

DIOCESE OF CHARLOTTE

Personnel Policies Handbook

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INTRODUCTION

The purpose of this Personnel Policies Handbook is to establish policy guidelines and procedures for the proper administration of personnel matters within the diocese. The handbook is designed to acquaint employees with the Roman Catholic Diocese of Charlotte and to provide them with information about working conditions, employee benefits and some of the policies affecting their employment. It offers a standardized approach for the administration of personnel policies and is thereby intended to reduce difficulties which might arise from unwritten policy, inconsistent policy, or lack of proper communication. Written standards, however, cannot address every situation, and the diocese relies heavily on each employee's innate good sense of what is proper and reasonable. Employees should read this handbook carefully and discuss with their supervisor any matters they do not understand. Priests, Deacons and Religious who are employed by the diocese will be covered by these policies except where specific written exclusions are reached and agreed to by the Chancery.

The policies contained herein are to be administered completely and inclusively to ensure the consistent and equitable treatment of all employees. They cover all persons employed by parishes, agencies, schools, ministries and offices of the diocese, including those hired under a separate employment contract. Throughout this handbook, "local authority" shall mean the employing parish, agency, school, ministry or department.

No employee handbook can anticipate every circumstance or question about policy. As the diocese continues to grow and as laws change and/or are enacted, the need may arise to change policies described in the handbook. The diocese, therefore, reserves the right to revise, supplement, or rescind any policies or portions of the handbook at any time.

As employees of the Diocese of Charlotte, we share in the mission which Christ entrusted to the Church, to spread the Gospel, to serve our brothers and sisters, and to build up the Body of Christ which is the Church. All of our employees must respect, appreciate, and uphold the teachings, principles, legislation, policies and traditions of the Roman Catholic Church in both word and example.

All employees should read, understand and comply with the provisions of the handbook. It describes many rights and responsibilities and outlines the programs developed by the diocese to benefit employees. On receipt of the handbook, employees will be required to sign an Acknowledgment of Receipt Form which will be placed in their personnel file.

Because this handbook is intended to state general guidelines and common practices that may be adapted or varied to fit different circumstances that may be changed, amended or even deleted as experience informs us, nothing in this handbook shall be deemed or construed as contractually binding. Similarly, nothing in this handbook may be construed as establishing any period of guaranteed employment, or as otherwise changing any employee's or the diocese's rights to end the employment relationship when we believe it is appropriate to do so.

MISSION STATEMENT OF THE DIOCESE OF CHARLOTTE

We, the people of God
in the Diocese of Charlotte,
fortified in the Father,
redeemed in the Son,
empowered in the Spirit,
are called to grow ever more perfectly
into a community
of praise, worship, and witness.
We seek to become evermore enthusiastically
a leaven of service and a sign of peace
through love in Piedmont
and Western North Carolina.

HISTORY OF THE DIOCESE

The Diocese of Charlotte was established on January 12, 1972, with the Most Reverend Michael Joseph Begley, a priest of the Diocese of Raleigh, being ordained and installed as first Bishop of Charlotte. Bishop Begley served as Ordinary of the Diocese until his retirement in May 1984.

The Most Reverend John Francis Donoghue, a priest of the Archdiocese of Washington, succeeded Bishop Begley; he was ordained and installed as second Bishop of Charlotte on December 18, 1984. Bishop Donoghue was appointed Archbishop and transferred to Atlanta on June 22, 1993 and installed on August 18, 1993.

The Most Reverend William George Curlin, Auxiliary Bishop of Washington and Titular Bishop of Rosemarkie, was appointed the third Bishop of Charlotte on February 22, 1994, and installed on April 13, 1994. Bishop Curlin served the Diocese of Charlotte until his retirement on September 10, 2002.

On August 1, 2003, the Holy Father appointed the Most Reverend Peter Joseph Jugis, Judicial Vicar and Pastor of Our Lady of Lourdes Church in Monroe, as the fourth Bishop of Charlotte. Bishop Jugis was installed on October 24, 2003.

On September 29, 1974, Bishop Begley ordained the first priest for the Diocese of Charlotte. In January 1980, he announced that he would begin a Permanent Diaconate program in the diocese. The first diaconate formation class began in September of that year. On May 29, 1983, Bishop Begley ordained 19 men to the Permanent Diaconate for the Diocese of Charlotte.

The Diocese of Raleigh, established in 1924, was the first diocese in North Carolina; it included the entire State until the formation of the Diocese of Charlotte in January, 1972. At the time of the establishment of the new Diocese of Charlotte, the Catholic population of the area was just over 34,000; by 2006, the population was estimated to be more than 150,000 registered Catholics and another 240,000 unregistered. Because Catholics are a minority and, also, because there are many people who are considered "unchurched," there are many opportunities within the diocese in the area of evangelization. In fact, the Bishop declared the 1990s to be the "Decade of Evangelization."

The diocese is made up of 92 parishes and missions, 18 schools (15 elementary, 1 middle school and two high schools) and numerous charitable and social institutions. Catholic Social Services offers programs and outreach services to faiths, ages and nationalities, and has offices throughout the diocese.

The diocese consists primarily of two areas: the Mountain area in the west and far west and the Piedmont. The diocese encompasses 20,700 square miles; it includes the 46 western counties of the State of North Carolina.

SECTION 100: EMPLOYMENT

104. NATURE OF EMPLOYMENT

This handbook is intended to provide employees with a general understanding of our personnel policies. Employees are encouraged to familiarize themselves with the contents of this handbook, for it will answer many common questions concerning employment with the diocese. However, this handbook cannot anticipate every situation or answer every question about employment. It is not an employment contract and it is not intended to create contractual obligations of any kind. Neither the employee nor the diocese is bound to continue the employment relationship, and if either chooses, they can end the relationship at any time.

In order to retain necessary flexibility in the administration of policies and procedures, the diocese reserves the right to change, revise or eliminate any of the policies and/or benefits described in this handbook. The only recognized deviations from the policies contained herein are those authorized and issued through the Chancery.

110. EQUAL EMPLOYMENT OPPORTUNITY

The responsibility for assuring that equal opportunity is realized in the diocese rests with every employee. Each Pastor, Principal, Department Head, Manager and Supervisor shall actively support and promote the diocese's Equal Employment Opportunity program and remain informed of and sensitive to the equal opportunity impact of all employment decisions made in their respective areas of responsibility.

It is the policy of the diocese that employment decisions shall be based on qualifications and competence. Except where required or permitted by law or by the diocesan Equal Opportunity Policy, employment practices shall not be influenced or affected by virtue of an applicant's or employee's race, color, sex, national origin, age, disability or any other characteristic protected by law.

The Equal Opportunity Act of 1972 expanded coverage of Title VII of the Civil Rights Act of 1964, as amended, to include both public and private educational institutions. It did, however, grant exemption to religious institutions, including religious educational institutions. The exemption applies only to positions that pertain to carrying on the religious activities of the institution or where faith and worship participation are required as essential for fulfilling the position. Religion is a bona fide occupational qualification in those circumstances that involve religious activities, and hiring an individual on the basis of religion, in that circumstance, is permitted. Except as to positions that involve religious activities, the diocese will not be influenced or affected by an applicant's or employee's religion.

Employees with questions or concerns about any type of discrimination in the workplace are encouraged to contact their immediate supervisor, a higher level manager, the on-site director, or the diocesan Human Resources Office. Employees can raise concerns and make reports without fear of reprisal. Anyone found to be engaging in any type of

unlawful discrimination will be subject to disciplinary action, up to and including discharge.

116. IMMIGRATION LAW COMPLIANCE

The diocese complies with the Immigration Reform and Control Act of 1986 and is committed to employing only United States citizens and others who are authorized to work in the United States.

As a condition of employment, each new employee must properly complete, sign and date the first section of the Homeland Security Form I-9. Before beginning work, newly rehired employees must also complete the form if:

1. They have not previously filed an I-9 with the diocese, or;
2. If their previous I-9 is more than three years old, or;
3. If their previous I-9 is no longer valid.

I-9s are not to be placed in employee personnel files. They should be filed separately in one of two folders labeled either separated or current employees.

122. STAFFING PROCEDURES

No parish, agency, school, ministry or office may create a new position, hire an employee or replace an employee without prior approval of the local authority. The required procedures for filling vacancies must be followed when hiring or promoting employees,

When a new employee is hired, a personnel file for that person shall be established and maintained by the local authority. The file shall contain the original employment application and related documents, current salary and job description, evaluations, warnings, commendations, correspondence, and any forms required by federal or state laws. It shall also include a signed statement that the employee has received a copy or a tape of this handbook and a copy or tape of any other applicable policies, including the diocesan sexual misconduct policy and the Code of Ethics.

Contracts for Teachers, Assistant Principals, and Principals are for one year only. The contracts for school employees shall be the standard diocesan contracts. Schools contracts will be offered annually by April 30 to those persons who are currently under contract and will be receiving a contract for the coming year. Contracts are to be signed and returned within fourteen (14) working days upon receipt of the contract. The contract is void beyond the deadline unless an extension of time has been specifically agreed to in writing by the employee and Principal/Superintendent.

158. BACKGROUND CHECK POLICY

State law (NC Gen. Stat. Sec. 114-19.3) requires criminal record checks of individuals who are employed by, or volunteer for, among other things, any profit or non-profit employer that provides direct care or services to children, the sick, the disabled, or the elderly. Federal law (42 USC 13041 (a), (b), (c)) states that an employer may also consider any conviction that may bear upon an individual's fitness for working with children. Additionally, there has been a national upsurge in workplace theft and fraud. Therefore, it is the policy of the Diocese of Charlotte that the employment of all individuals in paid positions in the diocese and all individuals in volunteer positions will be contingent upon the satisfactory completion of a criminal background check. This policy is not restricted to new employees and volunteers, but applies to all current and future employees and volunteers of the diocese who are eighteen (18) years of age or older.

Because an arrest record is, by definition, not evidence of criminal guilt, such information should generally not be used as definitive grounds for rejection. However, evidence of a criminal conviction may, depending upon the nature of the conviction and the related circumstances, be information that must be considered.

PROCEDURE

1. All applicants for paid and volunteer positions in the diocese who are eighteen (18) years of age or older will be informed that criminal background checks will be conducted. In addition, a Sexual Offenders Registry Index Check will be required for all applicants for paid or volunteer positions. Background checks are not required for applicants under the age of eighteen; however, these individuals must be under direct supervision at all times. A background check must be completed once the individual reaches the age of eighteen. Background checks are to be repeated at least every five years for active employees and volunteers.
2. Additional background checks in areas specifically related to certain positions may be required. However, additional background checks will be limited in scope and must relate directly to the volunteer or employment position.
3. Any offer of employment, or any offer of acceptance as a volunteer, will be presented in writing to the applicant as an offer that is conditional, based upon the receipt of a favorable background check.
4. Background checks will be conducted only when the applicant or volunteer agrees to the conditional offer of employment or acceptance. At that time, the individual seeking employment or volunteer status will complete a diocesan *Notification and Release* form. Background checks cannot be initiated unless this form is completed, signed and dated by the individual and the requesting official.
5. An individual who accepts a conditional offer of employment or acceptance as a volunteer may not begin active employment or volunteer activity until the background check has been completed.

6. No diocesan parish, agency, department or school will employ, or accept as a volunteer, any individual who refuses to consent to a background check.
7. The diocesan Human Resources Office will coordinate the processing of all background checks through the use of an outside vendor. The diocese will adhere to the requirements of the *Fair Credit Reporting Act* in all of its practices regarding background checks.
8. All background check requests must be submitted to the diocesan Human Resources Office on the official release form. The requesting official will be notified of the results of the completed background check. The requesting parish, agency, school or department will be billed for the cost of the background checks for its location.
9. If the background check reveals a criminal history, the applicant must be given the opportunity to provide an explanation, submit additional information, or challenge its accuracy. The parish, agency, department or school should consider the following factors before deciding whether or not to offer or deny employment or acceptance as a volunteer:
 - The length of time since a conviction
 - The nature of the crime
 - The relationship between the duties to be performed and the crime committed
 - The number of convictions
 - Rehabilitation efforts
 - Subsequent employment or volunteer history
10. **All background check information is to remain confidential.** Failure to adhere to this confidentiality requirement by diocesan personnel may result in disciplinary action, up to and including termination.

164. ACCOMMODATIONS OF DISABILITIES AND OTHER MEDICAL CONDITIONS

The Diocese of Charlotte's policy is to base selection and other employment criteria on job-related reasons and to make reasonable accommodations to assist otherwise qualified disabled applicants and employees in meeting these criteria once we are made aware their disabilities and if the accommodations do not cause an undue hardship for the diocese. For purposes of this policy, "qualified disabled applicant and employees" include applicants and employees who have a mental or physical impairment that substantially limits one or more major life activities, and who meet the skill, experience, education, and other job-related requirements of a position desired or held and can perform the essential functions of the job, with or without reasonable accommodation. We reserve the right to require medical documentation of a disability.

