

POLICY OF  
THE ARCHDIOCESE OF SANTA FE  
RELATING TO SEXUAL MISCONDUCT  
INCLUDING SEXUAL HARASSMENT



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**POLICY OF THE ARCHDIOCESE OF SANTA FE  
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## **SECTION I. GENERAL POLICY**

**1.1 INTRODUCTION** The Archdiocese of Santa Fe, in accordance with the teachings of the Catholic Church, is committed to providing an atmosphere of dignity, justice and respect for all of the people of God. As leaders in the church, all who minister in the Archdiocese of Santa Fe, whether as priests, deacons, consecrated religious or lay employees and volunteers are committed to conduct their public and private lives in a manner that reflects the highest standard of our faith.

As an employer of paid personnel and a provider of services of unpaid volunteers, it is the goal of the Archdiocese to prevent acts of sexual misconduct by its employees or volunteers. The purpose of this policy is to ensure that a safe environment is created for each person, through the establishment of specific measures to assist in preventing harm, especially to children and young people. Children have the right to be safe and protected from harm at home, in the school, in religious institutions, in neighborhoods and throughout our communities.

The Archdiocese of Santa Fe informs its employees and volunteers of the laws concerning sexual misconduct, reporting procedures to follow, and ways to prevent undesirable conduct. The policy of the Archdiocese of Santa Fe relating to sexual misconduct applies to clergy, religious and lay paid personnel and volunteers. It is the expectation of the Archdiocese that all persons comply with the provisions stated in this policy.

By establishing requirements and procedures, the Archdiocese builds on its 1990 policy. The current document adds the provisions contained in the “Charter for the Protection of Children and Young People (2005 revision)”, and the “Essential Norms for Diocesan/Eparchial Policies Dealing with Sexual Abuse of Minors by Priests or Deacons (2006 revision)”. This policy indicates the Archdiocese’s dedication to the prevention of sexual misconduct by personnel of the Archdiocese while the work of the Archdiocese is being performed and to provide guidance to the personnel of the Archdiocese on how to respond to allegations of sexual misconduct. A copy of this policy has been filed with the United States Conference of Catholic Bishops. Future revisions of this policy will be filed with the USCCB within three months of such modifications. (Norm 2)

**1.2 GENERAL POLICY** Sexual misconduct by personnel of the Archdiocese is contrary to Christian principles and is unacceptable. All personnel of the Archdiocese must comply with applicable New Mexico laws regarding incidents of actual or suspected sexual misconduct and participate in training and/or workshops as determined by the Archdiocese. It is the responsibility of all personnel of the Archdiocese, paid or volunteer, to be conscious of and adhere to this policy. To act responsibly, personnel must learn the facts about sexual misconduct, procedures for reporting and appropriate intervention.

The Archdiocese of Santa Fe and all its employees and volunteers will comply with all applicable civil laws with respect to the reporting of allegations of sexual abuse of minors to civil authorities and will cooperate in their investigation. In every case the Archdiocese of Santa Fe will advise and support a person’s right to make a report to public authorities.

(Norm 11)

**1.3 COMPLIANCE** Persons in supervisory positions (e.g., Vicars for Priests, Deacons and Religious, Executive Director of Pastoral Ministries, Superintendent of Catholic Schools, Archdiocesan Directors of Religious Education, Youth and Young Adults Ministries, Catholic Center Human Resources, Pastors, Principals, Parish Directors/Coordinators of Religious Education and Youth Programs) are responsible for overseeing compliance.

**Participation in the Sexual Misconduct Prevention Workshop is required within the first three months of employment. Volunteers whose ministries involve contact with children will be expected to participate in a workshop before volunteering.** Previously attended workshops offered by any other organization will NOT suffice. Information concerning workshops is available from the Offices of the Chancellor (505) 831-8158, and the Victim Assistance Coordinator.  
(505) 831-8144 / (505) 831-8159.

**1.4 SEXUAL MISCONDUCT PREVENTION WORKSHOPS** In order to create a safe environment in the workplace, neighborhood, home and church and to acquaint Archdiocesan personnel with policies and reporting procedures, the Archdiocese provides Sexual Misconduct Prevention Workshops on an ongoing basis. Attendance at the workshop is encouraged for all Catholic adults and is required of the following persons:

- a. All priests and deacons incardinated in the Archdiocese of Santa Fe.
- b. All religious employed by or volunteering for the Archdiocese or any of its entities.
- c. All employees of the Archdiocese, Catholic schools, parishes and affiliated entities.
- d. All volunteers serving in Archdiocesan and affiliated Catholic schools.
- e. All volunteers in Archdiocesan parishes whose services place them in regular contact with or close proximity to children and youth.
- f. All persons who supervise those who work with children and youth in any capacity.

A schedule of Sexual Misconduct Prevention Workshops is available online at the Archdiocese of Santa Fe website, [www.archdiocesasantafe.org](http://www.archdiocesasantafe.org) and will be published on a regular basis in the People of God newsletter. Workshops are scheduled in both English and Spanish.

**1.5 PROGRAMS FOR CHILDREN AND YOUTH** In addition to the workshops provided for adults, Child and Youth Protection Training Programs will be offered. The Executive Director of Pastoral Ministries in collaboration with the Superintendent of Catholic Schools and Archdiocesan Directors of Religious Education and Youth Ministries will oversee a program to be presented annually. The respective directors are responsible for informing all principals, parish catechetical leaders and youth ministers of the program and offer necessary assistance in training. The purpose of the program is to educate children on how to be safe, protect themselves and communicate any potential danger. Programs will be provided annually to children in all grades of the Archdiocesan school system and parish religious education and youth programs.

**1.6 DISTRIBUTION OF POLICY** A copy of this policy is distributed to participants at all Sexual Misconduct Prevention Workshops offered under the auspices of the Archdiocese. A certificate noting participation in and completion of the workshop is retained by the

employee/volunteer and a copy is also placed in the respective personnel files of all employees. Parishes and schools will maintain an updated list of all attendees. The Office of Human Resources will maintain a master list of all attendees.

