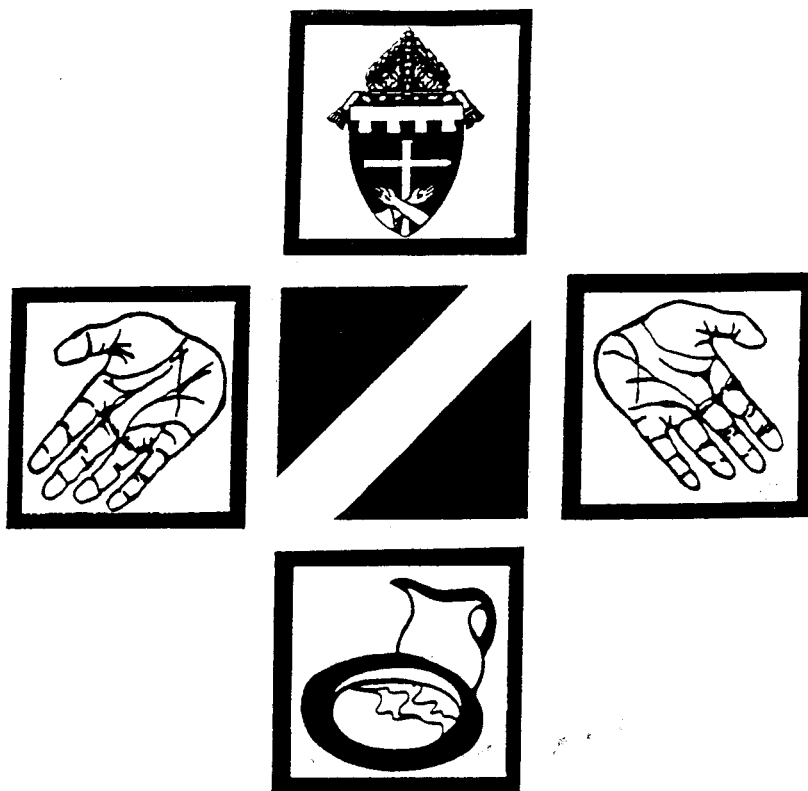


***Permanent Diaconate  
Policy Handbook***



ARCHDIOCESE  
OF SAN FRANCISCO

*PERMANENT DIACONATE POLICY*

*HANDBOOK*

Series 6000

POLICY FOR PERMANENT DEACONS

REVISED 1992

Series 6000

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6000 POLICY FOR PERMANENT DEACONS

6100 PREAMBLE/THE DEACONS

"The deacon is described as 'the bishop's ear, mouth, heart and soul.' The deacon is at the disposal of the bishop in order that he may serve the whole people of God and take care of the sick and the poor. He is correctly and rightly called 'one who shows love for orphans, for the devout and for the widowed, one who is fervent in spirit, one who shows love for what is good.' Furthermore, he is entrusted with the mission of taking the Holy Eucharist to the sick confined to their homes, of conferring baptism, and of attending to preaching the word of God in accordance with the express will of the bishop."

(MOTO PROPRIO, Paul VI, August 15, 1972)

THE DEACON

The deacon is an ordained cleric who shares in the Sacrament of Holy Orders. His ordination commits him to serve in word, liturgy and charity. Some of his ministry is the same as that of the ordained priest, especially in such liturgical functions as baptizing, witnessing marriages, preaching the Gospel and caring for the spiritual needs of the sick. Some of his ministry is the same as that of the baptized Christian, especially his witnessing in the marketplace. The deacon is to minister to the needs of the people in his own special way - as a Christian doctor would minister to his patients, as a Christian lawyer advises his clients, as a Christian printer produces the written word, as a Christian community leader serves his community. At the present moment, a permanent deacon will be trained for and ordained to a non-stipendiary ministry. He is in fact a deacon at all times, with a divine vocation sealed by the Holy Spirit in sacred ordination, but not necessarily full time in this capacity for his livelihood. He will not use a clerical title. He will not usually wear clerical dress. He will identify by dress in his clerical role normally while assisting the priest or bishop in the liturgy and on occasions he presides at liturgical functions. He is a Christian man living and working in the community, now trained and formed by additional study and prayer, and sealed by the Spirit, for a specific responsibility. The deacon is identified first of all in terms of who he is rather than what he does. He is a servant to the community in Word, liturgy and charity.

## 6200 PASTORAL MINISTRIES AND RESPONSIBILITIES OF DEACONS

### 6210 PERSONAL SPIRITUALITY

The deacon is to be recognized as a man of faith and as one who is able to communicate that faith to others. He ought to find in his personal relationships; in his family life, if married; in his ministry to people; in his personal prayer; in his participation in the prayer life of the Church; and in his daily work the means of spiritual growth.

### 6220 LITURGICAL ROLE

The deacon demonstrates the ability to plan and to assist reverently at liturgical celebrations. He should always fulfill the provisions of the liturgical law of the Church, and be able to assume a leadership role in the formation of the prayer life of the Community. The deacon is called to

- 6220.1 Administer the sacrament of Baptism solemnly;
- 6220.2 Witness marriages;
- 6220.3 Preside at wake services, funeral rites, and burial ceremonies;
- 6220.4 Bring Holy Viaticum to the dying;
- 6220.5 Bring Holy Communion to the sick;
- 6220.6 Minister the Word, e.g., reads the Gospel, and preach homilies;
- 6220.7 Assist at Eucharist;
- 6220.8 Preside at benediction of the Blessed Sacrament;
- 6220.9 Administer sacramentals, e.g., ashes, veneration of the cross on Good Friday;
- 6220.10 Conduct prayer services, e.g., rosaries, Stations of the Cross;
- 6220.11 Preside at Services of the Word.

### 6230 PASTORAL ABILITIES

- 6231 The deacon is called to demonstrate concern for the sick, the elderly, the poor, the alienated and nonchurched, and the development of non-ordained ministries.

### 6240 EDUCATION

- 6241 The deacon can conduct catechesis for baptism (including convert classes), confirmation, and marriage, and assists in other education and formation programs, such as RCIA and RENEW.

6250 SHARING MINISTRY

6251 The deacon demonstrates an interest in working with Priests, deacons, and the laity in his assigned ministry.

6260 CONCERN FOR ARCHDIOCESAN PROGRAMS AND GOALS

6261 VOCATIONS

The deacon has a genuine concern for vocations to Christian ministry whether secular, religious, or clerical, but especially vocations to the priesthood.

6262 DEANERY

By means of his assignment, the deacon is a full member of the deanery in which he is stationed.

6270 SENSITIVITY TO PARTICULAR COMMUNITY CONCERNS

6271 The deacon recognizes that the ministry of the Church reflects concern for cooperation with organizations pledged to community development, the need of sensitivity to specific linguistic and ethnic differences.

6280 CONCERN FOR ECUMENISM

6281 The deacon demonstrates a willingness to cooperate with ministers of other faiths according to the guidelines of the Archdiocesan Ecumenical Commission.

6300 RELATIONSHIPS AND RESPONSIBILITIES OF THE DEACON

6310 RELATIONSHIP/AND RESPONSIBILITY TO AND FROM THE ARCHBISHOP

6311 A permanent deacon is ordained for the service of a particular diocese and has a direct relationship to his Ordinary who assigns him to specific ministry.

6312 The deacon is ordained to that ministry of the Archbishop which is a ministry of word, liturgy and service.

6313 The relationship and line of authority and communication is direct to the Archbishop. This is a unique relationship that is historical and traditional, and it should be respected at all times. In order to facilitate matters, the liaison will be the Director of the Permanent Deacons.

6314 There should be a close relationship between the Archbishop and the deacon, and the deacon with his Archbishop. Again, the uniqueness and role of the deacon and his direct relationship to the Archbishop requires a meaningful and supportive understanding of each other founded in a living spirit of faith and not confined to a mere human relationship.

6320 RELATIONSHIP/RESPONSIBILITY TO AND FROM THE PASTOR/SUPERVISOR

6321 The pastor/supervisor has a fraternal working relationship with the deacon due to his assignment and to their common call to service.

6322 An agreement on pastoral and liturgical responsibilities is drawn up between the deacon and the pastor/supervisor. This agreement, called a Memorandum of Understanding, should state the relationship of the deacon to the parish/institution staff, and should outline the functions and duties of the deacon as they apply to the parish, hospital, institution. The particular ministry of the deacon at the parish, hospital, institution should be clearly enumerated according to the frequency and degree of responsibility. Similarly, the support, direction and consultation expected of the pastor/supervisor should also be enumerated so that both parties understand clearly what each is to be expected of the other. The memorandum should not be stereotyped. It should be the free expression of both parties inclusive enough to create an understandable agreement binding both parties. It should specify the degree to which the deacon functions as a member of the parish/institution staff.

6323 The memorandum should be the basis by which the deacon and his pastor/supervisor evaluate their relationship and growth. Such a dialogue or communication should take place on a frequent basis, at least every two years.

6330 RELATIONSHIPS AND RESPONSIBILITY TO AND FROM THE DIRECTOR OF THE PERMANENT DEACONS

6331 The director should have a full-time appointment to the diaconate program of the Archdiocese, which consists of service to both the ordained deacons and to the deacon candidates.

6332 The relationship and responsibility of the Director to the permanent deacon and the permanent deacon candidate shall be enumerated in a job description for the director.

6333 The Director or the Coordinator of On-Going Formation should consult with each deacon as well as with his wife, and pastor/chaplain, and also at the time of drawing up an assignment and developing of his Memorandum of Understanding or making an amendment thereto.

6334 The Director, in collaboration with the Coordinator of On-going Formation, is to facilitate the coming together of the body of deacons a number of times annually for the sake of communication, fraternal support, and the strengthening of their service to the Archbishop and to the Archdiocese.

6335 As much as possible, the Director and the Co-Director of on-going formation facilitate the expression and strengthening of community among the deacons. There must also be a concern about developing and strengthening community among the wives of the married deacons.

6336 The Director should seek the advice and concern of the deacons as to policy matters pertaining to the Diaconate.

6337 The Director and the Co-ordinator of On-going Formation, in conjunction with the wives of the married deacons, are to encourage the investigation and the development of new models respecting the nature of the married diaconate and the role of the wife.

6340 RELATIONSHIP/RESPONSIBILITY TO AND FROM THE COORDINATOR  
OF ON-GOING FORMATION

6341 The Co-ordinator of On-going Formation is to work in collaboration with the Director of Permanent Diaconate in the development and implementation of the On-going Formation Program for the deacons.

6342 He is the chairman of the Deacon Personnel Planning Committee.

6343 He should remain in contact with the deacon community on a regular basis, notifying them of meetings, etc., and offering his services to the deacon community in whatever ways he and they see fit.

6344 He serves as a Member of the Deacon Advisory Board.

6345 The deacons should feel free to work with him in reference to changing policies, programs, suggestions for retreat themes and types, workshop topics, etc.

6350 RELATIONSHIP/RESPONSIBILITY TO AND FROM THE PEOPLE

6351 The role of the deacon needs to be recognized by all segments and cultures in the Archdiocese. The role needs to be promulgated at every opportunity by the Chancery, the press, at liturgical functions, at social occasions, at the parish, the hospital, or institution level. The deacon should likewise accept and handle his role with dignity.

6352 The Deacon has a unique role which for the most part has not been fully realized. With patience, understanding, and openness on the part of the priests, religious, and laity, the deacon's role will flourish.

6353 The Deacon is called to be a man of faith in service to the community. He is a minister of the Word, of the Liturgy, and of Service. He must constantly strive through openness to the Spirit in prayer, and in listening to the hopes and joys, the tears and fears of the community, to be faithful to his ministry.

6400 FORMATION OF THE DEACON

6410 INITIAL FORMATION

6411 Men admitted to initial formation shall attend all classes, workshops, days of prayer, and retreats.

6412 Participants must be identified with a parish and must be participating in that parish's life while undergoing initial formation.

6413 Wives of the married candidates are encouraged to participate in all of the classes and activities with the husbands; however, they are not required to do the assignments unless they choose to do so.

6414 Initial formation shall continually be aware of the centrality of the Sacrament of Marriage in the life of the men and women in formation. All formation processes should hope to enhance and deepen the love between husbands and wives and their children. If at any time participation in initial formation appears to be weakening the sacramental commitment, adjustments will be made (including recommending marriage counseling when necessary, or permanent withdrawal from initial formation.)