If you have a disability that will require an accommodation to perform an essential function of a job desired or held, it is your responsibility to notify your supervisor of the disability and of the need for an accommodation. We then can work with you to try to provide a reasonable accommodation, taking into consideration your specific condition and the operational requirements of and financial cost and expense to the diocese, among other factors. Please be aware that although we would like to keep employment opportunities open for qualified individuals, we will not be able to accommodate an applicant or employee who poses a significant risk to the health or safety of himself or herself or others in the workplace (including coworkers, vendors and visitors) if a reasonable accommodation will not eliminate or significantly reduce the risk.

We will try to keep disclosures of disabilities, all medical documentation and other information pertaining to such disabilities, and any reasonable accommodations proposed or made for an applicant or employee as confidential as possible. Of course:

1. Appropriate members of management may be informed regarding any restrictions in work duties or necessary accommodations;
2. First aid and safety personnel may be informed, when appropriate, if a disability might require emergency treatment;
3. Government officials investigating compliance with the Americans with Disabilities Act may be provided information in compliance with applicable laws and regulations;
4. We may submit information to the appropriate state workers' compensation agency or our workers' compensation carrier(s) in accordance with applicable workers' compensation laws; and
5. We may use the information for insurance purposes.

We also may consult with occupational health professionals and other similar agents for purposes of considering possible direct threats to health or safety posed by an individual with a disability and/or possible reasonable accommodations for that individual.

Section 200: EMPLOYMENT STATUS AND RECORDS

204. EMPLOYMENT CATEGORIES

Each employee is designated as either nonexempt or exempt from federal and state wage and hour laws. Nonexempt employees are entitled to overtime pay under the specific provision of federal and state laws. Exempt employees are excluded from specific provisions of federal and state wage and hour laws. These policies apply to five types of employees:

Introductory Employees - new employees who are appointed to a position for a three month introductory period. At the end of the three month period, with the approval of the local authority, the employee will be considered regular full-time or regular part-time. The introductory period may be extended for an additional three months, if the local authority believes that more supervision and/or training will enable the employee to work at an acceptable level of performance. During the introductory period, it may become apparent that the employee is not suitable for the particular job. In this case, employment may be terminated.

Regular Full-time Employees - employees who are regularly scheduled to work a minimum of thirty (30) hours in a work week. Regular full-time employees are typically entitled to all fringe benefits, subject to the eligibility requirements as stated in the benefits plans.

Regular Part-Time Employees - employees who are regularly scheduled to work from fifteen (15) to twenty-nine (29) hours in a work week. Regular part-time employees will accumulate vacation and sick leave on a prorated basis; however, they are not eligible for participation in the diocesan insurance plans. Regular part-time employees may be eligible to participate in the Lay Retirement and 403b programs, subject to the eligibility requirements of the plans.

Part-Time employees - employees who are scheduled to work less than fifteen (15) hours in a work week or are called in from time-to-time. Part-Time employees will be hourly employees. Part-time employees may be eligible to participate in the 403b plan, subject to the eligibility requirements of the plan.

Temporary Employees - employees who are hired as interim replacements to temporarily supplement the workforce, or to assist in the completion of a specific project, regardless of the number of hours per week they work. Employment assignments in this category are of a limited duration, usually no longer than six months. Employment beyond any initially stated period does not in any way imply a change in employment status. Temporary employees retain that status unless and until notified in writing of a change by the local authority. Temporary employees will receive all legally mandated benefits; however, they will be ineligible for other benefit programs in the diocese.

Contract Employees – employees employed under written contracts for a specified term. All such employees must adhere to the policies and procedures contained in this handbook, as well as the terms of their written contracts. Compensation and benefits for these employees usually are defined by their contracts, subject to the eligibility requirements of the benefit plans. Continued employment is not implied beyond the specified term of the contract.

210. EMPLOYMENT

Each applicant for employment in the diocese must complete the standard diocesan application form and any related documentation required by the local authority, and submit a resume if applicable. The diocese relies heavily on the accuracy of information contained in the employment application, as well as the accuracy of other data presented throughout the hiring process and subsequent employment. The diocese reserves the right to verify all information given by an applicant or employee, which may include reference, education and criminal record checks. Any misrepresentations, falsifications, or material omissions in any of this information or data may result in the diocese's exclusion of the individual from further consideration for employment or, if the individual has been hired, termination of employment.

216. PERSONNEL DATA CHANGES

It is the employee's responsibility to promptly notify the local authority of any changes or corrections in personnel data so that this information will be accurate and current at all times. Personnel data includes current Social Security Numbers, birth dates, addresses, telephone numbers, marital status, number and names of eligible dependents, beneficiary information, individuals to be contacted in the event of an emergency, and educational accomplishments.

222. PERSONNEL FILES

Personnel files will be established for all employees. Personnel files are the property of the diocese and are to be kept in a locked and secure place. Access to the information they contain is restricted. Only officials and representatives of the diocese, and certain regulatory bodies who have a legitimate reason to review information in a file are allowed to do so.

Medical records and related information are to be kept separate and apart from personnel files in a locked and secure location. I-9 Forms are not to be placed in employee personnel files but should be filed separately in one of two folders labeled either separated or current employees. Certification files for school personnel will be maintained by the Catholic Schools Office.

With reasonable advance notice, employees may be permitted to review material in their files, but only in the presence of supervisory or management officials.

228. PERFORMANCE EVALUATIONS

Formal performance reviews must be conducted on an annual basis to provide both supervisors and employees the opportunity to discuss job tasks, identify and correct weaknesses, encourage recognized strengths, and discuss positive, purposeful approaches for meeting goals. The formal evaluation shall be on an appraisal form that has been adopted and/or approved by the diocesan Human Resources Department.

234. TRANSFERS

Employees who transfer from one parish, agency, school, ministry or department within the diocese to another, in the same employment category, will retain and carry with them their length of service and benefit status at the time of their transfer. If the transfer involves a change in employment category, length of service status will be retained; however, any change in benefit eligibility will begin on the effective date of the transfer.

Vacant positions should be posted internally so that interested employees may apply. If a current employee wishes to be considered for a vacant position, he or she should advise the current supervisor and submit a written application for the vacant position.

240. PROMOTIONS

Promotions shall depend primarily on an employee's appraised performance and qualifications. Length of service, though a consideration, will not in itself constitute the sole basis for promotion.

Vacant positions should be posted internally so that interested employees may apply. If a current employee wishes to be considered for a vacant position, he or she should advise the current supervisor and submit a written application for the vacant position.

246. REINSTATEMENTS

Employees who have a break in service and are rehired, or hired by another parish, agency, school, ministry or department of the diocese within sixty (60) days of the date of separation, will retain their length of service status and accumulated sick leave. The retention of insurance, savings and retirement benefits will be governed by the eligibility requirements of the particular policy.

Section 300: EMPLOYMENT BENEFITS AND LEAVE PROGRAMS

302. EMPLOYEE BENEFITS

The diocese has established a number of benefits programs for eligible employees. These include health, long-term disability and life insurance programs, retirement and savings programs, various types of leaves and excused absences, paid holidays and vacations. The diocese also complies with applicable laws by paying all or part of the costs associated with certain public welfare programs like workers' compensation, social security and Medicare.

Many of these benefits programs are generally described in the following pages; however these descriptions are merely intended to inform you about the types of benefits that may be available by virtue of your employment. The descriptions contained in this section are not intended as representations that you are eligible for or will receive the above benefits, nor are they intended to state all terms that may govern each of these benefits programs.

Many of the benefits programs discussed in this section have separate plan documents that should be consulted to determine the specific terms and conditions for these programs. The programs that have such documents are identified in the descriptions that follow. To the extent anything stated in this handbook conflicts with these plan documents, the terms of the plan documents are controlling. Any supervisors and human resources representatives also may be able to help you to understand your benefits; however, again, you are reminded that the plan documents that exist for such benefits programs are controlling and should always be reviewed in regard to any questions that you may have.

306. GROUP INSURANCE PROGRAMS

Regular full-time employees may be eligible for medical insurance, which includes health, dental, prescription drugs and vision coverage, long-term disability insurance and life insurance through various group insurance plans sponsored by the diocese. Much of the cost of these benefits is borne by the diocese, but employees may be required to pay some portion of the premiums, depending upon the type of coverage. Medical and life insurance coverage may also be available for spouses and dependent children at the employee's expense. The terms and conditions applicable to these insurance programs and the benefits that are available through these programs are more fully described in the insurance booklets and plan documents applicable to each type of coverage. In addition, you may discuss any questions that you may have about these various insurance programs with your Human Resources representative.

320. SAVINGS AND RETIREMENT PROGRAMS

The diocese sponsors the following retirement and savings programs that may be applicable to your employment:

Lay Retirement Program – Lay employees who meet the eligibility requirements may participate in the Lay Retirement Program. The diocese makes contributions to the program for eligible employees. A more complete description of the terms and conditions that are applicable to this retirement program is contained in the Lay Retirement Handbook and the applicable plan documents. In addition, you may discuss any questions that you have about this retirement program with your human resources representative.

403b Savings and Retirement Plan – Most full-time and part-time employees are eligible to participate in the diocesan 403b plan. Contribution amounts are subject to the limits set by the plan and by the federal government. The diocese also makes a matching contribution, subject to plan limits, to your account. A more complete description of the terms and conditions applicable to participation in this plan and the benefits that it provides is contained in the 403b Plan Handbook and the applicable plan documents. You may also discuss any questions that you may have about this plan with your Human Resources representative.

332. STATUTORY BENEFITS

You may also be eligible for certain statutory benefits that are provided by federal and/or state law. Some of these benefits are funded in whole or part by contributions paid by the diocese. The following describes the statutory benefits that may be applicable to your employment:

Unemployment Compensation – As a result of the decision of the North Carolina Court of Appeals in the case of *Michael J. Begley, Bishop of Charlotte, North Carolina vs. Employment Security Commission of North Carolina*, 274 SE2d 370, employees of the diocese are not covered by unemployment compensation.

Workers' Compensation – Employees of the diocese are covered by Workers' Compensation Insurance. On-the-job injuries must be reported to the proper authority as soon as possible after the injury. Time that is taken off by an employee due to a work-related injury will be coordinated with the use of Family Medical Leave Act (FMLA) leave. FMLA leave and paid sick leave will run concurrently with any leave attributable to an injury that is covered by workers' compensation.

Social Security and Medicare – The diocese pays one-half of the contributions required for social security and Medicare benefits based on your diocesan wages. These contributions are a major source of funding for the retirement income and health insurance benefits under federal law when you reach retirement age or if you should become disabled. While these are potentially important benefits, employees are

encouraged not to view these benefits as all that they would need when they are eligible to retire or in the event of a disability. The current pressures on the social security and Medicare systems have raised serious questions about the level of benefits that the government may be able to provide in the future. Employees therefore are encouraged to participate in the 403b plan that is available through the diocese to the extent that they are eligible, and also to consider personal savings plans, individual retirement accounts and other savings and investment options to begin preparing now for retirement.

352. PAID SICK LEAVE

The diocese provides paid sick leave benefits to eligible employees for periods of temporary absence due to illness or injuries. Sick leave benefits may only be used for excused absences.

Regular full-time and part-time employees accrue the hourly equivalent of one day of sick leave per month. The calculation of accrued sick leave is based on an average day in a 5-day workweek, no matter which days an employee normally works. For employees whose hours vary from week to week, an average number of hours per week will be used to calculate sick leave. For example, an employee who works 20 hours per week in any combination of days, earns 4 hours of sick leave each month (1/5 of his/her regular weekly hours). Teachers and 10-month school administrators earn eight (8) days of sick leave each school year.

The maximum accrual of sick leave is ninety (90) days. Once the maximum is reached, no further sick leave will be accrued unless leave is taken and the balance falls below the maximum. For employees on leave of absence, the accrual of sick leave stops after they have been on leave for thirty (30) calendar days or more. It shall be the responsibility of both employees and their immediate supervisors to keep an accurate record of the accumulation and use of sick leave. **No payment will be made for unused sick leave upon termination or resignation.**

In cases of injury when an employee is receiving worker's compensation benefits, sick leave may be coordinated with worker's compensation up to the amount of the employee's accumulated sick leave.

Employees who qualify for family medical leave under the provisions of this handbook and the Family Medical Leave act will be required to use paid sick leave in conjunction with the approved family medical leave. Sick leave benefits must also be used in conjunction with any other type of medical-related leave that does not otherwise fall under the provision of the family medical leave policy.

Sick leave benefits may only be used in regards to excused absences and approved family medical leave, workers' compensation-related leaves, and other leaves necessitated by personal or family illness involving a parent, spouse or child. Employees are expected to provide reasonable notice of medical leaves and health care-related appointments that are foreseeable. Failure to do so may result in a denial

of sick leave benefits, as well as potential delays in the start of approved leave and/or disciplinary action for unexcused absences. The diocese reserves the right to require a doctor's excuse before approving a request to use sick leave benefits whenever there is reason to believe that an employee is abusing the paid sick leave policy or whenever the medical situation underlying the request is otherwise unclear. A finding that the policy has been abused may result in disciplinary action, up to and including discharge.

In limited circumstances, employees can donate unused sick leave to other employees who have a serious medical condition. The condition must require that the employee be out of work for more than sixty days, and the employee must have no accumulated sick leave of his/her own available. **The illness must meet the definition of a serious illness as specified by the Americans with Disabilities Act.** The maximum donation allowed per employee is ten (10) days. The maximum receipt of donations per employee is thirty (30) days. The term "days" as used in this section will correspond to the number of hours in the normally scheduled work day of the employee who receives the donated leave. The availability of paid sick leave does not extend the provisions of the Family Medical Leave Act beyond those allowed by the law.