**1.7 BACKGROUND CHECKS** All employees and volunteers are requested to give their permission for the Archdiocese of Santa Fe to perform a background check. Background checks are to be completed before employment or ministry may begin. The procedures for background checks and proper filing are available through the Archdiocese of Santa Fe Human Resources office. Each employee/volunteer's information will be checked against the New Mexico Sex Offenders web page and/or other abuse registries. Anyone found on this list will be removed from any position as an employee or volunteer with the Archdiocese. The responsible person at the Archdiocesan entity will be notified by letter from the Victim Assistance Coordinator that the person must be removed from any employment or volunteer position. The responsible supervisor responds in writing to the Victim Assistance Coordinator noting that the offender has been advised and removed immediately upon receiving notice.

**1.8 EMPLOYEES** All prospective employees of the Archdiocese including its parishes and schools must complete a Uniform Job Application Form. They must indicate whether they have ever had a criminal complaint filed against them alleging sexual abuse, a complaint of sexual harassment, or a conviction of sexual abuse or other felony. This form is available through the Human Resources office at the Catholic Center in Albuquerque. Completed application forms are retained in the Human Resources office at the Catholic Center or by the appropriate personnel officer of the respective Archdiocesan entity.

**1.9 VOLUNTEERS** All volunteers, regardless of any ministry with children, are required to report any criminal complaint filed against them alleging sexual abuse or harassment, any felony, and any conviction for sexual or physical abuse. This information is retained in the Human Resources Office at the Catholic Center. The appropriate form for this report is available from the archdiocesan Human Resources Office.

## **SECTION II. THE LAW AND OBLIGATION TO REPORT ABUSE**

**2.1 OBLIGATION TO IMMEDIATELY REPORT AN ALLEGED INCIDENT OF SEXUAL MISCONDUCT** Any personnel of the Archdiocese having knowledge of or information concerning alleged incidents of sexual misconduct by personnel of the Archdiocese or of sexual abuse of children (persons less than 18) is to comply with the provisions of New Mexico law, (unless to do so would violate the priest/penitent relationship of the Sacrament of Reconciliation), and to report the same immediately to the Victim Assistance Coordinator of the Archdiocese of Santa Fe at the Catholic Center in Albuquerque (505) 831-8144 / (505) 831-8159.

Sexual abuse of a child by any personnel of the Archdiocese or other known persons must be reported to a local law enforcement agency or the Children Youth and Families department office in the county where the child resides or the tribal law enforcement or social services agencies for any Indian child residing in Indian country.

The person making the report should not fear civil or criminal liability because of the immunity created by the statute as long as the reporting person is acting in good faith and not with a malicious purpose. The reported incident will be processed according to established archdiocesan procedures which include an immediate and appropriate investigation. Additional reporting requirements are described in the following pages.

## **2.2 NEW MEXICO LAWS REGARDING REPORTING SEXUAL ABUSE OF**

**CHILDREN** In New Mexico, as in all other states, Child (any person under the age of eighteen) abuse or neglect is a crime, N.M.S.A. 30-6-1, (1978). New Mexico also has a specific statute which requires that child abuse or neglect be reported to the authorities and provides that failure to report child abuse or neglect is itself a criminal offense. "Abuse" and "Neglect" are defined as abandonment, lack of proper care and control; failure to provide subsistence, education, medical or other care or control necessary for the child's well-being and includes physical abuse, emotional abuse, psychological abuse and sexual abuse. Sexual abuse of a child falls within the definition of child abuse and must be reported in accordance with the requirements of the statute.

The reporting statute, N.M.S.A. 32A-4-3, (1978) states that: "Every person who knows or has reasonable suspicion that a child is an abused or neglected child will report the matter immediately to: (1) a local law enforcement agency; (2) the Children Youth and Families department office in the county where the child resides; (3) tribal law enforcement or social services agencies for any child residing in Indian country." A separate New Mexico statute provides that a person reporting an instance of alleged child abuse or neglect or participating in a judicial proceeding brought as a result of such a report "is presumed to be acting in good faith and shall be immune from liability, civil or criminal . . . unless the person acted in bad faith or with malicious purpose."N.M.S.A 32A-4-5, (1978)

**2.3 WHERE TO CALL** To report an incident of child abuse call: Statewide Central Intake for Abuse Reports - **In Albuquerque call 841-6100. Statewide call 1-800-797-3260.** See Addendum I for specific county information.

The person making a report should provide as much information as possible. He/she should not conduct an investigation in order to obtain more information than is readily available. It is the responsibility of the civil authority to ascertain whether an investigation is warranted.

The following information should be reported to the extent it is known:

- a. Name, address and age of the child.
- b. Name and address of the child's parent, guardian or caretaker.
- c. Whereabouts of the child.
- d. Nature and extent of the alleged maltreatment and any past history of injury possibly occurring from abuse or neglect.
- e. Name, address and whereabouts of the person or persons suspected of perpetrating the abuse or neglect, if known.
- f. Any other information which might help to determine the cause of the suspected abuse or the identity of the person responsible.



The Victim Assistance Coordinator of the Archdiocese of Santa Fe should be immediately contacted when the abuse involves personnel of the Archdiocese. (505) 831-8144 / (505) 831-8159.

**2.4 WHEN ABUSE IS SUSPECTED IN ARCHDIOCESAN SCHOOLS** Anyone who becomes concerned regarding possible child abuse in Archdiocesan schools is to immediately notify the Principal or school administration if the Principal is not available. If a reasonable possibility of abuse is suspected, the school administrator and the individual who reported to the principal will promptly notify the Children Youth and Family Department or law enforcement as appropriate. School administration will then promptly notify the parents or guardian of the child unless instructed not to do so by CYFD or law enforcement for legal reasons. The Superintendent of Schools and the Victim Assistance Coordinator will also be immediately notified. Within 24 hours the person suspecting the abuse is to prepare a written report and submit it to the Principal who forwards that report to the Superintendent of Schools and Victim Assistance Coordinator.

**2.5 WHEN THE ABUSE IS SUSPECTED IN OTHER PARISH SITUATIONS** The person suspecting the abuse will notify the pastor and/or appropriate person in charge, (e.g., DRE/Coordinator, Youth Minister), the supervisor and the person making the report will immediately notify CYFD or law enforcement and the Victim Assistance Coordinator. The parent or guardian of the child will be promptly notified unless instructed by CYFD or law enforcement not to do so for legal reasons. Within 24 hours, the person suspecting the abuse is to prepare a written report and submit it to the appropriate person in charge who then forwards that report to the Victim Assistance Coordinator.