6415 A participant is free to withdraw from initial formation should he decide God is not calling him to diaconal ministry, or for any other reason. A participant is also free to interrupt the process of preliminary formation. The terms of his reinstatement will be determined by the Director.

6416 EVALUATIONS AND SIGNS OF READINESS

6416.1 Should the Director and Staff determine that a participant needs more time for discernment and should temporarily interrupt initial formation with a leave of absence, the Director will determine the conditions under which the participant may apply for reinstatement.

6416.2 Circumstances may cause the Director and Associates to determine that a participant does not give sufficient evidence of meeting the criteria to continue in the preliminary formation and as a result will be asked to discontinue.

- 6416.3 Before doing so, the Director will consult with other members of the Executive Staff, the participant's pastor, and any other significant person involved in the person's formation.
- 6416.4 Should a candidate show evidence of behavior contrary to Church teachings and/or policies of the Permanent Diaconate Program, this could constitute grounds for dismissal.
- 6416.5 A participant's progress and potential vocation shall be evaluated at least once a year. This review shall consist of evaluations from his pastor, field-education supervisor, the director and staff and also a self-evaluation.
- 6416.6 Evaluation shall continue through initial formation. At no time is there any guarantee that a participant will be called to Holy Orders.
- 6416.7 Participants must give evidence of satisfactorily completing a minimum of six semesters of supervised field ministry, one of which must be outside the parish setting (setting - 16 weeks; 3 - 4 hours a week)
- 6416.8 Under certain circumstances, the supervised ministry may differ from the norm, but only after consulting with the Field Education Director.
- 6416.9 A summer of supervised ministry will qualify for a semester.
- 6417 Prior to ordination and during the training of period, the Director of the Permanent Diaconate and the Director of the Field-Education in consultation with the Priest Personnel Board and the Deacon Personnel Planning Committee begin the process for the placement of the newly ordained deacons.

6420 ON-GOING FORMATION

6421 Formation is an on-going process. The deacon is responsible for fostering his spiritual growth while continuing to seek opportunities to grow in competency in pastoral skills. Continuation of the formation process through retreats, days of prayer, workshops, Clergy-education days, Theology classes, is essential for the deacon.

6422 HENCE IT IS A REQUIRED DIOCESAN POLICY THAT:

6422.1 The deacon makes an annual retreat. (If married, it is recommended that the wife attend also)

6422.2 Attend a minimum of 15 hours (time) of classes, workshops, etc. annually. A day workshop is considered six hours, while a 3 hour University class would be equivalent to the required 15 hours.

6423 The deacon participates in post-ordination pastoral information in other clergy educational programs, and engages in private study. He is encouraged to do the following:

- 1) attend Clergy-ed days if his profession allows this;
- 2) attend institutes sponsored by the Archdiocese, such as the annual Religious Education Institute, and other formation programs, such as spiritual direction workshops, RCIA, etc.
- 3) enroll in University classes of theology, liturgical and pastoral formation;
- 4) make use of tapes and books available from the Permanent Diaconate office and others of his own choice.

6500 rites AND ORDINATIONS

6500.1 The rite by which the Candidate receives the Sacrament of Holy Orders is administered by the Archbishop to the candidates who have been prepared in the four year Formation Program. Previous to this ordination, the candidate participates in other rites (no longer called "ordinations") that prepare him for the final reception of the Diaconate. The Formation Program is designed to prepare the candidate for each of these steps, to explain their significance and to train him in the ministry to which he is installed.

6500.2 Before each of these steps, the candidate should be interviewed by the staff to discern his understanding of his development in the Formation Program, his desire to proceed and his growth at this point. It is an opportunity to have an objective evaluation by the staff, the Director, his pastoral field ministry supervisor and his pastor.

6510 MINISTRY OF ACOLYTE

6511 Candidates are installed in the Ministry of Acolyte in the fall of their third year of formation. The significance of this ministry and its function are found in the MINISTRIES IN THE CHURCH study text.

6512 This installation is the signal for more intense concern for their liturgical functioning as deacons and is part of that training. Candidates should be involved more actively in the Liturgy of the Eucharist in their parishes and function as acolytes both during Mass and other paraliturgical ceremonies.

6513 Each candidate presents a written request for this installation. The installation ceremony is conducted by the Bishop.

6520 MINISTRY OF LECTOR

6521 Usually during spring of the third year of formation, the candidates will be installed in the Ministry of Lector. Special emphasis on reading skills, public speaking and homily preparation and delivery are part of the curriculum in the program during the year of the installation. Since the deacon is to preach at the Sunday Eucharistic Liturgy and teach after ordination, training in homiletics is an essential part of his formation.

6522 The installation by the Bishop takes place during Mass or a para-liturgy. Each candidate is to present a written request for installation. The Mass or para-liturgy may take place at the parish level or in the Cathedral.

6523 There are times when the Bishop may call on the candidates to serve as lectors and acolytes.

6530 RITE OF ADMISSION TO CANDIDACY

6531 Replacing the ceremony of Tonsure in the renewal of the Permanent Diaconate and the Transitional Diaconate and priesthood, the Rite of Admission to Candidacy is the step taken by the candidate in preparing for ordination. Prior to the Liturgy during which the candidate presents his handwritten request, he and his wife are interviewed by the staff.

6532 The wives of the deacon candidates present their signed consent of their husbands' ordination for Permanent Diaconate to the Bishop during the Rite of Candidacy.

6533 The Rite of Admissions to Candidacy usually takes place in the Fall of the fourth year of formation. The Liturgy of the ceremony is prepared by the candidates under the direction of the Diaconate staff.

6540 ORDINATION TO THE PERMANENT DIACONATE

6541 Having satisfactorily completed the formation course and taken the required steps of Acolyte, Lector and Candidacy, the candidate is now ready for ordination to the Order of the Permanent Diaconate.

6542 Consultation with appropriate parties will take place in the fall of the fourth year. Each candidate and his wife will be interviewed by members of the staff to discern the presence of a real vocation and the response of the candidate to it. This will be the final question as to his desire to make the life commitment of the Permanent Diaconate. From now on it is assumed that he wishes and is prepared to be ordained. A very important factor in this discerning process is the judgment of the Director, his pastor, priests and others with whom he has worked during his formation.

6543 Prior to ordination, the candidate submits a written Profession of Faith and a petition to receive the Order of Deacons. If the candidate is married, there must be a written consent from his wife. When the staff has gathered all the information it considers necessary to make the final judgment. The Director presents the recommendations to the Bishop for his final

approval. The Bishop then calls the candidate for his final approval.

6544 ORDINATION CEREMONY

Arrangements with the Bishop's Master of Ceremonies will be made early enough for adequate preparations for the ceremony, music, seating, ministers, etc.

6550 THE REGISTRATION AND EVIDENCE OF ORDINATION

6551 After ordination, the names of the individuals ordained, the name of the ordaining minister, and the place and date of the ordination are to be entered in a special register which is to be kept in the curia of the place of ordination.

6552 The Bishop is to give to each person ordained an authentic certificate of ordination of the Permanent Diaconate.

6600 POST ORDINATION

6610 DEACON PERSONNEL/PLANNING COMMITTEE

6611 This committee shall consist of the Coordinator of the On-Going Formation Program and three other Deacons elected by the entire group of Deacons.

6612 The purpose of this committee is to work with the Director of the Permanent Diaconate Program in the placement of Deacons; in change of assignments of Deacons; and in the planning, organizing, and implementing of on-going formation days, workshops, retreats, etc. It will also act as a vehicle to which deacons may express their concerns over any aspect of the Permanent Diaconate Program.

6613 It is necessary to establish dialogue between the Priest Personnel Board and the Deacon Personnel/Planning Committee before the time of appointment of new permanent deacons in order to assess needs and openings in parishes and other ministries where the service of the deacon would be needed and welcomed.

6620 PLACEMENT OF DEACONS

The Director of the Program presents the recommendations for appointments to the Archbishop for his final approval, changes, and appointments.

6621 The assignment of the deacon will be discussed with the Personnel Board of the Archdiocese. The Letter of Assignment from the Bishop, along with a copy of Faculties will be sent to the deacon as soon as possible after ordination. Copies are also sent to the pastor. A list of assignments is sent to the Pastoral Center to be placed in the official column in the San Francisco Catholic.

6622 Following ordination, the staff will be in touch with the deacon and the pastor (supervisors for other ministries if necessary) to arrange for Memo of Agreement to indicate the deacon's particular ministry and the time he will devote to it. It is important that the agreement be explained adequately to all those involved and filled out as completely as possible.

6622.1 MEMO OF AGREEMENT

- A) The deacon, once assigned to his ministry will work out a Memo of Agreement with the Pastor or Director of Agency or Institution. Such an agreement spells out the liturgical, and pastoral work of the deacon, the expectations of both the Pastor/supervisor and the deacon in regard to hours, tasks, expenses, etc. A copy of the Agreement is also sent to the Permanent Diaconate Office.
- B) This agreement should be the basis by which the deacon and his pastor/SUPEVISOR EVALUATE their relationship and growth. Such a dialogue or communication would take place frequently , at least once every two years, and more if desired when a written evaluation is done. A copy of this evaluation is sent to the Permanent Diaconate Office.
- C) The forms for the Memo of Agreement and the Evaluation will be sent every two years from the Permanent Diaconate office.
- D) This memorandum is to be signed by the deacon and his wife, if married, and by the pastor/supervisor. The memorandum can be amended any time with good cause, by mutual consent and by giving appropriate notice to concerned parties. But, it in no way affects the basic assignment of the deacon which comes from the Archbishop. If pastor, or deacon find cause for a change of assignment, they

must go through the proper process for so doing.

- E) This memorandum should clearly recognize the family responsibilities and professional requirements of the employment of the deacon, so that the expectations of the parties to the memorandum will be clear. This should include vacation policy, employment requirements, and on-going formation.

#### 6630 CHANGES OF RESIDENCE INTO ANOTHER DIOCESE

Upon arrival into another diocese, these procedures are followed:

6631 The deacon advises the bishop and the Office of the Permanent Diaconate of his presence in the diocese.

6632 The deacon submits the required information to the Office of the Permanent Diaconate:

- a) a letter from the deacon's ordinary clearly stating that the deacon is in good standing in this own diocese;
- b) a resume written by the deacon seeking service in the new diocese including:
  - personal history
  - ministerial history
  - reason for transfer
  - reason for requesting to serve in this diocese
  - reasons for seeking to serve in the new diocese, if applicable.
  - types of ministry assignments for which he feels suited
- c) Letters of recommendation from the pastor or supervisor of last assignment, containing a statement concerning his physical and emotional health as well as a statement of evaluation of the deacon's prior service from the Permanent Diaconate office.
- d) A record of the preliminary formation that the deacon has completed, including coursework and liturgical preparation

6633 SAN FRANCISCO PERMANENT DEACONS LIVING OUTSIDE  
ARCHDIOCESE - CONTINUING TO WORK IN ARCHDIOCESE

Deacons are ordained for a specific diocese and to provide service to the bishop of that diocese. At the time of their diaconate ordination, they are incardinated in that diocese. Their faculties are given to them to function in that diocese and do not extend to other diocese. They remain incardinated in that diocese until they are excardinated from the diocese for which they were ordained and incardinated into another diocese. This requires the approval of the bishops of both dioceses that are involved.

Most permanent deacons are married and earn their living in secular occupations. Sometimes their occupations, economic conditions or other reasons require that they live outside the geographic boundaries of the Archdiocese of San Francisco. When this is necessary, they are required to inform the Office of the Permanent Diaconate, which will take the following action:

Determine whether it is possible for the deacon to continue in his present assignment, or to continue to serve the Archdiocese of San Francisco. This determination will be made based on the needs of both the deacon and his family and the requirements of the particular assignment.

Notify the diocese into which the deacon has moved of his residence in that diocese. If it has been determined that the deacon should function in that diocese, the Director will begin dialog with the diocese concerning appropriate assignment of the deacon. If it has been determined that the deacon can continue to serve the Archdiocese of San Francisco, then the bishop of the diocese in which he resides will be so informed. The deacon will not have faculties in the diocese of residence unless these faculties are granted by the bishop of that diocese.