364. VACATION

Vacation time off with pay is available to eligible employees to provide opportunities for rest, relaxation and personal pursuits. School contract employees are not eligible to accrue paid vacation time under this policy; however, they are granted personal days each school year.

Note: The accrual of vacation time is based on the hourly equivalent of an employee's regularly scheduled workweek. An average day is calculated to be one-fifth of an employee's scheduled workweek hours. For employees whose scheduled hours vary from week to week, an average number of hours per week will be used for the calculation of vacation. This applies both full-time and part-time employees.

For regular full-time employees (30 hours or more per week), the vacation benefit is:

- *Employed up to five years as of employment anniversary date – the hourly equivalent of two regularly scheduled workweeks per year are accrued;*
- *Employed at least five but less than ten years as of employment anniversary date – the hourly equivalent of three regularly scheduled workweeks per year are accrued;*
- *Employed ten or more years as of employment anniversary date – the hourly equivalent of four regularly scheduled workweeks per year are accrued.*

For regular part-time employees (15 – 29 hours per week), the vacation benefit is:

- *Employed up to five years as of employment anniversary date – the hourly equivalent of two regularly scheduled workweeks per year is accrued;*

- *Employed five or more years as of employment anniversary date – the hourly equivalent of three regularly scheduled work weeks per year is accrued.*

Earned vacation is accrued beginning with the date of hire. Although accrual begins at the date of hire, employees are not permitted to take paid vacation during the introductory period. Once the introductory period is successfully completed, vacation accrual is effective from the date of hire. Vacation will be accrued on an ongoing basis throughout the year.

When a recognized diocesan holiday falls during a scheduled vacation, the day is not counted as a vacation day.

If an employee becomes ill during a scheduled vacation, the day(s) cannot be changed from vacation to sick, even if the employee would ordinarily take a sick day in such circumstances.

Accrued vacation may be carried over from one year to the next; however, the maximum carryover on January 1 each year is the equivalent of twenty (20) days. *In special circumstances, accumulated leave that is above the maximum may be carried over if requested by employee and approved by the Chancellor in writing. If this occurs, the overage must be taken before the end of the second quarter of the calendar year.*

Employees who qualify for family medical leave under the provisions of this handbook and the Family Medical Leave act will be required to use paid vacation leave in conjunction with the approved family medical leave, if they have exhausted their accrued sick leave benefits. For employees on leave of absence, the accrual of vacation time stops after they have been on leave for thirty (30) calendar days or more. It shall be the responsibility of both employees and their supervisors to keep an accurate record of the accrual and use of vacation time.

When either party terminates the employment relationship, the accrual of vacation time ceases as of the last day worked. Payment will be made for any unused accrued vacation time; however, there will be no payout of vacation time if the termination occurs during the introductory employment period.

Unless it is an emergency situation, vacation requests must be submitted by the employee and approved by the supervisor in advance of the vacation. There can be no advancing of paid unearned vacation. With the supervisor's approval, an employee may be allowed to take time without pay if no accrued vacation is available. In scheduling vacations, supervisors will review requests based on a number of factors, including employees' length of service, office needs and staffing requirements.

Contract school employees do not accrue vacation time; however, they are granted two (2) days per year for personal business. Personal days are not carried over from year to year. Requests for such leave should be submitted in advance whenever possible.

370. RELIGIOUS AND CIVIL HOLIDAYS

The diocese recognizes specific holidays for employees of the *Pastoral Center*. ***Because of variations in staffing needs, the holidays at other locations are set by the local authority and may differ from the following:***

New Year's Day
Martin Luther King, Jr.
Holy Thursday (half day), Good Friday and Easter Monday
Memorial Day
Fourth of July
Feast of the Assumption
Labor Day
All Saints
Thanksgiving Day and Friday
Feast of the Immaculate Conception
Christmas Day and two days

When holidays other than a religious holiday fall on a Saturday or Sunday, eligible employees will be given the preceding Friday or the subsequent Monday off. When a movable religious holiday other than Christmas falls on a Saturday or Sunday, no other day off will be given.

374. LEAVES OF ABSENCE

The diocese provides leaves of absence to assist eligible employees in dealing with personal circumstances, personal family illness, or military service obligations. Employees typically should notify their supervisors, in writing, when they foresee the need for a leave of absence. Whenever advance notice that a leave may be needed is not reasonably possible because of particular circumstances beyond the employee's control, the employee or responsible family member should notify the employee's supervisor as soon as reasonably practical that one of the leaves described below may be needed:

- A. Personal Leaves of Absence**
- B. Family Medical Leave**
- C. Bereavement Leave**
- D. Military Leave**

Leaves provided in the following situations are subject to the terms and conditions stated herein.

A. Personal Leaves of Absence

A leave of absence for personal, business and/or family matters may be granted as a privilege to employees. Requests for leaves of absence are to be in writing and are to

state the reason for and probable duration of the leave. All leaves require the written approval of the appropriate authority. In cases of extended leave, employees should contact the appropriate authority for the coordination of applicable benefits while on leave. Personal leaves of absence are to be without pay; however, if accrued vacation time is available, it must be used during times of authorized personal leave.

B. Family Medical Leave

Leave provided under the Family Medical Leave Act (FMLA) is available to all eligible employees of the diocese. In order to be eligible for FMLA leave, you must: (1) have worked for the diocese for at least 12 months, which need not be consecutive months; (2) have been employed for at least 1,250 hours of service during the 12-month period prior to the commencement of FMLA leave; and (3) be employed at a worksite where 50 or more employees are employed by the diocese within 75 miles of that worksite.

If you are not eligible to receive FMLA leave from the diocese, any leave taken for medical or other reasons will need to be taken only as permitted by the diocese's other leave policies.

Reasons for Taking FMLA Leave

An eligible employee can take up to 12 weeks (or up to 26 weeks of leave to care for an injured or ill service member) under this policy during any 12-month period. The Diocese will measure the 12-month period as a rolling 12-month period measured backward from the date an employee uses any leave under this policy. Each time an employee takes leave, the Diocese will compute the amount of leave the employee has taken under this policy in the last 12 months and subtract it from the 12 weeks of available leave, with the balance remaining being the amount the employee is entitled to take at that time.

Leave may be taken: (1) for the birth of a child, and to care for the newborn child; (2) for the placement of a child for adoption or foster child, and to care for the newly placed child; (3) to care for a spouse, child, or parent (but not a parent "in law") with a serious health condition; and (4) due to your own serious health condition that makes you unable to perform one or more of the essential functions of your job.

An employee's FMLA leave for the birth or placement of a child must be taken within 12 months of the birth or placement.

The combined total FMLA leave of employee of the diocese who are married to each other may not exceed 12 weeks during the applicable 12-month period if the leave is taken for the birth of a child, or to care for the child after birth; for placement of a child for adoption or foster care, or to care for the child after placement; or to care for a parent with a serious health condition. This limitation does not prohibit either employee from taking additional FMLA leave for which he or she may be eligible, such as leave to care for a child with a serious health condition or because of a serious health condition of the employee.

FMLA leave may be taken intermittently or on a reduced leave schedule when medically necessary to care for a family member with a serious health condition or because of your own serious health condition. FMLA leave also may be taken intermittently or on a reduced leave schedule because of the birth of a child or placement of a child for adoption or foster care, but only if authorized by the local authority. In determining whether to grant intermittent leave or leave on a reduced schedule in connection with the birth or placement of a child, primary consideration will be given to the nature of an employee's job duties and whether the required leave can be taken with minimal disruption to the workplace operations. If you require or are permitted to take intermittent leave or leave on a reduced schedule, you must try to schedule your leave so as not to disrupt the workplace operations. The local authority may require you to transfer temporarily to an available alternative position (including a part-time position) for which you are qualified and which better accommodates recurring periods of leave than your regular position.

Leave taken for any purpose by an employee who is eligible for FMLA leave will be designated by the local authority as FMLA leave, even if the employee has not specifically requested FMLA leave. FMLA leave will run concurrently with any paid leave that the employee applies toward an FMLA absence.

Scheduling FMLA Leave

If your need for FMLA leave is foreseeable, you must provide your supervisor with at least 30 days' advance notice before the FMLA leave is to begin. If 30 days' advance notice is not practicable or if your need for FMLA leave or its approximated timing is not foreseeable, notice must be provided as soon as practicable (normally before the start of your scheduled workday, or in any event, within one or two workdays of learning of the need for leave). Notice should be provided by you personally, or by your spouse, an adult family member, or another responsible person, if you are unable to provide notice personally.

When planning medical treatment for which FMLA leave will be necessary, you should consult with your supervisor and make every reasonable effort to schedule your leave so as not to disrupt the operations of the workplace. This ordinarily should occur prior to scheduling treatment so that a treatment schedule that best suits the needs of both you and your workplace may be worked out. Employees who are out on FMLA leave are expected to report periodically to their supervisor on their status and intent to return to work.

Compensation and Benefits during Leave

When you take FMLA leave you are required to apply available sick leave toward your FMLA absence if the reason for your FMLA leave is a reason for which sick leave may be taken under the diocese's sick leave policy. Also, you are required to apply any available vacation leave toward your FMLA absence. Sick and/or vacation leave does not need to be applied toward FMLA leave if you are receiving workers' compensation pay. Any FMLA leave that is not covered by workers' compensation, sick or vacation leave will be without pay.

The diocese will continue providing group health insurance coverage and your employer will continue paying its share of your group health insurance premiums while you are out on FMLA leave (whether paid or unpaid), on the same conditions as the coverage provided by the diocese at the time your leave begins, subject to any diocesan-wide changes in these benefits that take place during the leave. During FMLA leave, you are responsible for your share of the group health insurance premium. This amount will be deducted from your paycheck as directed by you during any period of paid leave, but must be paid by you to the diocese at the time it normally would be deducted from your paycheck or as otherwise agreed between you and the diocese during any period of unpaid leave.

The diocese also will continue providing and will pay its share of your other benefits during FMLA leave, to the same extent as these benefits would be provided and paid during any other leave. You are responsible for paying your share of any benefits other than group health insurance during any period of FMLA leave. Premiums for which you are responsible will be deducted from your paycheck as directed by you during any period of paid leave but must be paid by you to the diocese in the same manner as for group health insurance during any period of unpaid leave.

If the premium payment for your share is more than 30 days late, the diocese may cease maintaining health insurance coverage (after providing 15 days' written notice that payment not been received), or may pay your share and recover the amount paid from you. If the 15-day notice is provided and you fail to pay your share of the premium prior to the specified date on which coverage will be dropped, your health insurance may be terminated as of the end of the 30-day grace period. If you are unable to pay your portion of the group health insurance premium during FMLA leave, the diocese may agree to pay the amounts owed by you to avoid a lapse of coverage. You will be required to reimburse the diocese for any premiums paid on your behalf, whether or not an acknowledgment is signed or submitted, and whether or not you return to work.

Medical Certifications

- **Initial Certification** – At or soon after the time you indicate a need for FMLA leave, your employer will require you to furnish certification from your health care provider or the health care provider of your family member, as applicable, by completing and submitting a Certification of Health Care Provider form provided by your employer or certification in another form acceptable to the diocese. Failure to provide medical certification may result in a delay of FMLA leave. The diocese reserves the right to request a second or third medical opinion at its expense. Your employer will reimburse you for reasonable out-of-pocket travel expenses incurred in connection with obtaining a second or third medical opinion. Documentation of these expenses (receipts, mileage information, etc.) should be provided to your employer.
- **Recertification** – Your employer may require you to provide medical recertification while you are on FMLA leave. Costs associated with any recertification requested by your employer will be at your expense.
- **Return to Work Certification** – As a condition of returning to work after FMLA leave that was due to your own serious health condition, your employer may require you to

Job Restoration after FMLA Leave

It is expected that following an FMLA absence, you will return to work. Generally, when you return to work following FMLA leave, you will be restored to the same position that you held prior to the beginning of leave, or to an equivalent position with equivalent benefits, pay, and other terms and conditions of employment. The resumption of benefits upon your return from FMLA leave will be subject to any diocesan-wide changes in benefits that have taken place during the period of FMLA leave.

Limitations on Reinstatement

An employee is entitled to reinstatement only if he/she would have continued to be employed had FMLA leave not been taken. Thus, an employee is not entitled to reinstatement if, because of a layoff, reduction in force or other reason, the employee would not be employed at the time job restoration is sought.

Failure to Return to Work Following FMLA Leave

If the employee does not return to work following the conclusion of FMLA leave, the employee will be considered to have voluntarily resigned.

Premium Charges during FMLA Leave

We will charge you for health insurance premiums paid by your employer during any unpaid portion of FMLA leave if you fail to return to work after your leave entitlement is exhausted or has expired, unless the reason you do not return to work is due to the continuation, recurrence, or onset of a serious health condition that would entitle you to leave under the FMLA, or other circumstances beyond your control prevent your return. Decisions to remain with a family member who no longer requires your care or to remain at home follow the birth or placement for adoption of foster care of a child who does not have a serious health condition will not be considered beyond your control.