**2.6 DEFINITIONS OF ABUSE AND NEGLECT** Sexual Misconduct in General includes any sexual conduct of Archdiocesan personnel in person, by phone, letters/note, the Internet, e-mail, etc., while performing the work of the Archdiocese which is: unlawful; or contrary to moral instructions, doctrines and Law of the Catholic Church and/or causes injury to another as recognized by civil and criminal law of the State of New Mexico. This includes all sexual contact with children and non-consenting adults as well as sexual contact with an adult who may otherwise be consenting, but with whom the perpetrator has a ministerial relationship of trust, presumes a disparity of power, and is acting on behalf of, or representing the parish, school, institution, or agency of the Archdiocese.

Child Sexual Abuse (persons less than 18 years of age) includes any act or interaction whether or not it involves genital or physical contact, with or without consent, even if initiated by the child, which involves sexual contact, molestation or sexual exploitation of a child by any person, whether physical injuries are sustained or not. Abuse falls into several categories: Incest, exhibitionism, molestation, rape, sexual sadism and child pornography and prostitution. It encompasses a broad spectrum of acts of sexual assault and sexual exploitation of minors that may include:

1. Intentional touching of the genitals or intimate parts including the female breast, the genital area, groin, inner thigh and buttocks of a child or of a perpetrator by a child for purposes of sexual arousal or gratification,
2. Rape, sexual intercourse (vaginal or anal), oral/genital, oral/anal contact. The intentional displaying of one's own genitals or intimate parts including the female breast, the genital

area, groin, inner thigh and buttocks in the presence and view of a child for purposes of sexual arousal or gratification.

3. Permitting, causing, encouraging or assisting in the depiction of or posing for viewing by any person, either in person or by way of graphic means including digital or photographic images of the partial or fully unclothed body of a child, displaying intimate parts, in motion or not in motion, alone or with other persons, or the depiction of a child in apparent observation of sex acts by others in the child's presence,

4. Displaying or distributing to a child any picture, photograph, book, pamphlet, digital image, movie or magazine the cover or content of which is principally made of descriptions or depictions of sex acts or contact, or which is principally made up of descriptions or depictions of sexual acts or contact.

Physical Abuse includes any act which willfully causes or inflicts physical, psychological or mental injury to a child by intentionally engendering fear of physical injury to that child.

Neglect includes abandonment of a child by a parent, custodian or guardian, lack of care by not providing appropriate and necessary food, shelter, clothing and education. Neglect also includes not providing care or control sufficient to sustain physical or emotional health, the refusal or inability to discharge parental or custodial obligations; and the intention to discontinue care.

Any person having knowledge of Child Physical or Sexual Abuse or Neglect has a DUTY TO REPORT as required by New Mexico Law. (See New Mexico Laws Regarding Reporting of Sexual Abuse of Children on page 4.

**2.7 SEXUAL HARASSMENT** Sexual Harassment includes unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature. It occurs when submission to such conduct is made, either explicitly or implicitly, a term of condition of an individual's employment or submission to or rejection of such conduct by an individual is used as a basis for employment or decisions affecting that individual or when such conduct has the purpose or effect of unreasonably interfering with an individual's performance, or creating an intimidating, hostile, abusive or offensive working environment.

**Examples of Verbal Sexual Harassment** may include (but are not limited to):

Calling a person by inappropriate names; unwanted asking a person about social or sexual life; turning work discussion into sexual topics; telling sexual jokes; or turning statements into sexual innuendoes.

**Examples of Nonverbal Sexual Harassment** may include (but are not limited to):

Written advances or requests pertaining to sex, e.g., leering; sexual or derogatory comments about men/women, sexual content displayed on personal items, winking, blowing kisses or display of visually suggestive or explicit pictures.

**Examples of Physical Sexual Harassment** may include (but are not limited to): Unwanted touching of a person's body, hair or clothing; blocking someone's way, unwanted massage, unwanted hugging, kissing, patting, stroking, or brushing up against a person.

**Examples of Hazing Sexual Harassment** may include (but are not limited to):  
Threatening treatment to a male or female employee such as damaging or stealing property, abusive or attacking language, or assigning less important duties because of gender.

**Examples of Subtle Sexual Harassment** include (but are not limited to):  
Treating employees differently because of gender, co-workers dating, or supervisors receiving preferential treatment from subordinates due to gender.

**2.8 REPORTING AN ALLEGED INCIDENT OF SEXUAL HARASSMENT** Any person alleging an incident of sexual harassment is to immediately report the incident to his or her supervisor. The supervisor must immediately report the alleged incident to the Human Resources Director at the Catholic Center. (505) 831-8130. In the event the allegation is against the supervisor or for some other reason the person making the complaint is comfortable reporting the incident to the supervisor, the Human Resources Director is to be contacted directly. The reported incident will be processed according to established Archdiocesan procedures which include appropriate investigation.

### **SECTION III. INVESTIGATION AND VICTIM ASSISTANCE**

**3.1 THE VICTIM ASSISTANCE COORDINATOR (CASE MANAGER )** The Victim Assistance Coordinator (termed Case Manager in previous versions of this policy), is appointed by the Archbishop and reports to the Chancellor of the Archdiocese. This person is deemed competent through training and experience to coordinate the archdiocesan response to abuse allegations and to oversee compliance with the Policy of The Archdiocese of Santa Fe Relating to Sexual Misconduct Including Sexual Harassment. (Norm 3)

The Victim Assistance Coordinator receives notification of allegations of abuse, meets with the accuser to obtain a full accounting of any alleged sexual misconduct, informs the accuser of his/her rights and obligations and directs a timely pastoral response from the archdiocese, except where to do so would have the potential effect of compromising an ongoing criminal investigation. This person serves as liaison with any person who alleges abuse as a minor and explains archdiocesan policies and reporting requirements unless the accuser is already represented by legal counsel, in which case all communications will be handled through archdiocesan legal counsel.