6640 INCARDINATION

- 6641 Incardination is the acceptance of a priest or deacon who wishes to serve in a particular diocese. Deacons accepted for incardination receive full benefits of all other incardinated deacons. Procedure: Complete all steps as listed above.
- 6642 At the end of five years of service in the Diocese, the deacon applies, in writing, for incardination or for an extension of stay.
- 6643 The Director of the Permanent Diaconate, in collaboration with the Deacon Personnel/Planning Committee is responsible for making a recommendation to the Archbishop regarding the acceptance or nonacceptance of a deacon's request for incardination. Such recommendations will be based on the following:
- a) A letter of excardination for the Deacon's ordinary;
  - b) An evaluation of the deacon and his service from each pastor or supervisor in which the deacon has served in the new diocese, evaluating his ministerial skills and indicating the evaluator's willingness to have the deacon as a pastoral minister.
- 6644 The final decision on the request for incardination is the responsibility of the bishop.
- 6645 If incardination is refused, the deacon will return to his own diocese or seek another bishop, or if permitted by the bishop in whose diocese he is now residing, continue to work on the diocese, but with the proper authorization of his own bishop.

6650 ISSUANCE OF TEMPORARY FACULTIES

- 6651 Faculties may be granted to serve in the new diocese by the bishop while the deacon is waiting the specified required time before requesting incardination provided the deacon has fulfilled all the necessary procedures outlined under "Change of Residence".

6652 Issuance of faculties may be complete or partial, and for any period of time in accordance with the following:

- a) the Office of the Permanent Diaconate of the completeness of the preliminary formation;
- b) the suitability of the deacon for receiving faculties, and
- c) existing diocesan policies
- d) an evaluation of all assignments while serving with the temporary faculties will become a part of any record used to determine the acceptability of the deacon for incardination.

6660 FINANCES

6661 At present a \$700 annual stipend is allowed for retreats and ongoing education of permanent deacons. The parish or agency where the deacon is assigned is asked to send this fee to the Permanent Diaconate Office to help with the expenses of the annual retreat and ongoing education workshops sponsored by that office. The deacons do not receive any stipend for services rendered in their ministry, unless employed full or part-time in that ministry, e.g., as pastoral associate. However, the parish should provide the out-of-pocket expenses incurred by the deacon while he is involved in his ministry, such as gas mileage, supplies for this ministry, etc.

6670 PART-TIME/FULL TIME

Nothing in this Personnel Policy precludes the possibility of full-time, salaried deacons in the Archdiocese.

6680 CHANGE OF ASSIGNMENTS

6681 The first official contact on the part of the deacon requesting a change of assignment, or to discuss placement for a first assignment, is made to the Director of the Permanent Diaconate Program.

6682 The Director then informs the Deacon Personnel/Planning Committee and a process is begun of dialogue and discernment among the members of the Committee, Pastors concerned, and deacon or candidate concerned, and a member or members of Priest Personnel Boards.

6683 The Director of the Permanent Diaconate then presents the recommendation to the Archbishop for his decision and formal appointment. It is necessary to establish dialogue between the Priest Personnel Board and the Deacon Personnel/Planning Committee before the time of appointment of new Permanent Deacons in order to assess needs and openings in parishes and other ministries where the service of the deacon would be needed and welcomed.

#### 6689 RETIREMENT

It is the purpose of this policy to establish the age, procedure for requesting retirement and ministries and functions retired deacons can continue to exercise.

##### AGE

The normal retirement age for a deacon is 75. A deacon can request earlier retirement, if health or other factors make that advisable. A deacon can also request to continue his ministry beyond age 75, if his health and general well-being permit him to exercise a full ministry.

##### PROCEDURE

If a deacon wishes to retire early, he must write a letter to the Archbishop requesting retirement status. This letter should state the reasons for his request. A copy of the letter should be sent to the Director of Permanent Diaconate. After consultation with the Director of the Diaconate, the Archbishop may approve the request for retirement. Upon such approval, the deacon will be placed in the status of 'retired'.

The Archbishop, after consultation with the Director of the diaconate, may decide to retire a deacon, even if not requested, if, in his opinion, the deacon, by reason of health or other reason, is unable to be involved with active ministry.

In any event, three months prior to a deacon reaching the age of 75, the deacon must write a letter to the Archbishop stating that he is approaching the retirement age of 75. In that letter he may request retirement, or, request that he be maintained in the position of active ministry. The Archbishop, after consultation with the Director of the Diaconate and with the pastor or the person who is the deacon's ministerial supervisor, may accept the resignation, or accept or deny the request for continued active ministry. If the Archbishop elects to allow the deacon to continue in active ministry, the deacon must request this continuation and have his request reviewed each year.

#### FUNCTIONS PERMITTED A RETIRED DEACON

After retirement, a deacon may continue to assist at Liturgy in his parish, as long as his health permits. Normally he will not be expected to preach, to teach, to administer sacraments or perform other public ministries. [Obvious exceptions would be sacraments administered to his immediate family or close friends or preaching on special occasions.] The rationale for this policy is that a retired deacon is not expected to participate in on-going formation. He would therefore not have the updated background necessary for ministry to the community. A deacon is ordained for life.

Even though a deacon retires, he remains a deacon in the service of Christ and of the Church. For this reason, he should continue to grow spiritually and fulfill the spiritual obligations of his state in life. A retired deacon, and his wife, would always be welcome at all diaconate functions and at the annual retreat. He remains a member of the deacon community. The degree of his participation is his decision.

#### 6690 MISCELLANEOUS

##### 6691 PERSONNEL RECORDS:

Records pertaining to permanent deacons are to be kept with clergy files in the vault on the 4th Floor. These records are confidential and are available only to the Archbishop, the Personnel Board, the Director of the Permanent Diaconate, and the deacon. On-going records are kept in the Permanent Diaconate Office.

6692 GRIEVANCE PROCEDURES:

(SEE APPENDIX A)

6693 COMMUNICATION:

A bulletin or other means of communication should be devised to facilitate the flow of information between the deacons and the Archbishop, and the deacons and the Archdiocese.

6694 APPROPRIATE ATTIRE FOR DEACONS

The question has been raised concerning the appropriateness of a permanent deacon wearing the Roman collar. The question was forwarded to Bishop P.J. McGrath, who, in turn, discussed it with Archbishop Quinn. Archbishop Quinn stated that he recognized that canon law excused the permanent deacon from the obligation of wearing clerical clothing. The Archbishop stated that it was his overwhelming preference that the permanent deacons not wear clerical clothing, unless there were extraordinary circumstances which dictated the Roman collar as appropriate or prudent. He left that decision to the deacon to judge. Some possible occasions might be in prison ministry or in street situations where the roman collar might afford some degree of protection.

The appropriate dress for deacons at Funeral vigils and at graveside interments was specifically asked. The Archbishop responded that on these occasions he wanted the deacon to be readily identifiable as a clergyman. It was his suggestion that the alb and stole would be appropriate, especially when the vigil was held in the Church.

6695 REVISION OF POLICIES:

This Personnel Policy for Deacons will be subject to review and revision at least every three years.

APPENDIX "A"

6000 "DUE PROCESS" STRUCTURES FOR THE ARCHDIOCESE OF SAN FRANCISCO

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6320 ARTICLE II. SELECTION OF ARBITRATORS.

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6323 Method of Selection for a Specific Case

6330 ARTICLE III. PROCEDURE

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6337 Evidence

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6339-1 Majority Decision  
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6340 ARTICLE IV. COMPETENCE

6350 ARTICLE V. EXPENSES

6360 ARTICLE VI. COURT OF ARBITRATION

6370 ARTICLE VII. FORM OF AGREEMENT

6000 "DUE PROCESS" STRUCTURES FOR THE ARCHDIOCESE OF SAN FRANCISCO:

6100 THE COUNCIL OF CONCILIATION, AND THE BOARD OF ARBITRATION.

6110 INTRODUCTION

In 1970 the Senate of Priests proposed and the Archbishop established for the Archdiocese of San Francisco a Council of Conciliation and a Board of Arbitration. The composition, purpose and function of these structures are those suggested in the Ad Hoc Committee on Due Process Report of the Canon Law Society of America (1969) pages 13 - 25, amended in part by the Priests' Senate (included below) and amended also by the Holy Father on October 30, 1971, cfr. Canon Law Digest, vii, pp. 899-900). These structures provide a procedure for the resolution of disputes in administrative areas of church governance in which rights of persons are respected and protected.

The principles underlying these structures are expressed in the same report of the Canon Law Society of America:

In accordance with the authentic teaching of the Catholic Church...all persons in the Church are fundamentally equal in regard to their common rights and freedom, among which are:

The right and freedom to hear the Word of God and to participate in the sacramental and liturgical life of the Church;

The right and freedom to exercise the apostolate and share in the mission of the Church;

The right and freedom to speak and be heard and to receive objective information regarding the pastoral needs and affairs of the Church;

The right to education, to freedom of inquiry and to freedom of expression in the sacred sciences;

The right to free assembly and association in the Church;

And such inviolable and universal rights of the human person as the right to the protection of one's reputation, to respect of one's person, to activity in accord with the upright norm of one's conscience, to protection of privacy.

The dignity of the human person, the principles of fundamental fairness, and the universally applicable presumption of freedom require that no member of the Church arbitrarily be deprived of the exercise of any right of office.

#### Notion of Due Process

The adequate protection of human rights and freedoms is a matter of concern to all men of good will; the adequate protection of specifically ecclesial rights and freedoms has become a matter of increasing concern to all members of the Church.

Rights are protected in many ways. Indirectly, they are protected by education, growth of moral consciousness, development of character; directly, they are protected by law. Rights without legal safeguards, both preventive and by way of effective recourse, are often meaningless. It is the noblest service of law to afford effective safeguards for the protection of rights, and, where rights have been violated, to afford effective means for their prompt restoration.

The need for an effective way of protecting rights in the Church becomes obvious when one considers that the administrative areas within the Church have experienced the fastest rate of growth in recent years. The emergence of personnel boards, liturgical commissions, parish councils and similar bodies has increased the number of persons who exercise some measure of authority at different levels of the Church's structure.

#### 6120 CONCILIATION

The first structure for handling disputes is the process of conciliation. It is the heart of conciliation that two disputants agree to engage the services of a third person or persons who will seek to bring them to agreement. The conciliator makes no decision, but simply offers assistance in an attempt to reconcile the disputing parties. Conciliation is the most distinctly Christian aspect of these due process structures. Christian notions of forgiveness, peacemaking and charity argue that the primary process for resolving disputes in the Church should involve conciliation of people rather than the assertion of legal rights.

The structure provided for conciliation is called the "Council of Conciliation." Its composition and function as well as the manner of initiating conciliation and the procedures for such action are described below under the section "Process of Conciliation."

For a list of the current members of the Council of Conciliation, please refer to "Members of Boards," Series 8000 of this Handbook.

#### 6130 ARBITRATION

In most instances, the majority of controversies should be settled through conciliation. However, since this will not always be possible, a structure for arbitration is provided called the "Board of Arbitration." This Board is also described below under the section "Process of Arbitration." Current members are also listed under series 8000 of this Handbook.

Arbitration is defined as the reference of a dispute, by voluntary agreement of the parties, to an impartial person or persons for determination on the basis of evidence and arguments presented by both parties, who agree in advance to accept the decision of the arbitrator as final and binding.

#### 6140 RECOURSE TO CONCILIATION AND ARBITRATION

Any person in conflict with any other person, group or institution exercising administrative authority in the Archdiocese may have recourse to the Council of Conciliation and the Board of Arbitration.

#### 6150 AREAS OF CONCERN

6151 These "due process" structures shall be offered:

6151.1 To reconcile disputants or arbitrate disputes between individual members of the Archdiocese or groups within the Archdiocese which concern an ecclesiastical matter;

6151.2 To reconcile disputants or arbitrate disputes between a person and a diocesan administrator or administrative body, where it is contended that the norms on the manner of imposing or declaring administrative and disciplinary sanctions have not been justly and equitably observed;

6151.3 To reconcile disputants or arbitrate disputes between administrative bodies of the Archdiocese which involve conflict of competency.

6152 However, the following shall not be subject to these structures:

6152.1 Criminal cases in the strict sense and administrative sanctions and disciplinary actions;

6152.2 Dissolutions of marriages;

6152.3 Matters pertaining to benefices when there is litigation about the title itself to a benefice unless the legitimate authorities sanction arbitration;

6152.4 Spiritual matters whenever the award requires payment by means of temporal goods.

Disputes involving temporal ecclesiastical goods or those things which, though annexed to the spiritual, can be dealt with apart from their spiritual aspect, may be settled through arbitration, but the formalities of law for the alienation of ecclesiastical property must be observed if the matter is of sufficient importance.