Instructional Employees

To avoid disruption to the classroom, instructional employees (teachers, coaches and special education assistants such as signers for the hearing impaired) will have different rules applied in the following circumstances:

- **Leave beginning more than five weeks before the end of the term.** Regardless of the reason for the leave, the school may require the employee to remain out until the end of the term, if:
 1. The leave will last at least three weeks, and;
 2. The employee would have returned to work during the last three weeks of the term.

- **Leave beginning fewer than five weeks before the end of the term.** If an instructional employee takes a leave at this point for a reason other than his or her own serious health condition, the school may require the employee to remain on leave until the end of the term, if:
 1. The leave is longer than two weeks, and;
 2. The employee would have returned to work in the two weeks before the end of the term.

- **Leave beginning fewer than three weeks before the end of the term.** If an instructional employee takes a leave at this point for a reason other than his or her own serious health condition, the school may require the employee to remain on leave until the end of the term if the length of the leave is more than five working days.

Where the employer requires the instructional employee to remain out until the end of the term, but where the instructional employee is ready and able to work, such time off cannot be counted against the employee's leave entitlement.

Covered Family Member's Active Duty or Call to Active Duty in the Armed Forces

An employee whose spouse, son, daughter or parent either has been notified of an impending call or order to active military duty or who is already on active duty may take up to 12 weeks of leave for reasons related to or affected by the family member's call-up or service. Reasons related to the call-up or service include helping the family member prepare for the departure or caring for children of the service member. The leave may commence as soon as the individual receives the call-up notice. (Son or daughter for this type of FMLA leave is defined the same as for child for other types of FMLA leave, except that the person does not have to be a minor.) This type of leave would be counted toward the employee's 12-week maximum of FMLA leave in a 12-month period.

Employees requesting this type of FMLA leave must provide proof of the qualifying family member's call-up or active military service before leave is granted.

To Care for an Injured or Ill Service Member

This leave may extend to up to 26 weeks in a 12-month period for an employee whose spouse, son, daughter, parent or next-of-kin is injured or recovering from an injury suffered while on active military duty and who is unable to perform the duties of the service member's office, grade, rank or rating. Next-of-kin is defined as the closest blood relative of the injured or recovering service member. An employee is also eligible for this type of leave when the family service member is receiving medical treatment, recuperation or therapy, even if the service member is on temporary disability retired list.

Employees requesting this type of FMLA leave must provide certification of the family member or next-of-kin's injury, recovery or need for care. This certification is not tied to a serious health condition as for other types of FMLA leave. This is the only type of FMLA leave that may extend an employee's leave entitlement beyond 12 weeks to 26 weeks. Other types of FMLA leave are included with this type of leave totaling the 26 weeks.

If a husband and wife both work for the company and each wishes to take leave to care for a covered injured or ill service member, the husband and wife may only take a combined total of 26 weeks of leave.

Questions and Forms

Employees are encouraged to direct questions about the FMLA to their supervisors or to Human Resources. Employees may be required to complete certain forms to be eligible to take FMLA leave; therefore, your supervisor should be made aware of your intent to take leave and any reasons for the leave as soon as possible.

C. Bereavement Leave

With approval of the supervisor, regular non-temporary employees may be granted a paid leave of up to the equivalent of three (3) days to attend the wake and funeral of a member of their immediate family. Additional time off must be taken as vacation, personal days (for school personnel) or leave without pay. For purposes of this section, immediate family shall be understood to mean: mother or father, guardian, spouse, sister, brother, children, step-children, step-parents, mother or father-in-law, or grandparents.

With approval of the supervisor, time off may be granted to attend the wake or funeral of a relative, friend or colleague not specifically mentioned above.

D. Military Leave

An employee who is a member of, applies to be a member of, performs, or who has performed, applies to perform, or has an obligation to perform serviced in the U.S. armed services shall not be denied employment, re-employment, promotion, or any benefit of employment on the basis of his or her military status. Such employees will be granted a military leave of absence to attend scheduled drills or training or if called to active duty with the U.S. armed services.

A military leave of absence will be unpaid. However, employees may use any available paid time off for the absence. Subject to the terms, conditions and limitations of the applicable plans for which the employee is otherwise eligible, health insurance benefits will be provided until the end of the month in which the military leave begins. At that time, the employee will become responsible for the full costs of these benefits if he/she wishes coverage to continue. When the employee returns from military leave, benefits will again be provided according to the applicable plans.

Benefit accruals, such as vacation, sick leave, or holiday benefits, will be suspended during the leave and will resume upon the employee's return to active employment.

Employees on two week active duty training assignments or inactive duty training drills are required to return to work on the first regularly scheduled day after the end of training, allowing reasonable travel time. Employees on longer military leave must apply for reinstatement in accordance with all applicable state and federal laws. Eligible employees returning from military leave will be treated as though they were continuously

employed for purposes of determining benefits based on length of service, such as the rate of vacation accrual and job seniority rights, and the absence will not be considered an interruption of employment service.

An employee who returns from a military leave of absence with a service connected disability that renders him or her unqualified for the position he or she left (or for a position her or she would have attained but for the military service) will receive reasonable accommodation and/or reemployment to a different position in accordance with all applicable state and federal laws.

382. VOTING TIME

Employees should be able to arrange time for voting outside of working hours. However, if such time cannot be arranged, supervisors may allow employees reasonable time off to vote. The time allowed will be with pay and will not be charged to accrued leave.

388. JURY DUTY

Jury duty is excused time off from work. During the first week of jury duty, employees will be entitled to their regular weekly pay. If jury duty lasts for more than one week, jury duty compensation will be coordinated with an employee's regular weekly salary to assure no loss of income. The diocese encourages employees to fulfill their civic responsibility by serving jury duty when required. The diocese may request an employee's excuse from jury duty if it is judged that the employee's absence from work would create serious operational difficulties.

Employees must show the jury duty summons to their supervisor as soon as possible to verify the reason for their absence. Employees are also expected to report for work whenever the court schedule permits.

Section 400: TIMEKEEPING AND PAYROLL

404. TIMEKEEPING

Accurately recording time worked is the responsibility of every non-exempt employee. Federal and State laws require the diocese to keep an accurate record of time worked in order to calculate employee pay and benefits. Time worked is all the time actually spent on the job performing assigned duties. This includes travel time as a driver at any time, or as a passenger during normal work hours, however, it does not include travel time to and from work. Employees should begin work at the appointed time, take full meal periods away from their duty station, and stop work at the appointed time. Overtime work must always be approved by the supervisor before it is performed.

Employees must accurately record the actual times that they start and stop work. Failure to properly record hours worked, tampering, altering or falsifying time records may result in disciplinary action, up to and including discharge.

410. PAY DEDUCTIONS

The law requires that the diocese make certain deductions from every employee's compensation. Among these are applicable federal and state income taxes. The diocese must also deduct Social Security taxes on each employee's earnings up to a specified limit. It is the employee's responsibility to advise the diocese of any change in their withholding exemption status.

The diocese offers various benefits and savings programs that may require employees to pay some portion of the cost of participation. Eligible employees may voluntarily authorize deductions from their paychecks to cover these costs.

Employees should contact their supervisor for answers to any questions they have concerning why deductions were made from their paycheck or how the deductions were calculated.

Section 500: WORK HOURS

504. HOURS OF WORK

The standard hours of work for each location are set by the local authority. At all locations, staffing needs and operational demands may necessitate variations in starting and ending times, as well as variations in the total hours that may be scheduled each day and each week. Flex-time schedules can be adopted and approved by the local authority.

510. MEAL AND REST PERIODS

Lunch periods at all locations are set by the local authority. Lunch periods are not considered time worked and must be taken every day, away from the employee's work station, and for the full period of time. Lunch periods cannot be accumulated.

At the discretion of the local authority, one break of not more than fifteen (15) minutes before and after lunch may be given to employees. Break time, to the extent possible, will be taken in the middle of work periods and will not accumulate. Since break time is counted and paid as time worked, employees must not be absent from their duty stations beyond the allotted break time.

Violations of this policy may result in disciplinary action, up to and including discharge.

516. OVERTIME

When operating requirements or other needs cannot be met during regular work hours, non-exempt employees may be scheduled to work overtime hours. Non-exempt employees, who are subject to the overtime provisions of the Fair Labor Standards Act, will be paid time and a half for any hours worked in excess of forty (40) hours a week. Paid time off is not counted as hours worked for the purpose of determining eligibility for overtime. When possible, advance notice of the need for overtime work will be provided. Overtime assignments will be distributed as equitably as possible to all employees who are qualified to perform the required work. Employees who are assigned to work overtime are expected to work those hours like any other scheduled hours, but every reasonable effort will be made to accommodate employees who have a legitimate conflict or a personal circumstance that would cause them an undue hardship if they worked the overtime hours requested.

All overtime work must receive prior supervisory authorization. Repeated use of unauthorized overtime may result in disciplinary action, up to and including discharge.

522. INCLEMENT WEATHER

Pastoral Center – In the event of serious weather conditions, a decision regarding the opening or closing of the Pastoral Center will be made by 7:00 AM. Employees can obtain this information by calling the main telephone number of the Pastoral Center, 704-370-6299. If the Pastoral Center is open, any employee who elects not to work must take either a day of vacation or a day without pay. Sick leave may not be used for weather related absences.

Mecklenburg Area Catholic Schools – If the decision has been made to close the schools, hourly employees will not be paid for the time the schools are closed. However, if a supervisor requires an hourly employee to work on a day that the schools are closed, the employee will be paid for the time worked at his or her normal rate of pay.

All Other Locations – At locations other than the Pastoral Center and Mecklenburg Area Catholic Schools, the local authority will establish the inclement weather policy.

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Section 600: WORK CONDITIONS

604. SMOKING

In keeping with the diocese's intent to provide a safe and healthful work environment, smoking is prohibited throughout the entire *Pastoral Center*. This policy applies to all employees, visitors and persons attending meetings within the *Pastoral Center*. All diocesan schools are to be smoke free during the school day.

The diocese strongly recommends that a smoke-free environment policy be adopted in all diocesan buildings and facilities.

610. SAFETY

Employees are expected to obey safety rules and exercise caution in all work activities. Employees must immediately report any unsafe conditions to the appropriate supervisor.

In the case of accidents that result in injury, regardless of how insignificant the injury may appear, employees should immediately notify their supervisor. Such reports are necessary to comply with applicable laws and to initiate insurance and worker's compensation benefits procedures.

616. USE OF DIOCESAN TELEPHONES, MAIL, EMAIL AND INTERNET

Neither the use of diocesan telephone lines for personal long distance calls nor the use of diocesan-paid postage for personal correspondence is permitted.

Internet & E-mail Acceptable Use Policy

Internet access and E-mail is available to certain employees of the Pastoral Center and schools who are on the diocesan Wide Area Network. Internet connectivity is achieved through a separate server from that which serves the diocesan LAN. This server contains a firewall which is designed to provide secure Internet connectivity along with web content filtering. Email services are also provided by using a separate E-mail server.

The purpose of providing Internet access and E-mail services is to facilitate employees in fulfilling the particular responsibilities of their position with the Diocese and schools. As such, Internet access is only available to Pastoral Center and school employees/students who have a specific need pertaining to their job or line of work. Internet access and use of E-mail is intended for diocesan and school business. E-mail should not be used for routine personal communication. Internet access for personal use may only take place after work hours.

Use of the Internet and E-mail is not private or confidential. The servers maintain a record of each user's access of the Internet and every E-mail received and sent. These records are the property of the Diocese of Charlotte and may be used in any way deemed by the Diocese. Use of the Internet and E-mail will be routinely monitored to ensure compliance with this policy. Violation of this policy may result in disciplinary action and legal action, if appropriate.

Users must abide by the following when accessing the Internet and using E-mail services:

- Never share user IDs and passwords with anyone else; they are confidential.
- Never use anyone else's account, user name, or password.
- Never open an attachment to an E-mail you have received unless you know the person who sent the E-mail. Viruses, disruptive programs, and inappropriate materials are often distributed as E-mail attachments.
- Never download copy, install or transmit software, shareware or freeware without permission from the IT Department.
- Never attempt access of sites that are inappropriate for a business environment. If you mistakenly access inappropriate information, immediately notify your supervisor and the IT Department.
- Never participate in any illegal activities.
- Never harass anyone, use profanity, or inappropriate language.
- Never type in all CAPITAL LETTERS. It is seen by Internet\Email users as shouting.
- Never participate in Chat Rooms or attempt to meet unknown people.
- Never attempt to access any resource, another user's files, network or site for which you are not authorized.
- Never transmit any material in violation of U.S. or State laws.
- Never reproduce or transmit copyrighted material without explicit written permission.
- Never send mass emails/forwards that are not related to Pastoral Center or School business, or any that contain large attachments including but not limited to graphics, pictures, etc.

The Diocese of Charlotte is not responsible for any damages suffered, including loss of data resulting from delays, non-deliveries, service interruptions, or the accuracy or quality of information obtained via the Internet.