The Victim Assistance Coordinator utilizes appropriate means to investigate all allegations and to obtain the facts. This includes contact with civil authorities as required by law. The purpose of the investigation is to ascertain the truth, to protect the reputation of the alleged victim, potential victims, the alleged perpetrator and any other persons involved. All files, treatment progress reports and other pertinent information are confidential, except when disclosure is required by law enforcement or other civil authorities. This person will respond promptly to any allegation when there is reason to believe that sexual abuse of a minor has occurred or other allegations related to the definitions stated above. The Victim Assistance Coordinator has access to all personnel files, investigative reports, and records related to allegations of sexual abuse of a minor and serves as the custodian of all pertinent records. All information received and reviewed by the Victim Assistance Coordinator is kept

confidential. The Archdiocese of Santa Fe will cooperate fully with law enforcement and defer to investigations by law enforcement when appropriate.

The Victim Assistance Coordinator will assure the accuser as well as the accused of the care and concern that will be taken during the investigation and will advise those involved of the process that will be followed. Care will be taken to protect the privacy and good name of both the accuser and the accused. After the investigation has been conducted, the accuser and accused will be notified of the outcome.

Counseling and other attempts toward reconciliation and healing will be made available through the Victim Assistance Coordinator according to Archdiocesan policy.

The Victim Assistance Coordinator presents investigative reports to the Archbishop on an as-needed basis and presents the allegation, investigative findings and any other relevant information to the Permanent Review Board.

### **3.2 INVESTIGATING REPORTS OF SEXUAL MISCONDUCT WITH MINORS**

Each reported incident of sexual abuse of a minor by Archdiocesan personnel will be investigated with Christian care and concern for the accuser, the family of the accuser, the person reporting the incident, and the accused. The nature of the investigation may vary with the nature of the allegation. The Archdiocese will engage persons with specialized expertise as is appropriate. The Archdiocese will cooperate fully with appropriate law enforcement and investigative authorities. Investigation by law enforcement authorities will be in accordance with civil law. In addition, investigation of priests/deacons and men and women religious will be made in accordance with Canon Law. Accusers will be advised of their right to make a report of the alleged sexual abuse to appropriate law enforcement authorities.

**3.3 RECORDS OF INVESTIGATION** Records of reported incidents, of the investigation and the results thereof will be kept by the Victim Assistance Coordinator. Such records will be marked confidential and be securely kept under lock at the Catholic Center, with access limited only to approved personnel.

**3.4 RIGHTS OF THE ACCUSER AND THE ACCUSED** Following an allegation of child abuse, the Victim Assistance Coordinator will provide the alleged victim and the person accused:

1. An explanation of the Archdiocese's overall process and specific procedures for dealing with allegations of child abuse, including its policy on reporting to civil authorities;
2. A timely response to, investigation of and resolution of the allegation of abuse.
3. An opportunity to provide comments to the archdiocesan Permanent Review Board relevant to the nature of the allegations either in person or in writing.

Care will always be taken to protect the rights of all parties involved, particularly those of the person claiming to have been sexually abused and the person against whom the charge has been made. When an accusation has been shown to be unfounded, every step possible will be taken to restore the good name of the person falsely accused. (Norm 13)

**3.5 RESPONSE TO AN ACCUSER** The Victim Assistance Coordinator will obtain factual information to ascertain the veracity of the allegation. If there is reasonable cause to believe sexual misconduct may have occurred, psychological assistance will be offered to the accuser in the spirit of Christian justice and charity according to archdiocesan policy. At the conclusion of the investigation, the person making the allegation and the accuser will be notified of the results of the investigation. In case of a lawsuit or an allegation made through an attorney, communications will be with Archdiocesan legal counsel.

**3.6 COUNSELING, SPIRITUAL ASSISTANCE, SUPPORT GROUPS** In an effort toward healing and reconciliation, counseling is made available according to archdiocesan policy. Information relating to support groups and spiritual assistance by competent persons is also available upon request.

**3.7 MEDIA CONTACT** Any media contact or inquiries regarding an incident of sexual misconduct by personnel of the Archdiocese is to be directed to the Director of Communications (505) 831-8180. The Archdiocesan Director of Communications will be advised about incidents of sexual misconduct when deemed appropriate.

The Director of Communications works with the faith community and the general public to disseminate information in order to increase the awareness and understanding of prevention, identification and treatment of child abuse and neglect.

Communications with an affected parish and/or school, the media and the broader Archdiocesan community are to be timely, open and clear. All communications will occur within the confines of respect for the privacy and reputation of those involved, as well as any applicable canon and civil laws.

The Director of Communications will coordinate all media contacts. The Director will consult with, guide and coordinate relevant persons in the handling of media inquiries.

## **SECTION IV. THE PERMANENT REVIEW BOARD**

**4.1 FUNCTIONS OF THE PERMANENT REVIEW BOARD** (Norms 4 and 5)  
The Archdiocese of Santa Fe has a Permanent Review Board whose primary purpose is to assist the Archbishop in discharging his responsibilities. The Board functions as a confidential consultative body to the Archbishop. Its primary function is to advise the Archbishop in his assessment of allegations of sexual abuse of minors and in his determination of suitability for ministry of those accused. The Board may be called upon to review allegations of adult abuse as deemed necessary by the Archbishop. The Board may also review the sexual abuse/harassment policies and recommend updating as deemed necessary by the Archbishop and may at his discretion be asked to advise him on any and all aspects of child sexual abuse cases, whether prospectively or retrospectively.

The Permanent Review Board serves in an advisory capacity to the Archbishop who appoints

members of outstanding integrity and good judgment in full communion with the church to the Board for a period of five years. At his discretion, the Archbishop may reappoint members to a second term of five years. Appointments are usually made in January.

Ordinarily, the members of the Permanent Review Board will not exceed nine in number and should include at least five members the majority of whom are lay persons not in the employ of the Archdiocese. The Board may include, but is not limited to, lay professionals with expertise in the fields of medicine, psychology, social work, civil or canon law, and members of the church-at-large. While the majority representation on the review board will be lay members, at least one member will be a priest who is an experienced and respected pastor of the Archdiocese. The Promoter of Justice or another canon lawyer designated by the Archbishop should participate in meetings of the Board. The Permanent Review Board meets on an as-needed basis.