6200

#### PROCESS FOR CONCILIATION

##### 6210 ARTICLE I. ESTABLISHMENT

6211 The Archdiocese of San Francisco shall set up a "Council of Conciliation," composed as follows:

Two persons appointed by the Ordinary of the Archdiocese;

Two lay persons elected by the Archdiocesan Pastoral Council or in its absence the Senate of Priests;

One person elected by the Senate of Priests.

6212 The term of office shall be three years.

6213 These exceptions shall apply to the initial members of the Council:

The first appointee of the Ordinary shall have a term of three years.

6213

The person receiving the largest vote from the Archdiocesan Pastoral Council shall have a term of two years.

The person elected by the Senate of Priests shall have a term of two years.

The second appointee of the Ordinary shall have a term of one year.

The person receiving the second largest vote from the Archdiocesan Pastoral Council shall have a term of one year.

6214 The Council shall elect its Chairman, Secretary and Treasurer.

6215 The Archdiocese shall reimburse the Council for its expenses upon presentation of a statement signed by the Chairman and Treasurer.

6216 The establishment of the Council, its purposes, the biographies of its members, and its rules of operation shall be announced by a letter from the Ordinary to the clergy and faithful of the Archdiocese and by appropriate publicity in the diocesan and secular press.

6220 ARTICLE II. STARTING THE PROCESS

6221 Any person in conflict with the Ordinary of the diocese, an appointee of the Ordinary, a priest in the diocese, a Catholic college, hospital, or other charitable or educational institution in the diocese, a parish or a diocesan council, a parish or diocesan school board, a Catholic cemetery organization or burial association, or any other person, group or institution exercising administrative authority in the diocese, may have recourse to the Council.

- 6222 A person having recourse to the Council shall be styled the "initiating participant," and the person, group or institution with whom he is in conflict shall be styled the "convoked participant." Recourse to the Council shall be styled "the initiative," and the acceptance of a process for reconciliation by the convoked participant shall be styled "an affirmative response." The conflict shall be designated as "the problem."
- 6223 An initiating participant may take the initiative by sending to any Member of the Council a statement that he has a problem involving one or more of the persons, groups or institutions described in paragraph 6221, and setting forth the gist of the problem.
- 6224 The Member receiving this statement shall contact the convoked participant both in writing and by telephone, shall apprise him of the problem stated by the initiating participant, and shall inquire if he will accept conciliation. The convoked participant shall be given a description of the purposes of the Council of Conciliation, the biographies of its members, and a copy of its rules of procedure. He shall be asked if he would accept as a conciliator the Member addressed by the initiating participant or if he would prefer that the Chairman designate a different Member or Members. He shall be advised that the Council is supposed to proceed with dispatch and that his affirmative response to the initiative is expected within two weeks of the notice to him.
- 6225 If the convoked participant fails to give an affirmative response, the Member shall refer the matter to the Chairman who shall endeavor to persuade the convoked participant to give such response.
- 6226 If, four weeks from the date of the initiative, no affirmative response has been made by the convoked participant, the Member shall refer the matter to the Ordinary who shall endeavor to persuade the convoked participant to give such response.

6227 In the event that the convoked participant is the Ordinary of the diocese himself, the provisions of paragraph 6226 shall not apply, and if, four weeks from the date of the initiative, there is no affirmative response, the Member shall refer the matter to the Chairman of the Bishops' Committee on Conciliation and Arbitration who, by telephone and letter and, if possible, by personal conference, shall endeavor to persuade the Ordinary to give such response.

6228 In the event that the Member fails to discharge any of his responsibilities for referring the matter to the Ordinary or the Chairman of the Bishops' Committee, as the case may be, the initiating participant may ask the Chairman of the Council of Conciliation to make the referral; should the Chairman fail to do so, the initiating participant may make the referral himself.

6230 ARTICLE III. THE PROCESS

6231 The Member addressed by the initiating participant and agreed to by the convoked participant shall act as conciliator in the process. In the event there is no agreement, the Chairman shall designate a Member or Members to act as conciliator or conciliators in the process.

6232 Within three weeks of the affirmative response, the conciliating Member shall meet alone with each participant for oral discussion of the problem.

6233 Within one week of the second of these conferences, the Member shall meet with both participants together and endeavor to guide them to a peaceful resolution of their problem. The Member shall schedule as many of these joint meetings as seem to him to be necessary in order to progress to conciliation.

6234 The Member shall endeavor to assure that each participant answers the questions which the other participant believes are essential if he is to understand the actions of the other. While the Member should exercise his discretion, he should act in the knowledge that paternalistic concealment of facts is no longer an acceptable mode of behavior to many persons, and he should, therefore, encourage a trust in candor on both sides.

- 6235 The first joint meeting of the participants and the Member shall be restricted to these persons. Thereafter, in the discretion of the Member, each participant may have with him one or two advisers - - theologians, lawyers, friends, or whomever he chooses. In the event that one participant desire to have such advisers, and the Member agrees, the Member shall notify the other participant that he may come with an equal number of advisers. In the discretion of the Member and with the agreement of the participants other Members of the Council of Conciliation or other persons may join the meetings from time to time.
- 6236 If the problem is resolved by agreement, the Member shall prepare a summary statement of the problem and its resolution, and shall submit it for the approval and signature of the participants. If the problem is unresolved after the meetings arranged by the Member have been held, and in any event if the problem is unresolved six months from the initiative, the Member shall ask the participants if they are willing to continue discussion of the problem with him, with another Member of the Council, with a person designated by the Ordinary, or, in a case where the Ordinary is participant, with a person designated by the Chairman of the Bishops' Committee on Conciliation and Arbitration. If the participants agree in their response, the Member shall arrange the desired continuation. If one or more participants declines to engage in further discussion, the Member shall file a report with the Council and, where the Ordinary is participant, with the Chairman of the Bishops' Committee on Conciliation and Arbitration. This report shall contain the names of the participants, a summary of the problem and the discussions taken to resolve it, and certification by the Member that, despite the good faith of the participants, no resolution could be reached.
- 6237 The Member shall have no power to force the participants to adopt a solution. He shall have power, however, to determine that any participant is not cooperating in good faith. Prima facie evidence of lack of good faith will be failure to attend three scheduled meetings, failure to respond to a substantial number of questions which the Member believes appropriate, or failure to suggest any way of accommodating the interests of the other participant. In the event that for these or other reasons the Member believes that a participant is

not cooperating in good faith, he shall apprise him of this belief orally and, failing cooperation, shall apprise him again in writing. If there is no cooperation after the written communication, the Member shall at once notify the Ordinary of the diocese, or, if the Ordinary is a participant, the Chairman of the Bishops' Committee on Conciliation and Arbitration. The Ordinary or the Chairman shall endeavor to persuade the participant to cooperate.

- 6238 Meetings shall be private without publicity. All communications made to a Member or between participants shall be treated as confidential by all who share in them. If the problem is resolved by agreement, and the parties agree to publicizing the solution, announcement of it shall be made. If there is no agreement on a solution or on publicizing it, no announcement shall be made.

#### 6300 PROCESS FOR ARBITRATION

##### 6310 ARTICLE I. ESTABLISHMENT

- 6311 The Archdiocese of San Francisco shall set up a "Board of Arbitration." The Board shall consist of five persons, two of whom shall be appointed by the Ordinary, two lay persons elected by the Archdiocesan Pastoral Council or in its absence, by the Senate of Priests, and one person elected by the Senate of Priests.

- 6312 The members of the Board of Arbitration shall serve for a term of three years. No member shall have more than two consecutive terms in office. For the purposes of continuity, the terms of the initial members shall be staggered in the following manner:

The first appointee of the Ordinary shall have a term of three years.

The second appointee of the Ordinary shall have a term of two years.

The first person elected by the Archdiocesan Pastoral Council shall have a term of three years.

The second person elected by the Archdiocesan Pastoral Council shall have a term of two years.

The person elected by the Senate of Priests shall have a term of one year.

6313 The Board of Arbitration shall select from its own members a Chairman and a Secretary-Treasurer, each of whom shall serve for a term of one year in that respective capacity.

6314 It shall be the responsibility of the Board of Arbitration:

6314.1 to select a sufficient number of qualified persons to be arbitrators;

6314.2 to accept all complaints made to it in writing by any member of the Archdiocese and to determine whether or not the case falls within the competence of the Board;

6314.3 to assist the parties in the selection of an arbitrator;

6314.4 to supervise and administer the over-all program and to interpret rules of procedure to be followed in arbitration when questions are referred to it by either the arbitrators or the parties themselves.

6320 ARTICLE II. SELECTION OF ARBITRATORS

6321 Arbitrators should be selected for their impartiality and competence.

6321.1 Impartiality. The arbitrator must receive no direct benefit from the outcome of the decision he makes.

The following, therefore, are disqualified to serve as arbitrators:

6321.11 Anyone related by consanguinity or affinity to one or another of the parties, or who is a guardian of one of the parties.

6321.12 Anyone involved with one or another of the parties in such a way as to have a particular interest in the outcome of the dispute.

6321.13 Anyone who can be shown to be inimical to one of the parties.

6321.2 Competence. The arbitrator should have some understanding of how a hearing should be conducted. Expertise in the area under discussion is helpful, but not absolutely necessary. If the arbitrator is not himself an expert, he should feel free to call in experts during the hearing.

6322 Method of Selection in General.

6322.1 It is the responsibility of the Board of Arbitration to select a panel of arbitrators from among the laity, religious, and clergy. It is not necessary that a person be a member of the diocese in order to be included on the panel of arbitrators. It is recommended that there be an exchange of panels between neighboring dioceses where possible.

6322.2 The Board of Arbitration has the responsibility of screening candidates for the panel of arbitrators. The Board shall solicit nominations from any organized group in the diocese, or in any other way to be determined by the Board itself.

6322.3 There shall be maintained a minimum panel of ten arbitrators in order to insure an adequate choice of selection for the parties.

6323 Method of Selection for a Specific Case.

6323.1 If the arbitration agreement applicable to a particular case provides a method of appointment of arbitrators, this method shall be followed. In the absence thereof, or if the agreed method fails or for any reason cannot be followed, or when an arbitrator appointed fails or is unable to act, and no provision has been made for the appointment of his successor, the Board of Arbitration on application of a party shall appoint one or more arbitrators. An arbitrator so appointed has all the powers of one specifically named in the agreement.

6323.2 In the event the arbitration agreement does not provide a method of appointment of arbitrators, the Chairman of the Board of Arbitration shall appoint arbitrators according to the following procedure:

6323.21 The Chairman of the Board of Arbitration shall submit to each party a list of arbitrators, large enough to assure adequate choice.

6323.22 The parties shall strike out those names not acceptable to themselves and list the others in the order of their preference.

6323.23 The Chairman of the Board of Arbitration shall then appoint three arbitrators, following as closely as possible the selection of the parties.

6323.24 The Board of Arbitration shall draft and enforce its own rules with regard to time limits for making the selection, and the consequences of not observing the time limits.

### 6330 ARTICLE III. PROCEDURE

#### 6331 Initiation of Arbitration

The parties shall submit to the Chairman of the Board of Arbitration a written statement setting forth the nature of the dispute and the remedies sought.

#### 6332 Time and Place of Hearing

The arbitrators shall appoint a time and place for hearings and notify the parties not less than five days before each hearing.

#### 6333 Representation by Counsel

Parties to the dispute may be represented at hearings by counsel or other authorized representative.

#### 6334 Attendance at Hearings

Persons having a direct interest in the arbitration are entitled to attend hearings. It shall be in the discretion of the arbitrators to determine the propriety of the attendance of any other person.

6335 Adjournments

For good cause the arbitrators may adjourn the hearing upon the request of a party or upon their own initiative, and shall adjourn when all the parties agree thereto.

6336 Arbitration in the Absence of a Party

Arbitration may proceed in the absence of any party who, after due notice, fails to be present or fails to obtain an adjournment.

6337 Evidence

The arbitrators shall hear and determine the controversy upon the evidence produced. Parties may offer such evidence as they desire and shall produce such additional evidence as the arbitrators may deem necessary to an understanding and determination of the dispute. The arbitrators shall judge the relevancy and materiality of the evidence offered, and conformity to legal rules of evidence shall not be necessary. All evidence shall be taken in the presence of all of the arbitrators and all of the parties except where any of the parties is absent in default or has waived his right to be present. The arbitrators may require the parties to submit books, records, documents, and other evidence.