622. USE OF DIOCESAN EQUIPMENT AND VEHICLES

Employees must possess a current drivers' license or appropriate operator license in order to operate diocesan vehicles or other equipment and machines that require special licensure or certification. It is the responsibility of employees to renew licenses and certifications in a timely manner and provide copies of the renewal to their supervisors, if needed or requested. Only authorized persons are permitted to drive diocesan vehicles or operate diocesan equipment and machines. When using diocesan property, employees are expected to exercise care, perform required maintenance, and follow all operating instructions, safety standards and guidelines. Employees are to notify the

appropriate supervisor if any diocesan equipment, machines, tools, or vehicles appear to be damaged or in need of repair.

Employees who use diocesan vehicles should follow these procedures when involved in a vehicular accident:

1. Notify the police
2. Notify your supervisor
3. Notify the Chancery
4. Do not admit fault until the accident can be thoroughly investigated.
5. Remain at the scene of the accident until a police report has been completed and you are released to go by the police.
6. Do not attempt to operate the vehicle if damage to the vehicle or your personal condition would make it unsafe for you to do so.
7. Obtain contact information and insurance information for the other parties involved in the accident. Information to have on hand is the name, address, telephone number, driver's license number and insurance company of the other party.

All safety regulations, including but not limited to tags, inspections, numbers of passengers recommended for the vehicle, use of seat belts, etc. are to be followed.

The improper, careless, negligent, destructive or unsafe operation of diocesan equipment or vehicles, as well as excessive or avoidable traffic and parking violations, may result in disciplinary action, up to and including discharge.

628. AUTOMOBILE COMPENSATION

In cases where employees are required to travel as part of their work, the use of their personal automobile will be compensated at the current Internal Revenue Service rate per mile. Employees must accurately record applicable mileage and submit it to their supervisor for approval before reimbursement is made.

634. SOFTWARE SECURITY

Diocesan policy regarding software security is as follows:

1. All software purchases must be reviewed and approved by the appropriate local authority.
2. All software purchased by the diocese or local authority is not to be reproduced for use on more than one computer, including personally owned computers used for work related purposes.
3. All multi-use software, such as software installed on a computer network, must be used in accordance with the written license agreement.

4. It is the responsibility of the local authority to periodically audit employees' computers for illegally copied software.
5. Employees who determine that there may be a misuse of software must notify their appropriate local authority.
6. The diocesan finance office may at times negotiate multiple copy or educational discounted software licenses from software vendors. That office will notify diocesan employees of such arrangements. Employees should not assume that such an arrangement exists, but should contact the finance office if they have questions in this regard.
7. Personally owned software should not be installed on diocesan owned computers.

Software copyright violations can subject the user and the diocese to potentially serious legal ramifications. Any violation of this policy may result in disciplinary action, which may include termination of employment and legal action. Individual computer users and their supervisors are responsible for security when computer software is used on their equipment.

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Section 700: EMPLOYEE CONDUCT AND WORK RULES

704. ATTENDANCE AND PUNCTUALITY

To maintain a safe and productive work environment, the diocese expects employees to be reliable and punctual in attendance. The diocese does not permit excessive absenteeism or tardiness.

If illness or some other problem requires an employee to be absent or late for work, ordinarily the employee's supervisor must be called thirty (30) minutes after the scheduled time for reporting to work. If the absence continues for more than one day, employees must keep their supervisor informed daily of their situation so that arrangements can be made to handle required work. For employees who are not at work due to an approved FMLA leave, less frequent notification may be acceptable.

Usually, employees who are absent for three (3) days without proper notification will be considered as having abandoned their job, and the date of termination will be the last date worked.

Employees who know in advance that they will need to be absent from work, whether for a short or extended period, should discuss the matter with their supervisor so the absence can be handled without disruption to the work of the parish, department, etc.

710. UNEXCUSED ABSENCES

An unexcused absence results when an employee:

1. Fails to report to work and/or fails to give proper notice to the appropriate supervisor
2. Is absent for an unapproved reason
3. Misrepresents the reason for an absence
4. Takes extended time off during work hours without permission

Special circumstances, such as FMLA-covered absences, may make it impractical for an employee to provide timely notice to the supervisor. These situations will be considered on an individual basis.

Unexcused absences by employees may result in disciplinary action, up to and including discharge.

716. CONFIDENTIALITY

It is the obligation of employees, regardless of their work responsibilities, to keep certain information confidential. Confidential information typically includes personal and employment-related information contained in personnel records, personal and academic information concerning students at diocesan schools, information concerning individual

parishioners, counseling records, financial contributions where anonymity has been requested, confidential financial business planning or other business information concerning the strategic planning, business planning or other management activities of the diocese. This or any other similar information should be considered confidential until such time as a release of the information has been authorized by the diocese or by the individual persons who are the subject of such information.

Disclosing confidential information to persons not entitled to such information and assisting any person in gaining unauthorized access to diocesan records are both direct violations of diocesan policy. The communication of false or derogatory information about the diocese or its employees is also a violation of diocesan policy. This also includes information that is disclosed through social media or social networking sites.

In applicable agencies, patient/client records will be kept in a secure and locked place. Only authorized personnel may have access to these records for the purpose of review, making entries or for quality control purposes.

Counselors have a special relationship with students/clients. The information a counselor receives in the client relationship is in many cases of a confidential nature. If students/clients share information with a counselor that affects their own health or safety, or that of another, the counselor receiving that information has an obligation to act by sharing the information with parents and other appropriate persons.

Any violation of this policy may be cause for disciplinary action, up to and including discharge.

Disposal of Personal Information Policy

Pursuant to the requirements of the North Carolina Identity Theft Protection Act, the diocese has implemented a Disposal of Personal Information Policy. This policy contains several measures to protect against unauthorized access to any personal information maintained by the diocese. "Personal information" includes, but is not limited to, Social Security numbers, drivers license numbers, addresses, telephone numbers, bank account numbers, credit/debit card numbers, personal identification numbers (PINs), passwords, and e-mail addresses, in combination with a person's name. Pursuant to this Policy, when paper records containing "personal information" are disposed of, they will be shredded so that the information cannot be read or reconstructed.

When electronic records containing "personal information" are disposed of, they will be destroyed or erased so that the information cannot be read or reconstructed. All of our employees are expected to abide by the requirements of this Policy, and suspected violations should be reported promptly to the Human Resources Department. Questions regarding the policy should also be directed to the Human Resources Department.

722. COURTESY

An employee's conduct, on and off the job, forms the public's impression of the employee and, in turn, of the diocese. Therefore, it is important for employees to adhere to high standards of professional and personal behavior. The diocese expects employees to follow directives from supervisors and to fulfill the responsibilities of their position. Courtesy is defined herein to mean the everyday practice of civility, respect and polite behavior towards and around others, in person, on the telephone or in written correspondence. Sleeping or performing personal work on the job, distracting coworkers in the execution of their duties, the use of profane or abusive language, fighting, deliberately causing injury to another or any disorderly conduct or malicious disturbance, including the intimidation or harassment of others, is not acceptable conduct.

A great deal of diocesan contact with others is by telephone, and special emphasis is placed on telephone courtesy. Required ingredients in telephone courtesy are:

1. Answering promptly
2. Identifying yourself and your parish, unit, department, etc.
3. Answering your own telephone whenever possible to avoid needless delay for the caller
4. Using a tone of voice that conveys interest, warmth and a willingness to help

An employee may be disciplined, up to and including discharge, for discourteous conduct, when confirmed by documented proof or credible evidence.

728. OUTSIDE COMPLAINTS

In spite of the care with which the diocese handles and conducts its business, misunderstandings may occur and complaints may be received from individuals from outside the diocese or from individuals from another parish, agency, school, ministry or department within the diocese. These complaints should be resolved promptly by the person to whom they are directed or referred to someone in a position to make the necessary decision and response. It is the diocese's objective to resolve fairly any complaint before the close of the business day on which it is received or to indicate a time when a reply can be expected. Essential elements of successfully handling outside complaints include:

1. Getting all the details from involved parties
2. Showing understanding of the individual's problem or concern
3. Where reasonable, agreeing on what can be done, both now and/or later

An employee who receives one or more substantiated complaint(s) may be subject to disciplinary action, up to and including discharge.

734. PERSONAL APPEARANCE

Dress, grooming and personal cleanliness standards contribute to the positive morale of employees and affect the image that the diocese presents to visitors. During business hours, employees are expected to dress in businesslike attire, using good judgment in selecting apparel appropriate to the functional position and avoid extremes in makeup, hair styles, jewelry and clothing.

At the discretion of the local authority, employees may be given periodic casual or “dress down” days. On these days, less businesslike attire may be worn. Employees should consult their supervisor if they have questions as to what constitutes appropriate attire.

Employees of the *Pastoral Center* are required to wear their identification badges at all times while on the premises.

740. MEDIA RELATIONS

On occasion, the news media will look to employees of the diocese for information about diocesan events, opinions, interpretations and issues. It is diocesan policy to cooperate with the news media and respond to media inquiries promptly, however, only the Director of Communications is authorized and responsible for coordinating contact with the media on behalf of the diocese. Employees are not to respond to media inquiries or initiate contact with the media regarding diocesan matters. When inquiries are received from the media that concern a diocesan matter, the inquirer should be referred to the diocesan Director of Communications.

Media inquiries that are concerned with specific parish, agency, school or department matters may be responded to by the proper local authority.

746. DRUG AND ALCOHOL USE

The unlawful manufacture, possession, distribution, transfer, purchase, sale, use or being under the influence of illegal drugs or alcoholic beverages while on diocesan property, while attending business-related activities, while on duty, or while operating a vehicle or equipment owned or leased by the diocese is strictly prohibited and may lead to disciplinary action, up to and including discharge.

Employees may use physician-prescribed medications, provided that the use of such drugs does not adversely affect job performance or the safety of the employee or others. Employees who use physician-prescribed medications are responsible for determining with their physician whether such medications may impair their job performance or make it unsafe for them to operate a motor vehicle or other equipment or machinery. Where the possibility that such impairment exists, employees are encouraged to notify their supervisor to determine whether modification can be made to their job duties during the

period that such medication is being taken or if a leave of absence or alternative job assignment should be considered. Employees who fail to notify their supervisors about the risk presented by physician-medication that they are taking and who unsafely operate machinery, equipment or motor vehicles in an impaired state, or who engage in other unsatisfactory performance because of medication-related impairment, may be subject to disciplinary action, up to and including discharge.

The diocese will make every effort to assist employees who voluntarily identify themselves as suffering from alcoholism and/or drug abuse. Employees who identify themselves as such are nonetheless accountable for their work performance and conduct, and may be subject to appropriate disciplinary action for poor performance or misconduct even where such issues, at least in part, may be attributable to the employee's alcoholism and/or drug abuse.

752. FIREARMS AND WEAPONS

The possession of firearms or other dangerous weapons on or in diocesan property, except by authorized security officials, is expressly forbidden. Diocesan property includes buildings and parking areas. Violations may result in disciplinary action, up to and including discharge.

766. SEXUAL AND OTHER UNLAWFUL HARASSMENT

The diocese prohibits any form of sexual and other unlawful harassment involving any of its employees in the employment relationship. Harassment, retaliation, coercion, interference, or intimidation of an employee due to his or her race, color, religion, sex, age, national origin, disability, protected activity (i.e., opposition to prohibited discrimination), or other legally protected status, or that of an employee's relatives, friends, or associates, is strictly forbidden. This policy is part of the diocese's efforts to maintain a workplace free of harassment for its employees.

Sexual Harassment

Sexual harassment does not require physical contact, but can be any type of unwelcome conduct. It includes unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature when submission to the conduct is made a term or condition of an individual's employment (either explicitly or implicitly), when submission to or rejection of the conduct is used as the basis for employment decisions affecting the individual, or when the conduct is sufficiently severe, persistent, or pervasive to interfere with an individual's work performance or to create an intimidating, hostile, or offensive working environment.

Other Unlawful Harassment

Other unlawful harassment may consist of verbal or physical conduct that denigrates or shows hostility or aversion toward an individual because of his or her race, color, religion, sex (gender), age national origin, disability, protected activity (i.e., opposition to prohibited discrimination), or legally protected status, or that of his or her relatives, friends, or associates, and has the purpose or effect of creating an intimidating, hostile, or offensive work environment; has the purpose or effect of interfering unreasonably with an individual's work; or otherwise adversely affects and individual's employment opportunities.

Prohibitions

Any act, comment, or behavior that constitutes sexual or other unlawful harassment is strictly prohibited and will not be tolerated of any employee, either on or off diocesan premises. For purposes of this policy, this includes but is not limited to: slurs, jokes, or other verbal, graphic, or physical conduct relating to an individual's race, color religion, sex age, national origin, disability, protected activity (i.e., opposition to prohibited discrimination), or other legally protected status. This prohibition covers not only the relationships between employees of the diocese but also each employee's relationship with customers of the diocese or with the employees of other companies encountered in the course of performing the duties of his or her job.

Reports and Investigations

Employees, without any fear of reprisal, have the responsibility to immediately bring any form of sexual or other unlawful harassment (whether by a co-worker, a customer, or someone else encountered while performing their job duties) to attention of their supervisor. All supervisors who receive a complaint of sexual or other unlawful harassment should immediately contact the Human Resources Director. If for some reason an employee does not feel comfortable reporting harassment to his or her supervisor, the employee should report the harassment to another member of management or the Human Resources Director. Upon receipt of an allegation of harassment, the diocese will promptly begin an investigation into the circumstances of the incident and the alleged harassment. Any person who becomes aware of an incident of sexual or other unlawful harassment, whether by witnessing the incident or being told of it, should report it immediately to his or her supervisor or another member of management.