After hearing the investigative report, the Permanent Review Board will consider whether the allegation is believable, plausible, natural, reasonable, probable, corroborated with other evidence, and falls within the definition of sexual abuse. Board members are to be open to the facts, compassionate, non-prejudicial in their procedures and act in a manner consistent with canon law. The Board makes recommendations to the Archbishop regarding actions to be taken toward an accused priest or deacon.

Upon review of a preliminary report regarding an allegation of sexual abuse of a minor and meeting with the Archbishop, the Victim Assistance Coordinator convenes the Permanent Review Board promptly. After hearing the report by the Victim Assistance Coordinator and reviewing the facts, the Board will make a recommendation to the Archbishop. If further information or investigation is required, the Board will meet a second time within 30 days or at a reasonable time when additional materials have been collected. The Victim Assistance Coordinator reports all recommendations of the Board to the Archbishop.

Either the Archbishop or, at his direction, the Victim Assistance Coordinator or another appointed person communicates the decision of the Archbishop to the accused person and to the accuser. In situations involving the restriction of clerics the Archbishop will inform the Congregation for the Doctrine of the Faith, which will in turn refer cases to a church tribunal or retain the case and determine the future of the accused.

The members of the Permanent Review Board will keep the report, information, discussion, proceedings and recommendation to the Archbishop in strict confidence. They are not to contact alleged victims, their families or alleged perpetrators. Anyone found in violation of the above will be removed immediately from the Permanent Review Board.

## **SECTION V. THE CARE OF VICTIMS, FAMILY, PARISH, SCHOOL AND COMMUNITY**

**5.1 ABUSE AFFECTS EVERYONE** The focus of the Archdiocese is prevention and education. However, if abuse occurs, the Archdiocese is concerned for the care and healing of the victims, their families, the perpetrator, and the community of which they are members.

Sexual abuse is always harmful. In the case of clerical sexual misconduct, all members of the Archdiocese are affected directly or indirectly and need to be given an opportunity to be involved in a healing process. Because pastors and other priests are recognized leaders of the parish, they carry an especially important responsibility to set a tone of constructively responding to the victims and their families. Denial and defensiveness can be major obstacles to the healing process. An environment in which the situation can be discussed openly and with sensitivity is of utmost importance.

**5.2 CARING FOR THE VICTIM** The Church's response to a victim of sexual misconduct requires sensitivity, fairness and justice. Where there is an allegation of sexual misconduct, the accuser is to be assured that appropriate responses will result from the report of the allegation. It is not unusual for the accuser to become angry with God, questioning why God might have allowed the abuse to happen. While this sense of anger is common and may, in fact, be part of the initial healing process, it often results in guilt, depression, and may affect the person's relationships with God, the Church and the community

**5.3 COUNSELING** The primary concern for victims of sexual misconduct is to help them to move toward healing and reconciliation. The Archdiocese has a great deal of love, care and compassion for those who have been sexually abused. While recognizing that it has limited financial resources as a religious organization it wants to aid and help as much as it can. The following procedures have been developed to deal with claims of sexual abuse and the availability of counseling.

The claimant arranges to meet with the Victim Assistance Coordinator for an initial interview. Name of the accuser, address, phone number, date of birth and relevant dates, facts, details and places of the alleged abuse will be noted.

In an effort to bring about healing, counseling is offered to the claimant. They may also seek spiritual assistance from priests and other competent persons. A list of counselors is made available to the claimant. If a claimant wishes to utilize a counselor not on the list, discussion with the Victim Assistance Coordinator follows.

The Archdiocese does not pay for any unapproved counseling, psychological counseling received by the claimant before requesting the Archdiocese to provide counseling or before counseling is formally approved. The Archdiocese does not pay for forensic evaluation or therapy (for use in litigation), group therapy, hospitalizations or alternative therapies, such as massage therapy, etc.

The Victim Assistance Coordinator approves psychological counseling for the claimant for a period of up to three months at which time an evaluation from the psychologist, psychiatrist or other counselor is required before continued counseling may be approved. The maximum period of counseling is ordinarily two years. More specifics regarding counseling procedures are provided the claimant by the Victim Assistance Coordinator at the time of approval. Ordinarily, payment for counseling by the Archdiocese will cease if the claim is brought to litigation.

Support Groups - Victims of sexual misconduct who are interested in information about support groups may contact the Victim Assistance Coordinator.

**5.4 THE FAMILY** In the case of abuse of minors, family members of victims, especially parents, but including siblings, children, and spouses may experience destructive reactions to the report of abuse of their loved ones. The families, too, require compassion and sensitivity shown to them. Guilt may be a response of the families of victims. A primary and deep-seated value in families is that of protecting each other. Families may experience a sense of failure in this regard when a family member is abused. This sense of guilt and failure is often heightened in clergy sexual misconduct because the family, especially the parents, may have encouraged the relationship between the victim and the abuser. Anger and lack of trust may be reactions of the families. The experience of any of these reactions could lead to isolation or separation from the faith community for a period of time. Families must be made aware that they are welcome and their anger and sadness are understood and accepted.

**5.5 THE PARISH/FAITH COMMUNITY/SCHOOL COMMUNITY** Sexual misconduct can affect the entire parish or school community. Persons who discover that their priest, deacon, principal, a teacher or staff member has sexually abused a member of the parish/school community, may see the person in different ways and remember different things. These different viewpoints may lead to polarized groups, causing divisiveness within the parish/school community. Parishioners are to be encouraged to refrain from causing division within the parish or disregard for the process or policy of the Archdiocese.

**5.6 THE ACCUSED** The sexual abuser is, more often than not, a very complex person who may have a complex background and may be seen by many as kind and as having an ability to relate positively to others. The accused person is placed on administrative leave and/or removed from ministry while an investigation is in progress. If the accused person is a priest or deacon, and if the investigation and report presented to the Permanent Review Board indicates sufficient grounds, the Board may recommend that the Archbishop place him on permanent restriction (see Section V).

