailed explanation of this can be found in the *Code of Conduct for Scouting Nederland*, in which the numbers mentioned are also copied.

⁹ This also expressly applied to approaching via *social media*.

6.5. He shall not touch minors in such a way that the minor or the minor's surroundings can reasonably experience this touch as sexual or erotic in nature.

6.6. When camping, travelling and during outings and so on, he exercises great restraint and respect when dealing with minors and the areas in which they are found, like changing rooms or hotel rooms.

6.7. He must protect minors to the best of his abilities against forms of discrimination and transgressive behaviour and shall actively ensure that the *Code of Pastoral Conduct* is respected.

6.8. If he perceives behaviour that does not comply with this *Code of Pastoral Conduct* and suspects violent or sexually transgressive behaviour, he is obliged to report this to the ecclesiastically responsible officer (see I Scope).

6.9. He neither receives nor gives (in)tangible benefits that are not reasonable.

7. Confidentiality

7.1. Included in the concept of social safety is that all information, received in the framework of pastoral care and spiritual guidance, is and remains confidential, unless otherwise required for compelling professional reasons or by the law.

7.2. If there is clear and immediate danger, then the person who has offered pastoral care or given spiritual guidance provides only the amount of information necessary to protect the persons concerned and prevent harm. He shall consult a colleague before he releases the information.¹⁰

7.3. Before releasing information, the one who has offered pastoral care or given spiritual guidance, if possible, informs anyone involved of possible consequences.

7.4. Knowledge that only stems from personal contact may only be used in public presentations after it has been anonymised.

¹⁰ The above-mentioned *Basic Reporting Code for Domestic Violence and Child Abuse* (see note 6) outlines how to act when faced with signs of domestic violence or child abuse (in sum: map the signs; consult a colleague, the *Advies- en Meldpunt Kindermishandeling* [advice and contact point child abuse] or the *Steunpunt Huiselijk Geweld* [support centre for domestic abuse]; interviews the client (or her/his parents); estimates the risks, nature and seriousness; organises assistance or reports).

7.5. The seal of confession is inviolable (Canon 983 of the Code of Canon Law). Under no circumstances may information provided in the context of receiving penance be disclosed nor is it permissible for any information to be provided indirectly.

8. Physical and Mental Well-Being

8.1. He pays the necessary care and attention to his physical and spiritual well-being.

8.2. He is alert to warning signs that indicate possible problems with his physical or spiritual well-being.

8.3. He immediately seeks assistance when he notices behavioural or emotional warning signs in his professional and/or personal life.

8.4. He shall listen to advice from colleagues with respect to his physical and spiritual well-being.

8.5. He will not hesitate, whether requested or not, to give a colleague advice on his physical or spiritual well-being.

9. Handling Complaints in accordance with the Roman Catholic Contact Point for Transgressive Behaviour Regulation

9.1. Provisions in the Roman Catholic Contact Point for Transgressive Behaviour Regulation govern complaints about the behaviour of persons to whom the *Code of Pastoral Conduct* applies.

9.2. The Roman Catholic Contact Point for Transgressive Behaviour Regulation shall not affect the requirement to report possible punishable acts to the police or the Public Prosecutor's office. The ecclesiastical appeal and criminal procedures also remain unaffected. Anyone who turns to the Contact Point will be assisted by the Contact Point officer to follow the appropriate procedure.

III. Conclusion

The public and private behaviour of those who work in pastoral care can inspire and motivate people. However, when his behaviour is objectionable or questionable, he can also offend people and undermine their faith. Anyone who works in pastoral care must therefore always be aware of the responsibilities that accompany this work.