The diocese will keep all information relating to harassment allegations and investigations as confidential as possible under the circumstances.

Corrective and/or Disciplinary Action

Following the diocese's investigation, a review of the results of the investigation with the person(s) involved will be conducted and appropriate corrective and/or disciplinary action will be taken, which may result in immediate termination of employment for employees who are determined to have engaged in sexual or other unlawful harassment, conduct approaching sexual or other unlawful harassment, or other conduct

that violates the diocese's policy. Be advised that disciplinary action, up to and including discharge, will be taken against any employee engaging in sexual or other unlawful harassment.

Protection against Retaliation

The diocese will not retaliate in any way against an individual who makes a report of harassment in good faith or who assists in an investigation. Retaliation is a serious violation of this harassment policy and should be reported immediately. Any employee found to have retaliated against another employee in violation of this policy will be subject to disciplinary action, up to and including discharge.

776. DISCIPLINARY PROCEDURES

Employees who violate diocesan policies, engage in substandard performance, are excessively absent or tardy, or engage in misconduct may be subject to disciplinary action up to and including immediate dismissal. Disciplinary action may include one or more of the following procedures prior to discharge for non-serious offenses and/or performance, attendance, or performance problems that indicate a willful or intentional failure to meet expectations:

1. **Verbal Warning** – The supervisor notifies and counsels the employee concerning the identified performance or conduct problem. A follow-up letter summarizing the verbal warning and counseling shall be given to the employee. A copy of the letter must be placed in the employee's official personnel file.
2. **Written Warning** – The supervisor gives the employee a written warning, with specific steps to be taken to correct the problem. The supervisor ordinarily will set a timetable for following up with the employee to determine whether the employee has taken appropriate corrective action. The report is signed by the supervisor and employee and placed in the employee's official personnel file.
3. **Probation** – This step typically is taken when an employee's performance, attendance, or tardiness indicates that the employee may be getting close to dismissal. This is an optional step that management, in its discretion, may choose to employ prior to dismissing an employee where it believes that the employee has at other times shown the ability to meet his or her supervisor's expectations, or otherwise has given some indication that he or she should receive one final chance to correct the problems that otherwise likely will result in the employee's dismissal. Probation ordinarily should not exceed 90 days and should include periodic progress assessments during the probationary period by the supervisor to determine if it is worth continuing. Probation is an exceptional step that ordinarily will be used only in cases involving struggling employees who otherwise have given indications that they are capable of performing their jobs according to their supervisors expectations. In no event will step be used more than once for any single employee.

4. **Demotion** – An employee who does not perform satisfactorily at his or her current level, but who management feels can perform satisfactorily at a lower level, may be demoted.
5. **Suspension** – Suspensions ordinarily will be used only in situations where additional time is needed to investigate a problem or incident that may represent grounds for dismissal, if substantiated, or where more time is needed for an employee's supervisor and/or Human Resources to determine the appropriate action that should be taken for any particular incident or problem. Although suspension would ordinarily not be used as a form of discipline, it may, on occasion, be used to provide a period away from work in which that employee will be asked to decide if he or she wishes to continue in his or her employment or to consider various other options that have been proposed because of some performance or other disciplinary issue. Suspensions may be with or without pay at the option of the diocese.

782. IMMEDIATE DISCHARGE

Immediate dismissal may be appropriate for certain serious offenses involving egregious misconduct or blatant insubordination, dishonesty, willful or reckless poor performance, willful or reckless disregard of a supervisor's instructions, or other offenses deemed sufficiently serious by the diocese to warrant an immediate end to the employment relationship. Dismissal also will be the consequence of an employee's failure to correct performance, attendance, tardiness or conduct issues, after being provided a reasonable opportunity to do so.

The following are some examples of grounds for immediate dismissal of an employee:

- Violation of confidentiality;
- Conviction of a felony and/or crime of moral turpitude
- Any conduct tending to reflect discredit upon the Church;
- Continued unexcused tardiness or absences;
- Neglect of duty;
- Stealing;
- Drunkenness, use of illegal drugs, or abusive use of prescription drugs on the job;
- Willful destruction of diocesan property;
- Gross insubordination;
- Possessing or transporting firearms or weapons on diocesan property;
- Falsification of employment information.

This list is intended to be representative of the types of activities that may result in immediate discharge. It is not exhaustive, and is not intended to be comprehensive and does not change the employment-at-will relationship between the employee and the diocese.

Terminated employees will receive their pay on regularly scheduled paydays. When discharged, employees will have the right to continue coverage under the health insurance group plan at their own expense.

788. RESIGNATION

Resignation is a voluntary act initiated by an employee to terminate his or her employment with the diocese. To resign in good standing, a two-week written notice is expected from non-exempt employees. Exempt employees are expected to give written notice of at least four (4) weeks prior to the effective date. Due to different staffing requirements and considerations, the local authority may set its own notice requirements.

Resignation by contract school employees is subject to the conditions of their contracts.

If advance notice is not provided pursuant to this or local authority policy, or is not agreed to by mutual consent of both parties, the employee will be considered ineligible for rehire.

794. RETURN OF PROPERTY

Employees are responsible for all diocesan property, materials or written information issued to them, or in their possession or control. Employees must immediately, or upon request, return all property of the diocese that is in their possession or control in the event of resignation, lay-off or dismissal.

796. GRIEVANCES

It is the policy of the diocese to maintain a climate of openness in which an employee will feel free to express concerns and dissatisfactions and to use the grievance system for their resolution. The objective of the system is to provide for the prompt and fair resolution of grievances when the normal supervisor-employee relationship has failed to do so. The system is neither intended as a substitute for the normal supervisor-employee relationship nor can it substitute for a spirit of cooperation and goodwill between supervisors and employees.

An employee's grievance will be addressed quickly, and every effort will be made to resolve the matter at the level at which it occurred, insuring that just treatment occurs for all concerned. In order to ensure that good working relationships prevail, the concerned individuals should always attempt to reconcile differences on an individual basis. In the event the situation develops beyond this point, the employee should follow this grievance procedure:

1. Employees should first approach their immediate supervisor and attempt to resolve the problem. The initial contact with the supervisor shall be no later than five (5) work days after the problem developed. The supervisor will take the necessary actions to resolve the complaint and inform the employee of the decision within five (5) work days from receipt of the grievance;
2. If the employee believes that the supervisor's decision does not satisfy the grievance, or if the employee's grievance is with the supervisor, such employee's grievance may be appealed in writing to the appropriate department or agency head. This appeal must be made within five (5) work days from the employee's receipt of the supervisor's decision. The department or agency head will then contact those involved to gather necessary information concerning the grievance and/or to attempt reconciliation. If not reconciled within fourteen (14) work days, the department or agency head will issue a written decision to the employee and the supervisor.
3. If the employee still believes that the grievance is unsatisfactorily resolved, a written request for review by the Human Resources Director may be made. This request must be made within five (5) work days from the employee's receipt of the previous written decision. The Human Resources Director may either accept or deny the request for review. The Human Resources Director's decision will be given to the parties within twenty-one (21) days of receipt.
4. In extraordinary circumstances, an employee may appeal the Human Resources Director's decision. A written request for review may be made to the Chancellor, who may or may not accept the request. The request must be made within five (5) work days from the employee's receipt of the Human Resources Director's written decision.

Every effort must be made to resolve the grievance as quickly as possible, and no undue delay should be experienced in moving from one of the procedural steps to the next. The term "work days" shall mean days other than Saturday, Sunday and diocesan observed holidays.

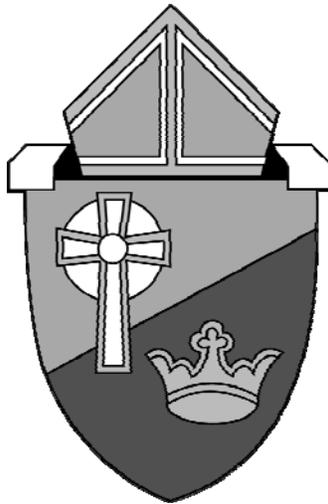
Each step outlined in the above procedure must be fully documented and the person responsible for the decision at each level shall place all related documentation in the appropriate confidential file(s). Information related to a grievance shall be disclosed only to persons who have a need to know.

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Section 800: CODE OF ETHICS

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Code of Ethics Policy of the Diocese of Charlotte



Effective August 15, 2004
Revised July 1, 2009

The Diocese of Charlotte
1123 South Church Street
Charlotte, NC 28203
(704) 370-6299

August 15, 2004

My Dear Brothers and Sisters in Christ:

Please accept my sincere gratitude for the very generous way in which you offer your time, talent and gifts in serving the people of Western North Carolina. It is through the prayers, efforts, dedication and collaboration of priests, deacons, religious, seminarians, lay employees and volunteers that we are able to serve those entrusted to our care. We know that as clergy, religious and laity of the Diocese of Charlotte, we have a responsibility to uphold the highest of moral, professional and ethical standards.

As clergy, religious, seminarians, lay employees and volunteers, we all share in the mission of the Church to continue the work of Jesus Christ. This is both a great privilege and an awesome responsibility. Those who publicly represent the Church, whether by office, employment or appointment, have a special obligation because they have accepted positions of trust. Because of this, the Church must be exemplary. Clergy, religious, seminarians, lay employees and volunteers should and will be held accountable for their behavior.

In order to maintain the highest level of accountability, this Code of Ethics Policy is adopted to assist in developing and implementing uniform guidelines for appropriate behavior while exercising ministerial and professional undertakings. It is not intended to address every situation that may arise, rather, it is intended to create a structure for addressing a variety of circumstances that, if not appropriately addressed, may create a risk of incidents, allegations, claims or lawsuits. As we read the code, we must remember that it is more than a set of standards. It is a way of connecting our values, ideals and moral responsibilities with the work that we do every day.

It is my sincere desire that all who are involved in the mission of the Church will exemplify the ethics and integrity lived and taught by Jesus, and that all those we serve will see in us His compassion and love.

Sincerely yours in Christ,

Most Reverend Peter J. Jugis, J.C.D.
Bishop of Charlotte

PREAMBLE

Priests, deacons, religious, seminarians, pastoral ministers, administrators, lay employees and volunteers (Church Personnel) in our parishes, agencies, schools and organizations must uphold Christian values and conduct. The *Code of Ethics Policy of the Diocese of Charlotte* (Code) provides a set of standards for conduct in certain situations and is designed to deter wrongdoing and to promote honest and ethical conduct.

The public and private conduct of clergy, religious, seminarians, lay employees and volunteers can be a source of inspiration and motivation, but it can also scandalize and undermine the faith of the people that are served. Church Personnel must at all times be aware of the responsibilities that accompany their work. It is essential therefore, that anyone who undertakes a position of ministry, employment or leadership in the diocese, be ever mindful of the trust that has been placed in him or her. The faithful discharge of the responsibilities that accompany our work requires constant and prayerful reflection since all of us must be sustained by God's goodness and grace.

Responsibility for adherence to the Code rests with each individual. This responsibility requires each of us to periodically take a personal inventory. It is hoped that the Code will assist us in this task. Church Personnel who disregard this Code will be subject to remedial action. This action can take several forms, from a verbal warning to removal, depending on the nature and circumstances of the offense.

While no policy can anticipate all of the challenges and situations that may arise, the Code communicates key guidelines and will assist in making decisions that are ethical and in accordance with applicable legal requirements, the Diocesan Sexual Misconduct Policy, the Diocesan Personnel Policies Handbook, and the Diocesan Financial Policies Handbook. All Church Personnel are encouraged to discuss any questions or concerns they have with their supervisor. Before beginning any ministerial, employment or volunteer functions, Church Personnel will read or have read to them, understand, and sign the proper acknowledgement of receipt form, and comply with this Code.

1. PRINCIPLES OF ETHICS AND INTEGRITY

- 1.1** Church Personnel will conduct themselves at all times in a manner that is consistent with the teachings and precepts of the Roman Catholic Church.
- 1.2** Church Personnel will exhibit the highest Christian ethical standards and personal integrity.
- 1.3** Church Personnel will continually and objectively examine their own actions and intentions to ensure that their behavior promotes the welfare of the diocese and exemplifies the moral tradition of the Church.
- 1.4** Church Personnel will establish clear, appropriate boundaries with anyone with whom they have a ministerial, business, professional or social relationship.
- 1.5** Church Personnel will provide an environment that is free from physical, psychological, emotional, written or verbal intimidation or harassment.
- 1.6** Church Personnel will conduct their relationships with others that are free of deception, manipulation and/or exploitation.
- 1.7** Church Personnel will not sexually abuse or harass a minor child.
- 1.8** Church Personnel will report any suspected sexual abuse of a minor child as required by the diocesan Sexual Misconduct Policy.
- 1.9** Church Personnel will not take unfair advantage of a counseling relationship for their personal benefit.
- 1.10** Church Personnel will not use their position to exercise unreasonable or inappropriate power, influence or authority.
- 1.11** Church Personnel will not accept or confer an office, position, assignment or compensation, which may present the appearance of favoritism or a conflict of interest.
- 1.12** Church Personnel will be responsible stewards of diocesan resources, human and financial, observing both canon and civil law, and making decisions concerning the disposition of resources that reflect Catholic social teaching.