Lay personnel of the Archdiocese who admit to, do not contest, or are found culpable of any incident of sexual misconduct will be immediately terminated from employment/ministry and/or any position of responsibility within the Archdiocese. Appropriate persons will be notified of termination in an effort to assure that the individual is not employed or utilized as a volunteer in any capacity. The persons' name will be filed on a "Do Not Hire" list in the Human Resources Office.

## **SECTION VI. SEXUALLY ABUSIVE PRIESTS AND DEACONS**

**6.1 ALLEGATIONS AGAINST A PRIEST OR DEACON OF SEXUAL MISCONDUCT WITH A MINOR** When an allegation of sexual abuse of a minor by a priest or deacon is received, a preliminary investigation in accordance with canon law will be initiated and conducted promptly and objectively. If the allegation appears credible the priest or deacon will be placed on administrative leave for the remainder of the investigation. During the investigation the accused enjoys the presumption of innocence, and all steps will be taken to



protect his reputation. The accused will be encouraged to retain the assistance of civil and canonical counsel and will be promptly notified of the results of the investigation. (Norm 6)

If there is sufficient evidence that sexual abuse of a minor has occurred, The Archbishop will notify the Congregation for the Doctrine of the Faith. He will also withdraw the accused from exercising sacred ministry or any office or function in the Archdiocese and place him on restricted status. When on restricted status, the Archbishop may prohibit public participation in the Mass, impose or prohibit residence in a given place or territory and forbid the wearing of clerical garb or public presentation by the restricted cleric as a priest, pending the outcome of the process. (Norm 6)

The offending or accused priest/deacon will be offered pastoral assistance for his own healing and well-being, as well as for the purpose of prevention. He may be requested to seek an appropriate medical and psychological evaluation at a facility mutually acceptable to the diocese and the accused, and may be urged to voluntarily comply with such evaluation. (Norm 7)

In every case involving canonical penalties, the Archdiocese of Santa Fe will observe the processes provided for in canon law and consider the various provisions of canon law. For the sake of canonical due process, the accused priest or deacon will be encouraged to retain the assistance of civil and canonical counsel. When the Archbishop deems it necessary, the Archdiocese will appoint canonical counsel to a priest. (Norm 8A)

**6.2 ADMINISTRATIVE LEAVE** The alleged perpetrator, priest/deacon, religious or lay person, will be relieved of all ministerial responsibilities and remain on administrative leave throughout the course of any ongoing investigation regarding the sexual abuse of a minor. The administrative leave is immediate and remains in effect until the situation is resolved. Administrative leave may be with pay and benefits as determined by the Archbishop or his designate in consultation with the appropriate personnel officer.

**6.3 TERMINATION FROM MINISTRY** The Archbishop always has the power, within the parameters of the universal law of the church, to remove an offending cleric from office, to restrict or remove faculties, and to limit his exercise of priestly ministry. Sexual abuse of a minor is a crime in the universal law of the church and is a crime in all civil jurisdictions in the United States. For the common good and in accordance with canon law, the Archbishop will ensure that any priest or deacon who has committed even one act of sexual abuse of a minor will not continue in active ministry. (Norm 9)

When even a single act of sexual abuse of a minor is admitted or is established after an appropriate process in accordance with canon law, the offending priest or deacon will be removed permanently from ministry in the church. If the case, in the opinion of the Archbishop, so warrants, he may petition the Holy Father for the removal of the offender from the clerical state. (Norm 8)

For reasons such as advanced age or infirmity in the offending priest or deacon the Archbishop may decide not to apply dismissal from the clerical state. In these cases the

offender will be instructed to lead a life of prayer and penance. The offender will remain on restricted status and will be instructed not to wear clerical garb or present himself as a priest. He will not be permitted to celebrate Mass publicly or to administer the sacraments.(Norm 8B)

The offending priest or deacon may at any time request a dispensation from the obligation of the clerical state. In exceptional cases, the Archbishop may request of the Holy Father the dismissal of the priest or deacon from the clerical state ex officio, even without the consent of the priest or deacon (Norm 10).

When a priest or deacon is removed from his assignment, the Archbishop will prepare a letter to be read by the Chancellor or the Dean or another person designated by him at all liturgies following the removal. The letter will inform the people of the action taken in compliance with Archdiocesan Policy and the manner in which the spiritual needs of the parishioners will be provided. As his schedule allows, the Archbishop will personally address the congregation during weekend liturgies.

Priests/deacons on administrative leave or restriction are to refrain from contact with parishioners, or participate in or encourage any action which may cause division or misunderstanding among parishioners. Penal sanctions may be initiated pending the outcome of any civil/criminal actions.

The Archdiocese of Santa Fe will not at any time transfer a priest or deacon who has committed an act of sexual abuse of a minor for ministerial assignment to another diocese or eparchy. When receiving a priest or deacon from outside of the Archdiocese of Santa Fe, the Archbishop will obtain information regarding any past act of sexual abuse of a minor by the priest or deacon in question. (Norm 12).

Before an offending diocesan priest or deacon can be transferred to another diocese/eparchy for residence, the Archbishop will forward, in a confidential manner, to the bishop of the proposed place of residence any and all information concerning any act of sexual abuse of a minor and any other information indicating that he has been or may be a danger to children or young people. (Norm 12)

**6.4 SEXUAL MISCONDUCT WITH AN ADULT** Sexual misconduct by a priest/deacon with an adult is sinful and unacceptable behavior. Those priests/deacons who have engaged in sexual misconduct with an adult may, at the discretion of the Archbishop, be placed on administrative leave pending the results of an evaluation and treatment intervention.

## **SECTION VII. RELIGIOUS ORDER PRIESTS AND/OR PRIESTS AND DEACONS FROM OTHER DIOCESES, SEMINARIANS AND PERMANENT DIACONATE CANDIDATES AND NON-ORDAINED RELIGIOUS**

**7.1 RELIGIOUS ORDER PRIESTS** No one will be given ministerial faculties who has a history of sexual misconduct. The standard form recommended by the Conference of Major Superiors of Men (CMSM) will be required of all Provincials making assignment of priests to

the Archdiocese of Santa Fe. Persons assigned to the Archdiocese of Santa Fe must participate in the required Sexual Misconduct Prevention Workshop within three months of assignment. Non-compliance will result in the removal of faculties.