6338 Evidence by Affidavit

The arbitrators shall have the power to administer oaths to take evidence from witnesses by deposition whenever witnesses cannot attend the hearing.

6339 Order of Proceedings

A hearing shall be opened by the recording of the place, time, and date of hearing, the presence of the arbitrators and parties, the presence of counsel, if any, and the receipt by the arbitrators of initial statements setting forth the nature of the dispute and the remedies sought.

The arbitrator may, in his discretion, vary the normal procedure under which the initiating party first presents his claim, but in any case shall afford full and equal opportunity to all parties for presentation of relevant proofs.

The names and addresses of all witnesses, and exhibits offered in evidence, shall be made a part of the record.

6339-1      Majority Decision

In the course of the hearing, all decisions of the arbitrators shall be by a majority vote. The award shall also be made by majority vote unless the concurrence of all is expressly required by the terms of a particular arbitration agreement.

6339-2      Closing of Hearings

The arbitrators shall inquire of all parties whether they have any further proofs to offer or witnesses to be heard. Upon receiving negative replies, the arbitrator shall declare the hearings closed. The hearings may be re-opened by the arbitrators on their own motion, or on the motion of either party, for good cause shown, at any time before the award is made.

6339-3      Time of Award

The award shall be rendered promptly by the arbitrators and, unless otherwise agreed by the parties, not later than thirty days from the date of closing the hearings, or if oral hearings have been waived, then from the date of transmitting the final statements and proofs to the arbitrator.

6339-4      Form of Award

The award shall be in writing and shall be signed by the arbitrators.

6339-5      Stenographic Record

Provision for recording the entire proceedings may be made at the request of either party, or at the discretion of the arbitrators. The total cost of such a record shall be shared equally among parties ordering copies, unless the parties agree otherwise.

6339-6      Interpretation and Application of Rules

Questions concerning the interpretation of these rules shall be referred to the Board of Arbitration for final decision.

6340 ARTICLE IV. COMPETENCE

6341 The Process for Arbitration shall extend:

6341.1 To all disputes between individual members of the Church, or groups within the Church, where the controversy concerns an ecclesiastical matter;

6341.2 To all disputes between a person and a diocesan administrator or administrative body, where it is contended that the norms on the manner of imposing or declaring administrative and disciplinary sanctions have not been justly and equitably observed;

6341.3 To all disputes between administrative bodies of the diocese when the dispute involves conflict of competency.

6342 The following, however, shall not be subject to settlement by arbitration:

6342.1 Criminal cases in the strict sense;

6342.2 Administrative sanctions and disciplinary actions;

6342.3 Dissolution of marriages;

6342.4 Matters pertaining to benefices when there is litigation about the title itself to a benefice unless the legitimate authorities sanction arbitration.

6342.5 Spiritual matters whenever the award requires payment by means of temporal goods.

6343 Disputes involving temporal ecclesiastical goods or those things which, though annexed to the spiritual, can be dealt with apart from their spiritual aspect, may be settled through arbitration, but the formalities of law for the alienation of ecclesiastical property must be observed if the matter is of sufficient importance.

6350 ARTICLE V. EXPENSES

6351 All members of the Board of Arbitration, as well as all arbitrators shall serve gratis. The parties involved in the arbitration, however, shall be assessed a fee in an amount to be determined by the Board of Arbitration to cover Board expenses.

6352 The expenses of witnesses shall be paid by the respective parties producing witnesses. Traveling and other expenses of the arbitrators, and the expenses of any witnesses or the cost of any proofs produced at the direct request of the arbitrators, shall be borne equally by the parties unless they agree otherwise, or unless the arbitrator in his award assesses such expenses or any part thereof against any specified party or parties.

6360 ARTICLE VI. COURT OF ARBITRATION

6361 There shall be established in this diocese a Court of Arbitration. This Court will function as a board of review. It will not review the merits of the case as such, but rather its purpose will be to hear and render decisions on complaints of nullity or requests for corrections or modifications of the award.

If the tribunal already exists in a particular diocese, this tribunal will perform the function of the Court of Arbitration. A special turnus of judges shall be assigned to handle matters of this nature.

6362 The Court of Arbitration shall be competent to review an arbitration award where it is alleged that:

6362.1 The award was procured by corruption, fraud, or other undue means;

- 6362.2 There was evident partiality on the part of an arbitrator;
  - 6362.3 The arbitrators exceeded their powers;
  - 6362.4 The arbitrators refused to postpone a hearing notwithstanding the showing of sufficient cause for such postponement, or refused to hear evidence material to the controversy, or otherwise conducted the hearing so as prejudicially to affect a substantial right of one of the parties;
  - 6362.5 The method of selection of arbitrators, agreed upon by the parties beforehand, was not followed;
  - 6362.6 The decision was based on documents which are spurious;
  - 6362.7 New evidence has been discovered of a character which demands a contrary decision;
  - 6362.8 Principles of fundamental procedural fairness were violated. SEPT. 1981
- 6363 Where the Court of Arbitration decides in favor of the nullity of an arbitration award, the Court can order a re-hearing either before the arbitrators who made the award or before entirely new arbitrators chosen in the same manner as the original arbitrators.

Where an application to vacate an award or nullify a decision is denied, the Court of Arbitration shall confirm the award.

#### 6364 Correction or Modification of the Award

Where it is alleged that there was a material error in transcribing the award, in relating the petitions of the parties or the facts, in describing any person, thing, or property referred to in the award, in making calculations or in matters of form not affecting the merits of the controversy, corrections may be made by the arbitrators themselves upon petition of the party, unless the other party opposes such corrections. In the latter event the matter shall be referred to the Court of Arbitration for decision and, where appropriate, for correction or modification of the Award.

6370 ARTICLE VII. FORM OF AGREEMENT

In individual instances of submission of disputes to arbitration it is advisable for the parties to sign a specific agreement, either by way of modification of a general arbitration agreement or in the absence of such a general agreement, covering such matters as the number of arbitrators, the method of their selection, and, where no general arbitration agreement exists between the parties, the voluntary commitment to accept the decision of the arbitrator(s) as final and binding.

Even in those cases where arbitration is consequent upon a prior agreement, it is desirable that, at the time of the initiation of arbitration, both parties sign a specific agreement of this nature. A sample of such an agreement might read:

"We, the undersigned parties, hereby agree to submit to arbitration under the rules of the Board of Arbitration, the following controversy: (Cite briefly). We further agree that the above controversy be submitted to (1) (3) arbitrators, selected from the panel of arbitrators submitted by the Board of Arbitration. We further agree that we will faithfully observe this agreement and the rules, and that we will abide by and perform any award rendered by the arbitrators."

## APPENDIX C

### THE DEACON IN THE CODE OF CANON LAW

#### The Obligations and Rights of All the Christian Faithful

Who are the "Christian faithful"?

- those incorporated into Christ through baptism who thereby have become the People of God
- these are sharers in Christ's priestly, prophetic and royal office in their own manner
- they are called to fulfill the mission that God has entrusted to the Church, in accord with the proper condition of each (c. 204 § 1)
- there exists among them a true equality with regard to dignity and the activity whereby all cooperate in the building up of the Body of Christ, in accord with each one's condition and function (c. 208)

What are the obligations and rights of all the Christian faithful?

- the obligation to maintain communion with the Church (c. 209 § 1)
- the obligation to fulfill their duties to the universal and particular Church (c. 209 § 2)
- the obligation to live a holy life and to promote the growth and sanctification of the Church (c. 210)
- the obligation and right to evangelize (c. 211)
- the obligation to obey what their sacred pastors teach and determine as leaders (c. 212 § 1)
- the right to voice their needs, especially spiritual ones, and desires to the pastors (c. 212 § 2)
- the right and sometimes even the duty to make known to the pastors their opinion on matters pertaining to the good of the Church, and the right to make known their opinion to others, with due regard for the integrity of faith and morals, reverence toward the pastors, and the common good (c. 212 § 3)
- the right to receive from the sacred pastors the spiritual goods of the Church, especially the word of God and the sacraments (c. 213)
- the right to follow one's own rite in worship (c. 214)
- the right to follow one's own form of spirituality, consonant with Church teaching (c. 214)
- the right to found and govern charitable and religious associations to promote the Christian vocation in the world (c. 215)
- the right to promote and sustain apostolic endeavors, but to call such "Catholic" requires consent of legitimate Church authority (c. 216)

- the right to a Christian education (c. 217)
- the right to freedom of inquiry and to prudent expression of opinion, if engaged in the sacred disciplines, with respect for the magisterium (c. 218)
- the right to choose freely a state of life (c. 219)
- the right to a good reputation (c. 220)
- the right to privacy (c. 220)
- the right to vindicate and defend rights before a competent Church court (c. 221 § 1)
- the right to be judged by competent Church authority in accord with the prescriptions of law to be applied with equity (c. 221 § 2)
- the right not to be punished with canonical penalties except in accord with the law (c. 221 § 3)
- the obligation to support the Church so enough is had for worship, apostolic works, charity, and decent sustenance of ministers (c. 222 § 1)
- the obligation to promote social justice and to assist the poor from personal resources (c. 222 § 2)
- the obligation to protect the common good and individuals' rights (c. 223 § 1)

### The Obligations and Rights of Clergy

Who are the clergy?

- one becomes a cleric through ordination to the diaconate and is thereby incardinated into a particular church or a religious institute or society of apostolic life (c. 266 §§1-2)
- clergy are called "sacred ministers" (c. 207 § 1)
- one becomes a "sacred minister" by receiving the sacrament of orders (c. 1008) which are the episcopacy, presbyterate and diaconate (c. 1009)
- those who have received sacred orders are capable of the power of governance, also called "jurisdiction" (c. 129 § 1 - see also cc. 129 § 2-144; 274 § 1)
- NOTE: An "ecclesiastical office" is any function constituted in a stable manner by divine or ecclesiastical law to be exercised for a spiritual purpose. (c. 145 § 1)
- "An office entailing the full care of souls, for whose fulfillment the exercise of the priestly order is required, cannot be validly conferred upon someone who has not yet received priestly ordination." (c. 150)

What are the obligations and rights of the clergy?

- the special obligation to show reverence and obedience to the Supreme Pontiff and their own ordinary (c. 273)
- the right to obtain offices for whose exercise is required the power of orders or the power of ecclesiastical governance (c. 274 § 1)
- the obligation to fulfill faithfully a duty entrusted to them by the ordinary (c. 274 § 2)

- the obligation to be united with other clergy in the bond of brotherhood and prayer, and to strive for mutual co-operation (c. 275 § 1)
- the obligation to acknowledge and promote the lay mission in the Church and world (c. 275 § 2)
- the obligation to pursue holiness by:
  - faithfully and untiringly fulfilling the duties of their pastoral ministry
  - offering (if priests) or participating in (if deacons) daily Eucharist
  - fulfilling daily the liturgy of the hours (if permanent deacons, as determined by the conference of bishops)
  - making retreat as prescribed by particular law
  - regular mental prayer, frequent celebration of the sacrament of penance, cultivating special devotion to the Virgin Mother of God, and other common and particular means of sanctification (c. 276)
- the obligation to observe perfect and perpetual continence and therefore to observe celibacy, and to be prudent among persons whose company could endanger this obligation or cause scandal (c. 277)
- the right, if secular clerics, to associate with others to pursue ends to benefit the clerical state (c. 278 §§1-2)
- the obligation to refrain from establishing or participating in associations that cannot be reconciled with the clerical state (c. 279 § 3)
- the obligation after ordination to pursue sacred studies, to strive after solid doctrine and to avoid profane novelties and pseudo-science (c. 279 § 1)
- the obligation after ordination to attend pastoral lectures and conferences (c. 279 § 2)
- the obligation to pursue knowledge of other sciences, especially those connected with the sacred sciences (c. 279 § 3)
- the obligation to pursue and preserve a community of life among clerics (c. 280)
- the right for clerics dedicated to the ministry to receive remuneration, consistent with their condition, for their own needs and payments of those whose services they need (c. 281 § 1)
- the right for social assistance to provide for their needs in illness, incapacity or old age (c. 281 § 2)
- for married deacons engaged completely in ministry, the right to remuneration for themselves and their families - but for deacons who are or had been engaged in a civil profession, their needs and their family's needs should be provided for from that income (c. 281 § 3)
- the obligation to cultivate a simple life and to avoid any semblance of vanity (c. 282 § 1)
- the desire to use surplus funds for the good of the Church and works of charity (c. 282 § 2)
- the obligation not to leave the diocese for a notable period of time, even if without a residential office, without at least presumed permission of the ordinary (c. 283 § 1)
- the right to a due and sufficient annual vacation, as determined by universal or particular law (c. 283 § 2)