- 1.13** Church Personnel will not make false accusations against another, or reveal the faults and failings to anyone who is not in a position that necessitates a need to know.
- 1.14** Church Personnel will share concerns about suspicions of inappropriate behavior with the appropriate supervisory or management individual.
- 1.15** Accountability: The Diocese and all its parishes, schools and organizations are responsible to its stakeholders, which includes donors and others who have placed their trust in the Church. To uphold this trust, all Church personnel will:
- Promote good stewardship of all Church resources, including donations, grants, program fees, and all financial support.
 - Use all Church resources only for Church related purposes. Church resources are never to be used for personal purposes, even if it is intended to be temporary.
 - Use all Church resources in a prudent-like manner, avoiding unnecessary and excessive spending and wastefulness.
 - Use Church credit cards, vendor relationships and lines of credit only for Church related purposes. They are never to be used for personal transactions, even if it is intended that Church funds will not be used for payment.
 - Comply with all applicable laws and regulations.
 - Not be a party to any fraud or embezzlement, or neglect their duty to safeguard all Church assets.

2. GUIDELINES FOR WORKING WITH MINOR CHILDREN

- 2.1** Church Personnel are not to possess any sexually explicit or morally inappropriate materials on church, school or diocesan property, or in the presence of minor children. Such materials include, but are not limited to, videos, films, pictures, recordings, drawings, posters, cards, calendars, clothing, computer software and/or games.
- 2.2** Church Personnel are not to engage in sexually oriented conversations with minor children, except in the context of sharing the Church's teaching on human sexuality. Church Personnel are never to discuss their own sexual activities with minor children.
- 2.3** Church Personnel are not to take photographs of minor children who are

unclothed or dressing, for example in a locker room or bathing facility, nor shall they permit such photographs to be taken by others.

- 2.4** Church Personnel are not to speak to minor children in a manner that is, or could be construed by an observer as derogatory, demeaning, threatening, intimidating or humiliating, and are not to use profane or foul language in the presence of minor children.
- 2.5** Church Personnel are not to use tobacco products, alcoholic beverages, illegal drugs, or any substance prohibited by law, nor are they to be under the influence of any alcoholic beverage or illegal drugs, when working with minor children. Church Personnel may administer medications to minor children if written permission from parents or legal guardians is given.
- 2.6** Church Personnel are not to sleep in the same bed, hotel or motel room, sleeping bag, tent or cabin with a minor child unless the Church Personnel is the parent, legal guardian or sibling of the minor child.
- 2.7** Church Personnel are not to share showering, bathing, changing or dressing facilities with minor children. When the good of the minor child requires that they be accompanied by an adult to/in any of these locations, the time alone with the minor child should be minimal and another adult should be made aware of the circumstances.
- 2.8** Church Personnel are not to take an overnight trip alone with a minor child who is not an immediate family member.
- 2.9** Clergy and religious are not to allow minor children to be overnight guests in their residence or private accommodations with the exception of an occasional visit from immediate family members. Other Church Personnel are not to provide shared or private accommodations in any diocesan facility, private residence, hotel or motel room, or any other place where there is no other adult supervision present.
- 2.10** When providing transportation for minor children, Church Personnel are to be validly licensed and authorized, ordinarily have written permission from parents or legal guardians, and are to transport minors directly to their approved destination, with no unauthorized stops or deviations unless it is a valid emergency.
- 2.11** At the end of any activity, Church Personnel are to release minor children in their care only to parents, legal guardians, or other persons

designated in writing by parents or legal guardians.

- 2.12** Church Personnel should schedule one-on-one counseling sessions or meetings with minor children at times and locations that promote accountability and meet accepted standards of propriety.
- 2.13** Activities and programs for minor children are not to be administered by only one adult. During all activities and programs, facilities should be monitored.
- 2.14** Church Personnel are not to use physical discipline in any way for the behavior management of minor children. No form of physical discipline is acceptable. This includes spanking, hitting, pinching, or any other physical force as correction or retaliation for inappropriate behavior.
- 2.15** Church Personnel are to immediately report the unusual or uncontrollable behavior of minor children to parents or legal guardians.
- 2.16** As a general rule, volunteers for programs involving working with minor children in parishes should be registered members of the parish for at least six months before being placed in a volunteer position. After careful consideration, exceptions may be made for parents of minor children in the specific programs in which their child or children are participating.
- 2.17** Reference checks should be conducted on employees and volunteers who transfer within the diocese before allowing them to participate in any program involving working with minor children.

3. PHYSICAL CONTACT WITH MINOR CHILDREN

- 3.1** Appropriate affection between Church Personnel and minor children is important for a child's development, and is a positive part of church life and ministry. However, touching must be based on the need of the minor child and not the adult, completely non-sexual, never in private, and otherwise appropriate.
- 3.2** Though not all-inclusive, the following examples are regarded as appropriate forms of affection:
 - side hugs
 - shoulder to shoulder or temple hugs

- pats on the shoulder or back
- handshakes
- high fives or hand slapping
- arms around shoulders
- holding hands while walking small children
- kneeling or bending down for hugs with small children
- holding hands during prayer

3.3 Though not all-inclusive, the following examples are forms of affection that are not to be used:

- lengthy or inappropriate hugs or embraces
- kisses on the mouth
- holding children over two years old on the lap
- touching the chests, knees, legs, bottoms or genital areas of minor children
- showing affection in isolated areas or private rooms
- sleeping in bed with a minor child
- wrestling or tickling minor children
- any type of massage given to or received from a minor child
- comments or compliments that relate to body development or physique
- any form of unwanted affection

3.4 No one should be permitted to develop and/or start new programs for minor children without proper review and approval by the proper authority. Requests to develop new programs should be submitted in writing and must include provisions for adequate adult supervision.

4. CONDUCT FOR PASTORAL COUNSELORS AND SPIRITUAL DIRECTORS

4.1 Pastoral Counselors and Spiritual Directors are not to step beyond their competence in counseling situations and are to refer people being counseled to other professionals when appropriate.

4.2 While counseling a minor child, if a Pastoral Counselor or Spiritual Director discovers that there is a serious threat to the welfare of the minor, and that communication of confidential information to a parent or legal guardian is essential to the minor child's health and well-being, the Pastoral Counselor or Spiritual Director should disclose only the

information necessary to protect the health and well-being of the minor child.

- 4.3** Pastoral Counselors and Spiritual Directors are to carefully consider the possible consequences before entering into a counseling relationship with someone with whom they have a pre-existing relationship.
- 4.4** Pastoral Counselors and Spiritual Directors will conduct all counseling sessions in appropriate settings and at appropriate times. No session is to be conducted in private living quarters.
- 4.5** Pastoral Counselors and Spiritual Directors are to avoid situations that might present a conflict of interest between a counselor and a person being counseled, including even the appearance of a conflict of interest.
- 4.6** Pastoral Counselors and Spiritual Directors are not to engage in sexual intimacies with anyone they counsel. This includes consensual and non-consensual contact, forced physical contact and inappropriate sexual comments.
- 4.7** Pastoral Counselors and Spiritual Directors are not to engage in sexual intimacies with individuals who are close to the person being counseled, i.e. relatives and close friends.
- 4.8** Pastoral Counselors and Spiritual Directors assume the full burden of responsibility for establishing and maintaining clear, appropriate boundaries in all counseling and counseling-related relationships.
- 4.9** Pastoral Counselors and Spiritual Directors are to maintain a log of the times and places of sessions with each person being counseled.
- 4.10** Pastoral Counselors and Spiritual Directors should discuss the nature of confidentiality and its limitations with each person being counseled. Information that is disclosed during the course of counseling or advising is to be confidential, except for compelling professional reasons or as required by law.
- 4.11** If there is a clear and imminent danger to the person being counseled, or to others, the Pastoral Counselor or Spiritual Director may disclose only the information necessary to protect the parties affected and to prevent harm. Before disclosure is made, if feasible, the Pastoral Counselor or Spiritual Director should inform the person being counseled about the disclosure and the potential consequences.

- 4.12** With the exception of knowledge gained in the Sacrament of Penance, knowledge that arises from counseling sessions may be used in teaching, writing homilies, or other public presentations only when effective measures are taken to absolutely safeguard both the individual's identity and the confidentiality of the disclosures.
- 4.13** In accordance with the norm of canon law, the sacramental seal is inviolable, therefore, it is absolutely forbidden for a confessor to betray the confidence of a penitent in any way and for any reason. This is applicable whether the penitent is living or dead.

5. HARASSMENT

- 5.1** Church Personnel are to provide an environment that is free from sexual, psychological or physical harassment. This includes but is not limited to:
- physical or mental abuse
 - unwelcome sexual advances or touching
 - sexual comments and jokes
 - requests for sexual favors used as a term or condition of employment
 - requests for sexual favors used as the basis for an employment decision
 - displaying or wearing offensive material
 - derogatory racial, religious, age, ethnic, physical or mental condition insults or slurs
- 5.2** Harassment can be a single, severe incident or a persistent pattern of behavior where the intent or the effect is to create a hostile, offensive or intimidating environment.

6. POLICY ON CONFLICTS OF INTEREST/PRIVATE INURNMENT, NEPOTISM, OUTSIDE EMPLOYMENT

- 6.1** Identifying a Private Inurnment or Private Benefit Problem: In brief, "private inurnment" is the *payment* or diversion of an exempt organization's assets to its officials, officers, directors, employees, relatives, friends, major donors, or others in a special relationship to the organization who can influence or control the policy or the day-to-day

activities of the organization *for less than full and adequate consideration*. It is a broad concept that can exist in a variety of transactions under a variety of circumstances. Private inurement also extends to the use of organizational assets for "private benefits" such as sales, leasing, construction contracts, service transactions, etc., at other than fair market value or the exploitation of the exempt organization *for the benefit of a private business* (e.g., "sweetheart deals," promotional schemes, and/or giveaways to private individuals or businesses). Thus, under IRS regulations, a private benefit is similar to, but broader than, private inurement.

To avoid material private inurement or benefit in the types of transactions described above, the particular diocesan entity must enter into transactions for its benefit, rather than for a private party's benefit, and exercise due diligence to ensure that the proposed transaction is fair and reasonable such that under the circumstances the organization could not have obtained a more advantageous arrangement with reasonable effort. In addition to screening proposed transactions through the applicable councils and boards, care should be taken to follow diocesan policies and procedures pertaining to the signing of contracts.

6.2 Conflicts of Interest: A conflict of interest may exist when persons employed by the diocese (i.e., the Central Administration, parishes, schools, agencies, and/or affiliated entities), or volunteers with influence over certain activities or transactions including those serving on advisory or consultative boards, councils or committees have a direct or indirect financial interest, as defined below.

6.3 Financial Interest: A person has a "financial interest" if the person has, directly or indirectly, through business, investment, or family (including spouses; brothers or sisters; spouses of brothers or sisters; ancestors; children, grandchildren, and great grandchildren; and spouses of children, grandchildren, and great grandchildren), any one of the following:

- An ownership or investment interest in any entity with which the diocese has a transaction or arrangement;
- A compensation arrangement with the diocese or with any entity or individual with whom the diocese has a transaction or arrangement;
- A potential ownership or investment interest with, or compensation arrangement with, any entity or individual with whom the diocese is negotiating a transaction or arrangement.

- 6.4** Church Personnel are to avoid situations that might present a conflict of interest.
- 6.5** Church Personnel are not to take advantage of anyone to whom they are providing ministry or service in order to further their own personal, religious, political, business or economic interests.
- 6.6** Church Personnel are not to solicit, accept or give any personal gifts, favors, or things of value which could influence, or which could be construed as influencing any decision or obligation to the performance of one's duties.
- 6.7** Relatives of Church Personnel, or of relatives of various diocesan boards, may be hired as employees only if they will not be working under the line of supervisory authority of a relative or the advisory authority of the board. Generally, relatives include spouses, children, siblings, grandparents and grandchildren.
- 6.8** No member of any diocesan board is to knowingly take any action or make any statement that is intended to influence any undertaking of a parish, school, agency, department or institution of the diocese in such a way as to confer any benefit on such member or anyone in the member's family or business.
- 6.9** No member of any diocesan board, his/her family members, employer, business or business associates, is to solicit business or favors from any diocesan parish, school, agency, department or institution of the diocese.
- 6.10** No member of any diocesan board is to vote in connection with any decision that may constitute a conflict of interest.
- 6.11** Outside employment is permitted as long as Church Personnel notify their supervisor of that fact and satisfactorily perform their job responsibilities. If an individual with an outside job does not perform his/her job requirements satisfactorily, he or she may be asked to terminate the outside employment.
- 6.12** Whenever a diocesan entity is considering conducting business with any

person employed by the diocese (i.e., the Central Administration, parishes, schools, agencies, and/or affiliated entities) or any volunteer, or his/her family member, his/her business, or any entity in which he/she has an investment, the diocesan entity must solicit bids from at least two other sources and may not select the person/entity with the financial interest unless that person/entity is the lowest bidder.