In the case of a priest, deacon or religious from another diocese, if there is an allegation of sexual misconduct which is deemed credible, the bishop or superior is advised of the individual's immediate removal from ministry. In the instance of a cleric, Archdiocesan faculties will be immediately removed.

A priest/deacon who has sexually abused a minor will not be returned to public ministry. In every case, the processes provided for by canon law will be observed. Each diocese and religious order is responsible for the conduct of its own clergy and religious. In the case of sexual misconduct by clergy or religious from other dioceses or an institute or society of religious life, that diocese or institute or society is responsible for the care of victims and the discipline of offending clerics and religious.

In the case of the assignment for residence of an offending clerical member of an institute or a society into a local community within the Archdiocese of Santa Fe, the major superior shall inform the Archbishop of Santa Fe in writing and share with him in a manner respecting the limitations of confidentiality found in canon and civil law all information concerning any act of sexual abuse of a minor and any other information indicating that he has been or may be a danger to children or young people so that the Archbishop can make an informed judgment that suitable safeguards are in place for the protection of children and young people. This will be done with due recognition of the legitimate authority of the Archbishop, of the relevant canon law, and of the autonomy of religious life. (Norm 12)

## **7.2 PRIESTS AND DEACONS COMING TO OR LEAVING THE ARCHDIOCESE OF**

**SANTA FE** The Archdiocese of Santa Fe will not accept for assignment any priest, transitional or permanent deacon who has a history of sexual misconduct and will not transfer offending persons to another diocese or eparchy. The Archbishop will obtain the necessary information regarding any past act of sexual abuse of a minor for any priest or deacon wishing to minister within the Archdiocese of Santa Fe.

Written recommendations attesting to the priest or deacon's ministerial history and freedom from sexual misconduct is required of the ordinary or their delegate for any priest or deacon coming to the Archdiocese for any purpose. If given the faculties of the Archdiocese of Santa Fe, priests and deacons are required to participate in the Sexual Abuse Awareness and Prevention Workshop within three months of arrival to the Archdiocese. Non-compliance with policy will result in removal of faculties.

Priests wishing to be excardinated from the Archdiocese of Santa Fe and incardinated in another diocese must first receive the approval of the Archbishop who will notify the receiving Bishop of the status of the priest or deacon.

Before an offending priest or deacon is transferred for residence to another diocese/eparchy, the Archbishop shall forward, in a confidential manner, to the bishop of the proposed place of residence any and all information concerning any act of sexual abuse of a minor and any

other information indicating that he has been or may be a danger to children or young people.

**7.3 NON-ORDAINED RELIGIOUS COMING TO THE ARCHDIOCESE** Notification of non-ordained religious coming to the Archdiocese should be received by the Vicar for Religious from the Major Superior/ Provincial of the congregation. The Vicar for Religious will notify religious of Archdiocesan policy and the required participation in the Sexual Abuse Prevention Workshop. Any religious who does not comply with policy will be removed from ministry.

**7.4 CANDIDATES AND SEMINARIANS** Individuals with histories of sexual misconduct will not be considered for application. The Archdiocese utilizes psychological testing, physical examination and evaluation as part of its process of admitting candidates for the priesthood. The process includes identification of potential sexual problems, sexual development and stability. Police records, employment references, and personal and family references are utilized to determine any past reports of sexual misconduct, or conditions that would raise concern or potential problems. An accepted candidate must participate in the required Sexual Misconduct Prevention Workshop prior to entering the seminary.

**7.5 PERMANENT DEACON CANDIDATES** Individuals with a history of sexual misconduct will not be considered for application. The Archdiocese utilizes psychological evaluation as part of its process of admitting candidates to the Permanent Diaconate. Police records, employment references, and personal and family references of all candidates for the Permanent Diaconate will be utilized to determine any past reports of sexual abuse or misconduct. Upon acceptance into the program, they are required to participate in the required Sexual Misconduct Prevention Workshop.

## **SECTION VIII. GUIDELINES FOR PRIESTS**

**8.1 GENERAL GUIDELINES FOR PRIESTS** All persons in leadership roles should develop a good rapport with adults and minors. This is likewise true of priests. Adults and youth need the ministry of the priest and involvement in programs which will help them in their spiritual life.

So that priests may learn about professional boundaries and how to avoid circumstances which could lead to false accusations or inappropriate behavior, they are to participate in professional education programs offered by the Archdiocese and other sources and observe other directives of the Archbishop and/or Vicar for Priests. Ongoing formation of all priests will be based on criteria found in *Pastores Dabo Vobis* and the *Basic Plan for Ongoing Formation of Priests developed by the US Bishops, 2001*.

Priests are to be men of prayer and are encouraged to have spiritual directors and to participate in priest support groups. A priest mentor is recommended for men recently ordained regardless of age or previous work experience before ordination.

All priests are to avoid suggestive television, movies, magazines, lewd talk and abuse of alcohol or other drugs. They are also to avoid frequenting places in the hope of making

sexual contacts of any kind.

Priests are to develop a balanced disciplined way of life, cultivating healthy relationships with brother priests, family and lay and religious friends. The need for caution must not discourage priests in their ministry.

The Internet should be used with discretion; chat rooms are to be avoided. Searching the Internet may be professionally helpful, but priests must be mindful that even when a website is opened inadvertently, the user's address may appear on unwanted and inappropriate lists which could result in the user receiving SPAM or porn.

Priests must at all times and in all situations be conscious of and act in accordance with their promise of celibate chastity. Priests must avoid any contact that could raise questions or lead to negative comment on the part of reasonable people. Pope John Paul II has made it clear that, "There is no place in the priesthood or religious life for those who would harm our young." Priests are to exercise prudence and chastity as an example to others.

**8.2 PRIESTS AND MINORS** Priests are not to be alone in their rooms or other places with minors, nor may priests go on vacation, field trips or travel with minors unless parents or other approved adults are present. Minors may never stay overnight at a rectory. The use of e-mail is to be used with discretion. Minors are never to be offered alcohol or drugs by priests.