- the obligation to wear ecclesiastical garb as determined by the conference of bishops - PERMANENT DEACONS ARE NOT BOUND TO THIS (c. 284)
- the obligation to refrain from anything unbecoming their state (c. 285 § 1)
- the obligation to refrain from anything, though not unbecoming, still alien to their state (c. 285 § 2)
- the obligation not to assume public offices which entail exercising civil power - PERMANENT DEACONS ARE NOT BOUND TO THIS (c. 285 § 3)
- the obligation not to be agents for lay persons' goods or to assume secular offices for which an account must be rendered, without permission of their ordinary - PERMANENT DEACONS ARE NOT BOUND TO THIS (c. 285 § 4)
- the obligation not to act as surety, even on behalf of their own goods, without consultation with their own ordinary - PERMANENT DEACONS ARE NOT BOUND TO THIS (c. 285 § 4)
- the obligation not to sign promissory notes giving the duty to pay money, without any determined reason - PERMANENT DEACONS ARE NOT BOUND TO THIS (c. 285 § 4)
- the obligation not to conduct business or trade, personally or through others, for their own benefit or others', without ecclesiastical permission - PERMANENT DEACONS ARE NOT BOUND TO THIS (c. 286)
- most especially, the obligation to foster peace and harmony based on justice (c. 287 § 1)
- the obligation not to have an active role in political parties or the direction of labor unions, unless permitted by Church authority to protect the rights of the Church or for the common good - PERMANENT DEACONS ARE NOT BOUND TO THIS (c. 287 § 2)
- the obligation not to volunteer for military service without permission of their ordinary (c. 289 § 1)
- the obligation to make use of exemptions from exercising duties and public civil offices alien to the clerical state, unless in particular cases the ordinary decides otherwise (c. 289 § 2)

### Deacons and Ecclesiastical Office

The deacon cannot hold these offices:

- dean (vicar forane) (c. 553 § 1)
- pastor (parochus) (c. 521 § 1)
- "team" member (c. 517 § 1)
- parochial vicar (c. 545 § 1; cf. c. 546)
- parochial administrator (c. 539)
- chaplain (c. 546)
- vicar general (c. 478 § 1)
- episcopal vicar (c. 478 § 1)
- canon penitentiary (c. 508 § 1; cf. c. 503)
- notary in cases questioning the reputation of a priest (c. 483 § 2)
- member of the Presbyteral Council (c. 495 § 1)
- member of the College of Consultors (c. 502 § 1)
- member of the Chapter of Canons (c. 503)

- rector of a church (c. 556)
- judicial vicar or adjutant judicial vicar (c. 1420 § 2)
- member of the "episcopal council" (c. 473 § 4)

The deacon cannot:

- substitute for the bishop making the annual visit to parts of the diocese (c. 396 § 1), though he can accompany the bishop on the visitation (c. 396 § 2)
- present the quinquennial report or make the ad limina visit to the Apostolic See as the bishop's substitute (c. 400)
- be presented to the Apostolic See as a candidate for the episcopacy (c. 378 § 1, 4°)

Nor is there any provision in the Code for any deacons to be represented at the diocesan synod EXCEPT only as direct nominees of the bishop (c. 463).

The deacon can hold these offices:

- chancellor, vice-chancellor, notary (cc. 482-482)
- diocesan finance officer (c. 494)
- member of the Diocesan Finance Council (c. 492)
- member of the Diocesan Pastoral Council (cc. 511-514)
- person appointed by the diocesan bishop to participate in the exercise of parochial pastoral care (c. 517 § 2)
- diocesan judge (c. 1421 § 1) - who can also be a single judge (c. 1425 § 4)
- tribunal auditor (c. 1428 § 2)
- defender of the bond (c. 1435)
- promoter of justice (c. 1435)

The Code mentions, in addition, that the pastor is to perform his role as shepherd of the parish with the cooperation of other presbyters and deacons, and the assistance of lay members of the Christian faithful. (c. 519)

#### Deacons and the Ministry of the Word

- c. 757: "... deacons also are to serve the people of God in the ministry of the word in communion with the bishop and his presbyterate."
- c. 764: "... presbyters and deacons possess the faculty to preach everywhere, to be exercised with at least the presumed consent of the rector of the church, unless that faculty has been restricted or taken away by the competent ordinary or unless express permission is required by particular law."
- c. 767 § 1: "... preaching the homily ... is reserved to a priest or to a deacon...."
- c. 776: "... the pastor is bound to provide for the catechetical formation of adults, young people and children, to which end he is to employ the services of the clerics attached to the parish...."

- c. 831: concerns clerics publishing in periodicals openly attacking the Church (requires permission of the local ordinary), and norms from the conference of bishops for clerics to take part in radio or television programs questioning Catholic teaching or morals
- c. 833, 6°: the candidate is to make the profession of faith approved by the Apostolic See before being promoted to the diaconate

## Deacons and Sanctifying Ministry

### General

- c. 835 § 3: "Deacons have a part in celebration of the divine worship in accord with the prescriptions of the law."

### Baptism

- c. 861 § 1: "The ordinary minister of baptism is a bishop, presbyter or deacon, with due regard for the prescription of canon 530 no. 1 [=Baptism is a function especially entrusted to the pastor]."

### Eucharist

- c. 907: "In the celebration of the Eucharist it is not licit for deacons and lay persons to say prayers, in particular the Eucharistic prayer, and to perform actions which are proper to the celebrating priest." (cf. cc. 1378 § 2, 1379 on related penalties)
- c. 910 § 1: "The ordinary minister of Holy Communion is a bishop, presbyter or deacon."
- c. 929: "In celebrating and administering the Eucharist, priests and deacons are to wear the liturgical vestments prescribed by the rubrics."
- c. 943: "The minister of exposition of the Most Blessed Sacrament and the Eucharistic benediction is a priest or deacon...."

### Penance

- c. 965: "Only a priest is the minister of the sacrament of penance."

### Anointing of the Sick

- c. 1003 § 1: "Every priest, and only a priest, validly administers the anointing of the sick."

### Marriage

- c. 1079 § 2: if the local ordinary cannot be reached in danger of death, the properly delegated deacon (or the one present in virtue of c. 1116 § 2) can dispense from all ecclesiastical law impediments except presbyterate

- c. 1081: in such a case, he is to inform the local ordinary as soon as possible of the dispensation granted in the external forum
- c. 1087: "Persons who are in holy orders invalidly attempt marriage."
- c. 1108 § 1: the deacon properly delegated by the local ordinary or the pastor and two witnesses constitutes proper canonical form
- c. 1111 § 1: the deacon can be granted even the general faculty to assist at marriages (cf. c. 1111 § 2) - this can be subdelegated according to the usual norms, c. 137
- c. 1116 § 2: the deacon, if present, should take part in the "extraordinary" canonical form (cf. c. 1121 § 2 - the deacon should inform the pastor or local ordinary of the "extraordinary" canonical form as soon as possible)

### Sacramentals

- c. 1168: "The minister of the sacramentals is a cleric who has been given the necessary power...."

### Blessings

- c. 1169 § 3: "A deacon can impart only those blessings which are expressly permitted to him by law."

### Exorcisms

- c. 1172 § 1: "No one can legitimately perform exorcisms over the possessed unless he has obtained special and express permission from the local ordinary." (This is not the exorcism performed in administering baptism.)

### The Formation of Permanent Deacons

- c. 1024: "Only a baptized male validly receives sacred orders."
- c. 1025 § 2: "Furthermore, it is required that in the judgment of the same legitimate superior he is considered to be useful for the ministry of the Church."
- c. 1032 § 3: "An aspirant to the permanent diaconate is not to be promoted to that order unless he has completed the time of formation."
- c. 236: "According to the prescriptions of the conference of bishops, aspirants to the permanent diaconate are to be formed to nourish a spiritual life and instructed in the correct fulfillment of the duties proper to this order in the following manner:
  - 1° young men are to live for at least three years in some special house unless the diocesan bishop decided otherwise for serious reasons;
  - 2° men of a more mature age, whether celibate or married, are to spend three years in a program determined by the conference of bishops."
- c. 1031 § 2: "A candidate for the permanent diaconate who is not married is not to be admitted to the diaconate unless he has completed at least twenty-five years of age; if the

candidate is married, he is not to be admitted to the permanent diaconate unless he has completed at least thirty-five years of age and has the consent of his wife."

- c. 1037: "An unmarried candidate for the permanent diaconate and a candidate for the presbyterate is not to be admitted to the order of diaconate unless in a prescribed rite he has assumed publicly before God and the Church the obligation of celibacy or professed perpetual vows in a religious institute."
- c. 1034: candidacy is required before diaconate
- c. 1035 § 1: ministries of lector and acolyte are to precede diaconate and to be exercised for a suitable period of time
- c. 1035 § 2: at least six months is to separate acolyte and diaconate
- c. 1036: a hand written declaration is required attesting to: free choice, intention to devote himself perpetually to the ministry, petition to receive the order
- c. 1039: a five-day retreat is to precede ordination
- cc. 1040-1049: irregularities and other impediments
  - c. 1042, 1°: simply impeded is the man with a wife, "unless he is legitimately destined for the permanent diaconate."
  - c. 1041, 3°: irregular is the man who has attempted marriage, even only civil marriage, when either party was impeded by an order, marriage bond, or perpetual vow of chastity
- cc. 1050-1052: required documents and examination

## DEACONS

APPENDIX B

**ARCHDIOCESE OF SAN FRANCISCO  
POLICY AGAINST HARASSMENT**

The accompanying policy on harassment is necessary today for the guidance of pastors, teachers and other persons in responsible positions in the Archdiocese.

These matters are difficult to deal with because they involve the reputation and good name of the alleged perpetrator and because they involve often grave and enduring trauma to the alleged victim. Consequently it is difficult to articulate policies which will conform to legal requirements and expectations and which at the same time have a pastoral dimension.

The pastoral dimension of Christ-like concern both for the alleged victim and the alleged perpetrator must characterize our response. Yet the response to such allegations must conform to the requirements of the law and to the need for appropriate objectivity. As the policies themselves indicate, you have many sources of help when such a problem arises. Please use these resources wisely.

I would ask you then, in a spirit of Christian concern, to become familiar with this policy and to disseminate it (i.e. to employees, volunteers and others who may inquire) accordingly. Let us pray that the Church, and those who serve on its behalf, will stand out as beacons of love and respect for human dignity in both word and deed.

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Archbishop John R. Quinn  
September 24, 1992

## A. PURPOSE

In order to provide a productive and pleasant working environment, it is important that we who serve on behalf of the many Archdiocesan parishes, schools and agencies maintain a Gospel inspired atmosphere characterized by mutual respect. Accordingly, the kind of conduct characterized as harassment below cannot and will not be tolerated. In addition, the Archdiocese will endeavor to protect employees, to the extent possible, from reported harassment by non-employees in the workplace.

1. In general, ethnic or racial slurs and other verbal, visual or physical conduct relating to a person's race, color, religion, national origin or handicap constitute harassment when they unreasonably interfere with a person's work performance or create an intimidating, offensive or hostile work environment.

2. Sexual harassment has been defined by federal and state regulations as a form of sex discrimination. It can consist of unwelcome sexual advances, requests for sexual favors, the display of derogatory posters, cartoons or drawings, or other physical, verbal or visual conduct of a sexual nature by supervisors or others in connection with employment.

### (a) Sexual harassment exists when:

(1) Supervisors or managers make submission to such conduct either an explicit or implicit term or condition of employment (including hiring, compensation, promotion or retention); or

(2) Submission to or rejection of such conduct is used by supervisors or managers as a basis for employment decisions.

(b) Sexual harassment may also exist when such conduct by any other employee unreasonably interferes with an employee's work performance, or creates an intimidating, offensive or hostile work environment.