**8.3 PRIESTS AND ADULTS** In dealing with adults, priests must maintain awareness of their pastoral position. They must keep in mind that their verbal, nonverbal and physical communication with adults must be appropriate for the occasion. As a guide: would a "reasonable person" placed in the situation find the priest's behavior hostile or abusive? At all times priests must be conscious of boundaries, their role as counselor, and their position of leadership and authority.

**8.4 BROTHERLY CONCERN** Given the seriousness of the consequences of sexual misconduct, priests have a responsibility to be their "brothers' keepers" in these matters. While they must avoid paranoia or unhealthy interference in each others' lives, they need to be aware of danger signs in their brother priests' activities.

When a priest fears that a brother priest about whom he has a concern may be involved in questionable behavior, he should normally speak first to the priest then bring his concerns to the Vicar for Priests. If he has reason to believe that the behavior is such that immediate action must be taken, he should contact the Vicar for Priests or Archbishop immediately. By acting responsibly, concerns regarding questionable behavior or rumors may be promptly and properly addressed.

Priests are fully obligated to comply with New Mexico laws regarding sexual abuse of children as noted in this policy.

**8.5 RESTRICTED PRIESTS** Priests removed from ministry are not to have any contact with their accuser. They are not to be involved in any form of ministry at parishes, schools or

other locations. In a spirit of brotherly concern, priests are encouraged to offer spiritual direction and support to their brother. However, they are not to engage restricted priests in ministry for any reason.

## **SECTION IX. CONCLUSION**

Sexual misconduct by any personnel of the Archdiocese of Santa Fe is contrary to Christian principles and is always unacceptable. While it is difficult for the Archdiocese to prevent acts of sexual misconduct by its employees or volunteers which cannot be foreseen, the Archdiocese will not tolerate the abuse of children or adults. As Catholics we are committed as individuals and as a community of faith to do what is necessary to protect our children, young people and persons of all ages. We commit to bring healing to those who have been injured, bring to justice those who have offended and to practice the virtues of charity and justice proclaimed by Christ for the blessing of His Church.

**ADDENDUM I**

**STATE OF NEW MEXICO PROTECTIVE SERVICES DIVISION  
P.O. Drawer 5160, PERA RM. 254, Santa Fe, NM 87502-5160**

**COUNTIES WITHIN THE ARCHDIOCESE OF SANTA FE**

| COUNTY                        | OFFICE LOCATION                        | MAILING ADDRESS          | ZIP   | PHONE #  |
|-------------------------------|--|--------------------------|-------|----------|
| Socorro/<br>N Catron          | 104 S 6 <sup>th</sup> Street           | Socorro                  | 87801 | 835-2716 |
| Torrance                      | 214 S. 5 <sup>th</sup> Street          | P.O. Box 348, Estancia   | 87016 | 384-2745 |
| Valencia                      | 475 Courthouse Rd.                     | P.O. Box 220, Los Lunas  | 87031 | 865-4634 |
| Sandoval                      | 560 Camino Del Pueblo                  | P.O. Box 820, Bernalillo | 87004 | 867-2373 |
| Alb. East                     | 300 San Mateo NE, Suite 200            | Albuquerque              | 87108 | 841-2900 |
| Alb. West                     | 1031 Lambertson Pl., NW                | Albuquerque              | 87107 | 841-7800 |
| Alb. APS                      | 625 Silver, SW Suite 215               | Albuquerque              | 87102 | 841-4500 |
| Santa Fe                      | 1920 5 <sup>th</sup> Street            | Santa Fe                 | 87505 | 827-7450 |
| Rio Arriba/<br>Los Alamos     | 1912 North Railroad                    | Española                 | 87532 | 753-7191 |
| Taos                          | 1308 Gusdorf & Roy Rd.                 | P.O. Box XX, Taos        | 87571 | 758-8871 |
| Colfax                        | 1900 Hospital Dr.                      | Raton                    | 87740 | 445-2358 |
| Union                         | 834 Main St., Box 276                  | Clayton                  | 88415 | 374-9862 |
| San Miguel/Mora/<br>Guadalupe | 2518 Ridge Runner Rd.                  | Las Vegas                | 87701 | 425-9335 |
| Quay/<br>Harding/DeBaca       | 1110 E. High St.                       | Tucumcari                | 88401 | 461-0110 |
| Chaves                        | #4 Grand Ave. Plaza, Box 1938, Roswell |                          | 88202 | 624-6071 |
| Curry                         | 221 W. Llano Estacado                  | P.O. Box 1829, Clovis    | 88102 | 763-0014 |
| Roosevelt                     | 1223 W. Fir                            | Portales                 | 88130 | 356-6688 |

## **ADDENDUM II**

### **PERSONNEL**

Current employees and volunteers of an Archdiocesan entity or assignment who have regular contact with children or are otherwise required to attend the Sexual Abuse Prevention Workshop include but are not limited to:

- a. All priests, deacons, religious and seminarians.
- b. All employed personnel, contract workers and volunteers at all elementary, middle and high schools of the Archdiocese.
- c. All directors, coordinators, catechists, staff and volunteers for religious education.
- d. All youth ministers, directors/coaches of children's activities (e.g., athletics, scout leaders, choir, etc.) and similar Archdiocesan personnel and volunteers who provide such services under the auspices of the Archdiocese or any parish, mission or other Catholic organizations subject under civil law to the administration, authority and/or governance of the Archdiocese, and all who supervise said persons.
- e. All employees of the Archdiocese, its parishes, its schools and its affiliated organizations and entities.

## **ADDENDUM III**

### **CODE OF ETHICS**

The following fundamental principles from Church teachings and tradition apply to the behavior of all Archdiocesan personnel as:

- We strive to exhibit the highest Christian ethical standards and personal integrity in our day-to-day work and personal lives while supporting the teachings, discipline and traditions of the Catholic Church.
- We strive to conduct ourselves in a professional and respectful manner both in Church and work environments, avoiding any flagrant or public misconduct.
- We respect the integrity of all individuals and protect the confidentiality and privacy of all information to which we have access.
- We never take unfair advantage of a pastoral, financial, or supervisory relationship for our own benefit.
- We never physically, sexually, emotionally, or verbally abuse anyone.
- We never neglect a minor or vulnerable adult who is in our care.
- We always share concerns about sexually inappropriate behavior with our pastors and supervisors.