## B. PROCEDURES

An employee or employment applicant who feels that he or she has been harassed as defined above, (or a nondirect victim with a complaint), is strongly encouraged, without fear of retaliation, to bring the subject to the immediate attention of the appropriate supervisor or to the Archdiocesan Personnel Administrator. Employees need not raise the issue with their supervisor if the supervisor is the subject of the allegation. Additionally, in the case of sexual harassment allegations, employees are free to raise the issue with another, same sex, supervisor if they prefer to do so. Depending on the particular circumstances, the supervisor will then be in contact with the Archdiocesan Personnel Administrator or other appropriate impartial employee. (Due to the particular seriousness and sensitivity of some types of harassment charges, the Archdiocese may invoke special Ad Hoc procedures for investigation and resolution of the matter.)

In any event, inquiries and/or complaints will be investigated immediately. Any investigation will be conducted in as confidential a manner as is compatible with a thorough investigation of the complaint.

Any Clergyman, Religious or Lay Employee determined by impartial investigation to have harassed another employee or applicant for employment will be subject to appropriate disciplinary procedures up to and including termination or appropriate canonical punishment or action.

A non-employee who subjects an employee to sexual harassment in the workplace will be informed of the harassment policy by the employee's supervisor or manager; other action may be taken as appropriate.

C. HARASSMENT OF THIRD PARTIES.

It goes without saying that these principles pertaining to relationships among employees would apply also with respect to Clergy, Religious and Lay Employees in their relationships with parishioners, counselees, students, parents etc. That is, harassment (including any form of sexual misconduct or abuse of one's position) is clearly not a part of one's ministry or employment and will not be condoned. Allegations of this nature will be addressed in a fashion similar to that outlined above. (A copy of the Archdiocese of San Francisco's more specific statement, policies and procedures on the subject of child abuse is attached. This too should be reviewed carefully and appropriately distributed.)

D. A FINAL NOTE

The Gospel message calls for pastoral concern for both the alleged victim and the alleged perpetrator when investigating and handling allegations of harassment. This pastoral concern may dictate the need for the Church to respond to the alleged victim in particularly unique ways (eg. offers of spiritual and/or psychological counseling) but this pastoral concern should not be mistaken as an admission of responsibility or legal liability. Furthermore, in the eyes of the Church there are legitimate legal and ecclesiastical interests in maintaining appropriate levels of confidentiality so as to protect and encourage the direct, core relationship between the individual person and God. In order to assist the Archdiocesan attorney in carrying out his responsibilities in this area he will, as circumstances dictate, seek the assistance of qualified individuals such as psychologists, canon lawyers, social welfare experts, Diocesan representatives etc. This group will sometimes be referred to as the "Sensitive Claim Team." These policies and procedures therefore, are not prepared as a precise legal yardstick by which third parties are to measure conduct, but rather as a visible sign of the Archdiocese's genuine moral commitment to serve as responsible stewards of Christ's Church.

STATEMENT ON CHILD ABUSE  
ARCHDIOCESE OF SAN FRANCISCO  
AUGUST 1, 1990

As the National Conference of Catholic Bishops has stated, child abuse is not a church or a clerical problem but one which plagues secular groups as well. Studies have clearly shown that the most frequent offenders are found among individual parents and step-parents. At the same time, the Catholic Church recognizes the crucial role that it can, and must, play in attempting to reduce the incidence of child abuse in society and in its own institutions.

In order to obtain a general appreciation of what the Catholic Church in the United States is doing with respect to the problem of child abuse, including sexual abuse, reference should be made to the February 9, 1988 statement on the subject published by United States Catholic Conference General Counsel, Mark E. Chopko. (copy available upon request)

At the local level, the Archdiocese of San Francisco is very proud of the measures it has taken to educate and advise those involved in these types of tragic situations. For example, over the past few years the Archdiocese has conducted numerous customized workshops for such groups as the church hierarchy, agency heads, school principals and superintendents, all Diocesan priests, and all teachers as a required in-service day. The workshops have focused on the pastoral, psychological, legal (including civil, criminal and canonical), insurance and other aspects of the problem. Given the church's religious mission, a pastoral response, particularly as respects the victim and his/her family, is always deemed to be paramount. These workshops have been conducted by experts in their respective fields. Additionally, the Archdiocese has invited individuals such as law enforcement officials and social welfare workers to various schools, parishes, and agencies to educate students, parents, employees and others about how to recognize and convey incidents of child abuse, methods of police investigations, etc.

When on occasion, these unfortunate incidents take place in this Archdiocese, experts such as those mentioned above are fully prepared to coordinate and assure a comprehensive, timely and appropriate response. There is no detailed and specific formula for responding to all the manifold possible situations which might arise. Each incident will have its own peculiar dimensions and nuances and thus must be addressed on an individual basis.

The position of the Archdiocese of San Francisco on the subject of child abuse is perhaps best summed up by quoting the concluding words of a Pastor in his letter to the parents of the school children following an unfortunate incident:

In the face of this sensitive situation, let us pray for one another that our own lives may be genuinely consistent with our faith, by our actions even more than by our words. Christian disciples are called to be Light in the world. May our light radiate rays of hope into the dark areas of our society today. Let us make our own the Prayer of St. Francis, Patron Saint of the City of San Francisco.

Lord make me an instument of your peace.  
Where there is hatred, let me bring your love.  
Where there is injury, pardon,  
Where there is doubt, faith,  
Where there is despair, hope,  
Where there is darkness, light,  
And where there is sadness, joy.  
O DIVINE MASTER, grant that I may not so much seek  
    to be consoled, as to console,  
    to be understood, as to understand,  
    to be loved, as to love.  
For it is in giving that we receive,  
    it is in pardoning that we are pardoned.  
And it is in dying that we are born to eternal life.

**ARCHDIOCESE OF SAN FRANCISCO  
CHILD ABUSE POLICY AND PROCEDURES**

**INTRODUCTION** - The Archdiocese's statement on Child Abuse, dated August 1, 1990 reflects the Church's general concerns and approach to this subject. The policies and procedures outlined below are designed to provide more specific details. As a condition of employment those who serve the Archdiocese of San Francisco are required to follow the Policies and Procedures set forth below along with the Archdiocese's comprehensive Policy against Harassment.

**REPORTING CHILD ABUSE - THE REPORTING LAW**

While everyone should report suspected child abuse and neglect, Article 2.5. of the Penal Code provides that it is a crime for certain individuals who have contact with and supervision of children (eg. school, parish and agency teachers and administrators, coaches etc.) not to report suspected abuse to the proper authorities. The following are excerpts and summaries of sections from the Child Abuse Reporting Laws:

"...any child care custodian, health practitioner, or employee of a child protective agency who has knowledge of or observes a child in his/her professional capacity or within the scope of his/her employment whom he/she knows or reasonably suspects has been the victim of child abuse shall report the known or suspected instance of child abuse to a child protective agency immediately or as soon as practically possible by telephone and shall prepare and send a written report thereof within 36 hours of receiving the information concerning the incident. For the purposes of this article, "reasonable suspicion" means that it is objectively reasonable for a person to entertain such a suspicion, based upon facts that could cause a reasonable person in a like position, drawing when appropriate on his/her training and experience, to suspect child abuse." (Pen. Code, #11166)

1. Failure to report by telephone immediately or as soon as practically possible, and then in writing within 36 hours, is a misdemeanor "punishable by confinement in the county jail; for a term not to exceed six months or by a fine of not more than \$1000 or both."
2. Those required to report should be aware that mere reporting does not necessarily mean that a civil or criminal proceeding will be initiated against the suspected abuser.
3. The written reports that mandated reporters must submit within 36 hours must be on a Department of Justice form.

4. The reporting duties (and statutory penalties for failing to report) of a mandated reporter are individual, and cannot be delegated to another individual. Supervisors or administrators may not impede or inhibit reporting by a mandated reporter, nor may they take any actions against the reporter for making a report. However, it is appropriate to establish internal procedures to facilitate reporting and apprise supervisors and administrators of reports so long as these procedures are not inconsistent with the reporting law.
5. Mandated reporters of child abuse are immune from civil or criminal liability.

#### DEFINITIONS:

"Child care custodian" includes school administrators, teachers, instructional aides, teacher aides, teacher assistants or extended care personnel employed by any public or private school. It also means an administrator or employee of a public or private youth center, youth recreation program, or youth organization as well as administrators or employees of a public or private organization whose duties require direct contact with and supervision of children. The law states that volunteers of such organizations are encouraged to obtain training in the identification and reporting of child abuse. The Archdiocese wholly endorses this principle.

"Child Abuse" includes sexual abuse, non-accidental physical injury and neglect.

"Reasonable Suspicion" includes suspicion based on circumstances that would cause a "reasonable person" in like position, drawing when appropriate upon his/her training and experience, to suspect child abuse.

#### MAKING A REPORT

The mandated reporter must provide his/her name and the following information when making the telephone report of suspected child abuse to the child protective agency:

- \* name of child;
- \* present location of the child;
- \* nature and extent of the injury;
- \* any other information, including that which led the person to suspect child abuse, requested by the child protective agency.

Within 36 hours of making the telephone report, a written report must also be filed with the child protective agency. The written report must be filed on Department of Justice Forms SS 8572 "Suspected Child Abuse Report". Child Protective Agencies fill out form SS 8583. These forms are available through county welfare and probation departments and law enforcement agencies. It is recommended that Archdiocesan parishes, schools and agencies obtain a supply of these forms and keep them in a well known and readily accessible location.

After the oral report is made, a person from Child Protective Agency will usually be dispatched immediately to the site. If neglect is suspected, the worker will respond either to the site or to the child's home within 1 to 3 days as per county practice.

A copy of the report need not be made a part of any pupil's cumulative record; however, a notation on the cumulative record indicating "C.A. report filed (with date) would be appropriate." One copy of the report may be kept in a confidential file or log of the principal but not placed in the pupil's folder.

Follow-up with the family is the responsibility of the county agency. In all cases, they indicate a) that it is the organization's legal obligation and interest in child's welfare that prompted the report; b) that the organization report without naming the individuals who made the observation and referral.

#### DETECTION OF CHILD ABUSE

Child care custodians and related volunteers can play a critical role in the early detection of child abuse and neglect. Symptomatic signs of abuse and/or neglect, which may include injuries, listlessness, poor nutrition, disruptive behavior, absenteeism, or depression, are often first seen by such personnel. Immediate investigation of suspected abuse by child protective agencies and the designated Archdiocesan officials (see Employment Requirements section) may save a child from repeated injuries. Therefore, personnel should not hesitate to report suspicious injuries or behavior. If in doubt, contact the appropriate person at the Chancery. The duty is to report, after being satisfied that there is reasonable suspicion of child abuse, not to conduct an exhaustive investigation.

#### WHO TO CALL:

A phone call should be made to the appropriate county agency or local police department. The phone numbers for the protective agencies in each county are as follows:

San Francisco	665-0757
Marin	499-7153
San Mateo	595-7922

For additional information or consultation for San Francisco County you may call:

- \* San Francisco Child Abuse Council - 668-0490 - Monday-Friday 9:00 - 5:00
- \* T.A.L.K. (24 hour line) 441 KIDS (parent stress hot line)
- \* Children & Adolescent Sexual Abuse Resource Center (CASARC) at S.F. General Hospital - 821-8386.

## INTERVIEWING A VICTIM AT SCHOOL WHEN THE MATTER PERTAINS TO CHILD ABUSE WITHIN THE CHILD'S HOME

Whenever a representative of a child protective agency deems it necessary, a suspected victim of child abuse may be interviewed during school hours, on school premises, concerning a report of suspected child abuse that occurred within the child's home. The following procedure will be followed by the child protective agency worker, school representative and/or staff member.

- \* The child will be afforded the option of being interviewed in private or selecting any adult who is a member of the staff of the school, including any certificated or classified employee or volunteer aide, to be present at the interview. Be sure that you witness the offering of this option.
- \* A representative of the child protective agency will inform the child of that right prior to the interview. The purpose of the staff person's presence at the interview is to lend support to the child and enable him/her to be as comfortable as possible.
- \* The staff member will not participate in the interview.
- \* The member of the staff will not discuss the facts or circumstances of the case with the child.
- \* The member of the staff is subject to confidentiality, a violation of which is punishable by up to six months in jail or by a fine of \$500 or by both.
- \* The representative of the school will inform a member of the staff so selected by a child of the requirements of this section prior to the interview.
- \* If the staff person selected agrees to be present, the interview will be held at a time during school hours when it does not involve an expense to the school.
- \* In most cases the child protective agency worker will notify the parents of their meeting which was held with the child. If this is not made clear to the school representative, there should be a discussion between the child protective agency worker and the school representative to make a decision as to who will notify the parents.

## **EMPLOYMENT REQUIREMENTS**

On January 1, 1985, Chapter 1718 (AB 2710) became effective. It requires any child care custodian who enters into employment on or after that date to sign a written acknowledgment of his/her legal requirement to report child abuse (copy of form attached). In 1991 the statute was broadened to include administrators or employees of public or private youth centers, youth recreation programs or youth organizations as well as administrators or employees of a public or private organization whose duties require direct contact and supervision of children.

## SUSPECTED CHILD ABUSE BY AN EMPLOYEE

### BE PREPARED BEFORE AN INCIDENT OCCURS

1. Screen all potential employees through the State Department of Justice and do reference checks.
2. Train staff to recognize signs of abuse/neglect and to report to the administration, any suspected cases. (Staff have an individual responsibility to report suspected cases to a Child Protective Agency.) The Archdiocese has and will continue to provide customized training for child care custodians.
3. Establish procedures regarding adults with children at the school, parish, agency etc. and off campus.
4. Establish contact with your local Child Protective Agency - have names and telephone number(s) available.
5. Establish contact with the appropriate person at the Chancery.

If clergy is suspected - call Bishop McGrath - 565-3600 (backup is Msgr. McKay or Rev. William O'Connell).

If school personnel is suspected - call Sister Glenn Anne McPhee (backup is Paul Bergez) - 565-3660.

For other (and personnel general guidance to all administrators) call Jack Hammel - 565-3626.

### KNOW WHAT TO DO WHEN ABUSE OR NEGLECT IS SUSPECTED OR REPORTED

1. Notify the Child Protective Agency immediately by telephone when you have "reasonable suspicion".
2. Notify the appropriate Chancery person immediately.
3. If reasonable suspicion is determined, place employee on administrative leave pending consultation with the appropriate person at the Chancery. (The Archdiocese may determine that appropriate medical evaluation and/or counseling for the alleged perpetrator as well as an offer of counseling for the victim and family members may well be in order under such circumstances.)
4. After determining reasonable suspicion, do not attempt further investigation without consultation with the designated member of the Archdiocesan Sensitive Claim Team.

#### AFTER AN INCIDENT OF ABUSE OR NEGLECT IS REPORTED

1. Consider general advisement of staff, students, parents etc. of the situation after consulting with the appropriate Chancery person, keeping in mind the various privacy interests involved.
2. Reach out to actual or alleged victims and their families and communicate your sincere concern for their spiritual and emotional well being. Tell family members who inquire that Archdiocesan officials have been notified and are investigating.
3. Do not talk to the press without prior consultation with the appropriate Chancery person or the Archdiocesan attorney.

#### RESOURCES:

A current copy of the Child Abuse Prevention Handbook (available through the Crime Prevention Center of the Office of the Attorney General) or some similar general treatise on the subject (e.g., Slayer of the Soul: Child Sexual Abuse and the Catholic Church by Stephen J. Rossetti, Twenty Third Publications, P.O. Box 180, Mystic, CT 06355, 1-800-321-0471) should be required reading for all staff covered by the laws referenced above as well as other staff members and volunteers.

#### D. A FINAL NOTE

The Gospel message calls for pastoral concern for both the alleged victim and the alleged perpetrator when investigating and handling allegations of child abuse and harassment. This pastoral concern may dictate the need for the Church to respond to the alleged victim in particularly unique ways (eg. offer of spiritual and/or psychological counseling) but this pastoral concern should not be mistaken as an admission of responsibility or legal liability. Furthermore, in the eyes of the Church there are legitimate legal and ecclesiastical interests in maintaining appropriate levels of confidentiality so as to protect and encourage the direct, core relationship between the individual person and God. In order to assist the Archdiocesan attorney in carrying out his responsibilities in this area he will, as circumstances dictate, seek the assistance of qualified individuals such as psychologists, canon lawyers, social welfare experts, Diocesan representatives etc. This group will sometimes be referred to as the "Sensitive Claim Team." These policies and procedures are not prepared as a precise legal yardstick by which third parties are to measure conduct but rather as a visible sign of the Archdiocese's genuine moral commitment to serve as responsible stewards of Christ's Church.

CHILD ABUSE REPORTING ACKNOWLEDGEMENT

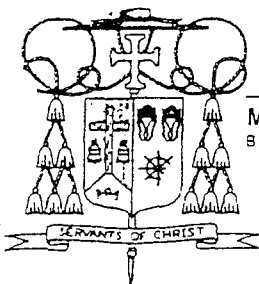
It is my understanding that Section 11166.5 of the California Penal Code requires that any child care custodian who enters into employment after January 1st, 1985 acknowledge that Section 11166 requires any child care custodian, health practitioner, or employee of a child protective agency who has knowledge of or observes a child in his or her professional capacity or within the scope of his or her employment whom he or she knows or reasonably suspects has been the victim of child abuse to report the known or suspected instance of child abuse to a child protective agency immediately or as soon as practically possible by telephone and to prepare and send a written report thereof within 36 hours of receiving the information concerning the incident.

It is my further understanding that teachers, instructional aides, teachers' aides or teachers' assistants, administrative officers, supervisors of child welfare and attendance, or certificated pupil personnel employees of any public or private schools as well as administrators or employees of a public or private youth center, youth recreation program, or youth organization and administrators or employees of a public or private organization whose duties require direct contact and supervision of children are considered to be child are custodians.

I hereby acknowledge the provisions of Penal Code Section 11166 and will comply with its provisions.

Signature \_\_\_\_\_

Date \_\_\_\_\_



MOST REVEREND SYLVESTER D. RYAN  
BISHOP OF THE DIOCESE OF MONTEREY

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Monterey, California 93942  
(408) 373-4345  
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October 30, 1998

Dear Brothers in Christ,

Our Lord testified in both word and action to the precious value of children in our midst. He presented them as models of those who belong to the Kingdom of God, gathered them around him with tender regard and strongly warned those who would scandalize these little ones.

The Church continues to exercise deep concern and limitless commitment to the education, formation, and safety, both physically and spiritually, of all children everywhere and especially those who are entrusted to the care of the Church in any way. In today's society this concern and commitment translate into a particular duty and responsibility of protecting innocent children from conception through their childhood from abuse of any kind.

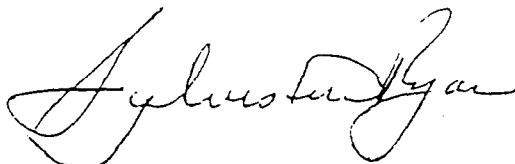
In January 1997, California law mandated clergy as reporters of suspected child abuse. To assist all of us in complying and responding to this law the California Catholic Conference of Bishops has prepared the following principles and procedures.

As clergy we know the Sacrament of Penance directs us to be confidential to those we serve. We have worked closely with moral theologians, canon lawyers, diocesan lawyers and the staff of the California Catholic Conference to help us to observe the laws of our Church as well as the laws of the land for the protection of children.

Please read these guidelines prayerfully and with care. Together we must increase our efforts to protect our God's children.

Thank you.

Yours in Christ,

+ 

Most Reverend Sylvester D. Ryan  
President  
California Catholic Conference

HUMAN RESOURCES

NOV 17 1998

DATE RECEIVED

# *FOR THE PROTECTION OF CHILDREN*

## PRINCIPLES AND PROCEDURES FOR REPORTING CHILD ABUSE

### FOR THE CATHOLIC CHURCH IN CALIFORNIA

Prepared by the California Catholic Conference

October 30, 1998

#### Introduction

Since January 1997, California law requires that clergy join child care custodians, school personnel, health care practitioners, and other professional groups as mandated reporters of suspected child abuse.

In deference to constitutional prerogatives of religious expression, language drafted into the bill during its development attempted to balance the right of the Church to direct its own internal workings with the critical value of protecting children from abuse, particularly in the area of confidentiality, a fundamental tradition demanded by both Catholic clergy and the people they are ordained to serve.

We believe that our first principle in protecting children is reporting their abuse to proper authorities.

#### The Legal Basics

As a general matter, this law, the Child Abuse and Neglect Reporting Act [Penal Code Sections 11164 et seq.] requires certain professionals and lay persons, who have contact with children, who know of, reasonably suspect, or observe child abuse to

report the abuse to the proper child protective authorities. Child abuse means physical injury or neglect, sexual abuse, or maltreatment. A child is defined as a person under the age of 18 years.

**Within the Catholic Church, who is a member of the clergy who is obligated by law to report child abuse?**

The new law defines clergy as “a priest, minister, rabbi, religious practitioner, or similar functionary of a church, temple, or recognized religious denomination or organization.” Roman Catholic tradition and canonical definition indicate that this definition would include those who have received Holy Orders--a deacon, priest, or bishop.

While not obligated by California law, others working within the Church as employees or volunteers, who are not mandated reporters, are nevertheless morally bound to report to the appropriate authorities reasonable suspicions of child abuse. As with “mandated clergy reporters”, the law protects these “permissive reporters” from liability should they be wrongfully sued for a good-faith reporting.

**When must child abuse be reported?**

The law states that a reasonable suspicion of child abuse occurs when it is objectively reasonable for a person to entertain a suspicion based on facts that could cause a person in a like position, drawing on his or her training and experience, to suspect child abuse. When such a suspicion exists, or when child abuse has been

observed, there is both a legal and moral responsibility to report the abuse.

### **Are there exemptions from reporting?**

The law allows for exemptions from reporting in limited circumstances called a penitential communication which is defined as "a communication, intended to be in confidence, including, but not limited to, a sacramental confession, made to a clergy member who, in the course of the discipline or practice of his or her church, denomination, or organization, is authorized or accustomed to hear those communications, and under the discipline, tenets, customs, or practices of his or her church, denomination, or organization, has a duty to keep those communications secret."

For Catholic clergy, this limitation, however, is only available when there is a clear religious tradition, supported by the teachings, laws and practices of the church, that would outweigh the reporting mandate. Clearly this exemption includes the hearing of a penitent's confession by a priest or bishop. In cases of confidential communication apart from confession, the duty to protect children by reporting the known or suspected child abuse may, and in some instances should, prevail over the presumption of confidentiality. This would be true where a member of the clergy determines that children are currently at risk for abuse.

In all other instances when clergy observe, know of, or reasonably suspect child abuse, the duty to report becomes mandatory. Should a clergy member have questions

about whether he must make a report in a given instance, he should consult with the person designated by the diocese to provide advice on and/or coordinate these issues.

### **The Mechanics of Reporting**

**How does a member of the clergy go about reporting?**

**1. Immediate phone call:** The reporter must report the suspected incidence of child abuse to a child protective agency immediately or as soon as practically possible by telephone. The following must be provided at the time of the call:

- The name of the reporter (which is confidential with limited exceptions listed in 5 below);
- Name of the child;
- Present location of the child;
- Nature and extent of injury;
- Any other information, including that which led the person to suspect child abuse, requested by the child protective agency.

**2. Written report:** Within 36 hours a written report filed on Department of Justice forms must be sent to the child protective agency to which the telephone report was made. The law requires the agency investigating the child abuse to inform the person mandated to report of the results of the investigation and of any action the

agency is taking with regard to the child or family.

**3. Shared responsibility to report:** When two or more mandated reporters have knowledge of a known or suspected instance of child abuse, they may elect one person to report. However, if the person designated fails to report, then the other person is responsible for making the report.

**4. Penalties for failure to report:** Failure to report by telephone and in writing within 36 hours is a misdemeanor punishable by a term in county jail not to exceed six months, and a fine of up to \$1,000. The statute of limitations for failure to report is one year from the date of the omission.

**5. Immunity from liability for and confidentiality of reporting:** Mandated reporters are provided immunity from civil or criminal liability as a result of making the required report. Conversely, a failure to report may expose the clergy to liability for damages sustained by the child as a result of failure to make such a report. The identity of persons reporting suspected child abuse and the reports they make are confidential and may be disclosed only under limited circumstance between child protective agencies, district attorneys, etc., or by court order, or if the reporter waives confidentiality.

Are the reporting responsibilities any different if one is a "permissive reporter", i.e., not required by law to report ?

The law is less clear about how permissive reporters are to report, except to say that such reporters "may" report child abuse to "a child protective agency." No time period is stated in the law, and there is no specific requirement for a written report. Permissive reporters are not required to give their names when making a report, yet are protected from any civil liability for reporting.