- 6.13** Duty to Disclose: In connection with any actual or potential conflict of interest, an interested person must disclose the existence and nature of his or her financial interest and all material facts. Reports should be made to the pastor, principal, vicar general/chancellor, attorney, or chief financial officer. Reports made to pastors and principals are to be reported to the vicar general/chancellor. Reports should include relevant information that is discernible.
- 6.14** Investigation: The person to whom said report was made shall be responsible for a thorough and expeditious investigation of the actual/potential conflict of interest. Proposed decisions on the disposition of a case are to be discussed with the vicar general/chancellor or his designee. The results of all confirmed conflicts of interest and the final resolution shall be reported to the diocesan Finance Council.
- 6.15** Subsequent Conflicts and Disclosures: Notwithstanding previous disclosure of actual or potential conflicts of interest, an individual shall make a new disclosure of conflicts when any matter involving the conflict of interest arises for discussion or action. In the event that an individual is uncertain whether an actual or potential conflict of interest exists, the individual should make disclosure of the circumstances that may give rise to an actual or potential conflict.
- 6.16** Confidential or Privileged Information: Information known to be confidential that is acquired by individuals in the course of employment or association with the diocese and its affiliated entities shall be used only for the benefit and purposes of the diocese. Individuals shall neither disclose confidential information outside the scope of their authorized duties nor utilize their position or association with the diocese for personal identification or advantage, although there may be instances, based on the use of careful discretion and judgment, where incidental use of the association with the diocese may be appropriate.

7. POLITICAL ACTIVITY

- 7.1** The Diocese of Charlotte encourages individual participation in civic affairs. However, Church Personnel are not to engage in political activities in a manner that may create the appearance that such activity is by or on behalf of the diocese.
- 7.2** Church Personnel are not to make any contribution to any candidate for public office or political committee on behalf of the Diocese of Charlotte or in a manner that may create the appearance that the contribution is on behalf of the diocese.
- 7.3** Church Personnel are not to use any parish, school or agency facilities, financial resources, or personnel to endorse or oppose a candidate for public office.
- 7.4** Church Personnel are to clearly communicate that they are not acting on behalf of the Diocese of Charlotte if identified as an official or employee of the diocese while engaging in political activities in an individual capacity.

8. WHISTLEBLOWER POLICY

- 8.1** The Diocese of Charlotte requires all representatives of the Church, including clergy, religious, directors, and other volunteers, and lay employees, to observe high standards of business and personal ethics in the conduct of their duties and responsibilities. All representatives of the Church must practice honesty and integrity in fulfilling their responsibilities and comply with all applicable laws and regulations.

The objectives of the Whistleblower Policy are to establish policies and procedures for:

- The submission of concerns regarding questionable financial or legal matters, violations and suspected violations of the Code of Conduct, Code of Canon Law and other concerns by the stakeholders of the Church, on a confidential basis;
- The receipt, retention, and treatment of complaints received by the organization;
- The protection of anyone reporting concerns from retaliatory actions.

8.2 Reporting Responsibility - Each representative of the diocese has an obligation to report in accordance with this Whistleblower Policy any reasonably perceived violation of: (a) federal, state or local laws, rules and/or regulations; (b) the diocese's Code of Ethics; (c) the diocesan sexual misconduct policy; (d) diocesan personnel policies; (e) diocesan financial policies, including questionable or improper accounting or auditing matters; as well as gross mismanagement, waste, fraud, embezzlement, neglect of duty; and actions that threaten or are viewed as harmful to the health, safety and welfare of others and any other financial, legal or canonical concerns (hereinafter collectively referred to as Concerns).

Reports of Concerns should be made to the pastor, principal, vicar general/chancellor, attorney, or chief financial officer. Reports made to pastors and principals are to be reported to the vicar general/chancellor. All Concerns are to be reported as soon as possible. Reports of Concerns should include all relevant information about the suspected act, including any material evidence that exists.

8.3 Investigation - The person to whom said report was made shall be responsible for a thorough and expeditious investigation of the reported Concern.

Proposed decisions on the disposition of a case are to be discussed with the vicar general/chancellor or his designee. The results of all reported and confirmed Concerns and the final resolution shall be reported to the diocesan Finance Council.

8.4 No Retaliation - This Whistleblower Policy is intended to encourage and enable stakeholders to raise Concerns within the Organization for investigation and appropriate action. With this goal in mind, no stakeholder who, in good faith, reports a Concern shall be subject to retaliation or, in the case of an employee, adverse employment consequences. Moreover, anyone who retaliates against someone who has reported a Concern in good faith is subject to discipline up to and including dismissal from their position within the Church.

8.5 Acting in Good Faith - Anyone reporting a Concern must act in good faith and have reasonable grounds for believing the information disclosed is a legitimate matter of Concern. The act of making allegations that prove to be unsubstantiated, and that prove to have been made maliciously, recklessly, or with the foreknowledge that the allegations are false, will be viewed as a serious disciplinary offense and

may result in discipline, up to and including dismissal from their position with the Church. Such conduct may also give rise to other actions, including civil lawsuits.

- 8.6** Confidentiality - Reports of Concerns, and investigations pertaining thereto, shall be kept confidential to the extent possible, consistent with the need to conduct an adequate investigation. Disclosure of reports of Concerns to individuals not involved in the investigation will be viewed as a serious disciplinary offense and may result in discipline, up to and including termination of the violators' position in the Church. Such conduct may also give rise to other actions, including civil lawsuits.

9. CONFIDENTIALITY

- 9.1** Church Personnel, regardless of their work or volunteer responsibility, are to keep significant information on a confidential basis and are not to discuss it with anyone who is not directly involved.
- 9.2** Sacramental records are to be regarded as confidential. When compiling and/or publishing statistical information from these records, great care is to be taken to preserve the anonymity of individuals. Only those who are authorized to access these records and supervise their use are to have access to them.
- 9.3** Individual contribution records of parishes are to be regarded as private and are to be kept confidential.

10. REPORTING ETHICAL MISCONDUCT

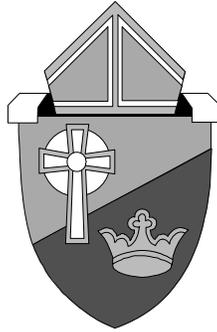
- 10.1** Church Personnel are to hold each other accountable for maintaining the highest ethical and professional standards. When it appears that any Church Personnel has violated this Code, or any other religious, legal, moral, professional or ethical principle, the matter is to be reported to that entity's management authority or the Chancery.
- 10.2** All reports of possible violations of this Code will be treated in confidence as much as the diocese's duty to investigate and the law allow. If confidentiality cannot be maintained, the individual reporting the violation will be so advised.

- 10.3** All reported violations of this Code will be investigated, and if needed, appropriate action will be taken based on the nature of the violation and diocesan policy.
- 10.4** Retaliation against a person who suspects and reports a violation of this Code in good faith will be treated as an individual violation of this Code.

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**Section 900: POLICY OF THE DIOCESE
OF CHARLOTTE CONCERNING
MINISTRY-RELATED SEXUAL
MISCONDUCT BY CHURCH PERSONNEL**

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**Policy of the
Diocese of Charlotte
Concerning Ministry-Related
Sexual Misconduct by
Church Personnel**

Revised July 1, 2003

The Diocese of Charlotte
1123 South Church Street
Charlotte, NC 28203
(704) 370-6299

July 1, 2003

To All Diocesan Personnel:

I am pleased to forward to you a revised "Policy of the Diocese of Charlotte Concerning Ministry Related Sexual Misconduct by Church Personnel." This policy is an updated version of the June 1, 1999 revision and includes mandates contained in the "Charter for the Protection of Children and Young People" adopted June 14, 2002 by the U.S. Bishops during their national meeting in Dallas, Texas and their subsequent November 13, 2002 meeting in Washington, D.C. With the issuance of this revision, the June 1, 1999 revised policy is no longer in effect.

This policy applies to priests, deacons, religious, seminarians, lay employees and volunteers, and covers not only the sexual abuse of minors, but also other forms of sexual misconduct. It is required that pastors and school, agency or departmental managers ensure that all of their associates, employees and volunteers receive a copy of this policy, and that all to whom it is given read and become acquainted with it.

Sincerely,

*Reverend Monsignor Mauricio W. West
Diocesan Administrator*

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PURPOSE OF THE POLICY

The purpose of this policy is to provide the Diocese of Charlotte with an official procedure for dealing with an allegation of sexual misconduct by church personnel.

Nothing in this policy is intended to prevent or relieve any person or group of persons, whether they be clergy, religious, seminarian, employee or volunteer, from reporting any allegation of the sexual abuse of a minor to the proper civil authorities as mandated by law, unless to do so would violate the priest/penitent relationship.

The Diocese of Charlotte will cooperate fully with any investigation by civil authorities and will also thoroughly investigate all allegations to ascertain the truth.

INTRODUCTION

A common mission of all of us is to be holy. A holy people will not allow one of its members to be a victim of ministry related sexual misconduct. It is with this in mind that the Diocese of Charlotte issues this policy, which affirms that, all human suffering as well as the weaknesses and imperfections of human beings deserve a response that is rooted in love, concern and compassion.

The term ministry related sexual misconduct as used throughout this policy refers to three related forms of misconduct. The first, which is sexual contact between church personnel and a child, is more commonly called sexual abuse. The second, which is sexual contact between church personnel and another adult, is more commonly called sexual misconduct. The third, which is unwanted sexual conduct or language, is more commonly called sexual harassment. All three of these are addressed herein together as ministry related sexual misconduct because they each involve an abuse of power or authority by those in ministry/service to the diocese. It is understood that any action of a sexual nature that is directed toward a child will be considered sexual abuse.

The Diocese of Charlotte is committed to dealing expeditiously, openly, fairly and compassionately with allegations of ministry related sexual misconduct by church personnel. In order to achieve this commitment, the following policy and procedures have been adopted and are to be implemented with dispatch, justice

and equity. The Diocese of Charlotte will willingly cooperate with civil authorities as to the extent possible in all circumstances. In addition, there may be cases where the tenets of the Catholic religion, the prescriptions of Canon Law, or the greater good of all concerned require that action at variance with the provisions of this policy be taken; therefore, the Chancery reserves the right to interpret, revise or replace this policy as it deems necessary. The necessary observance of the canonical norms internal to the Church is not intended in any way to hinder the course of any civil action that may be operative. At the same time, the Church reaffirms her right to enact legislation that is binding on all her members concerning the ecclesiastical dimensions of the delict of sexual abuse of minors.

The Diocese of Charlotte presents these guidelines not because of past failures, not to cause alarm or fear, but rather to set forth a clear policy for the protection of our priests, deacons, seminarians, religious, laity and victims. The policies and procedures that the diocese has adopted reflect our experience and the studies of many others and must always be construed in the light of the gospel and the principle, Usalus animarum suprema lex, that is, the well being of the people is our primary obligation.

COMMENTARY

In June 2002, the American bishops approved the first draft of the *Essential Norms for Diocesan/Eparchial Policies Dealing with Allegations of Sexual Abuse of Minors by Priests or Deacons (Essential Norms)*, and a *Charter for the Protection of Children and Young People (Charter)*. The *Charter* addressed the Church's commitment to respond effectively, appropriately and compassionately to cases of the sexual abuse of minors by priests, deacons or other Church personnel. The bishops promised to reach out to the victims of sexual abuse of minors by anyone serving the Church in ministry, employment or as a volunteer. The *Essential Norms* and the *Charter* served as the basis for this revision of the sexual misconduct policy of the Diocese of Charlotte.

In order to be considered law binding on all bishops in the United States, the draft *Essential Norms* was forwarded to the Vatican for approval (*recognition*). The Vatican acknowledged the grave dimensions of the crisis in the Church in the United States, but was concerned that the *Essential Norms* as submitted in June lacked a balance between the rights of the alleged victims and the accused, and denied the accused the right to due process. To some degree, the proposed *Essential Norms* contradicted established church law. A joint commission comprised of four representatives from the Vatican and four American bishops

was appointed to revise the *Essential Norms* to “give effective protection to minors and establish a rigorous and precise procedure to punish, in a just way, those who are guilty of such abominable offenses.”

On November 13, 2002, the United States bishops meeting in Washington approved the revised *Essential Norms* as submitted by the joint commission, with some minor changes. In addition, the bishops approved the *Charter*, revising it to bring it into conformity with the *Essential Norms*. Respecting always the reputation and privacy of the individuals involved, the bishops said that they would act as openly with the public as possible. They are committed to respond to the pastoral, spiritual and emotional well-being of victims and their families and to work with priests, civil authorities, educators, churches, and community organizations to provide safe environments for children and youth.

As a result of the bishop’s actions, the *Policy of the Diocese of Charlotte Concerning Ministry-Related Sexual Misconduct by Church Personnel* has been revised. This policy is believed to be in full compliance with the *Essential Norms* as approved by the Vatican on December 8, 2002, the revised *Charter*, and canon and civil law.

I. DEFINITIONS

1. **Sexual Abuse:** The exploitation of a child for the sexual gratification of an adult. Sexual abuse includes acts of incest, rape or sexual offenses in any degree, sodomy and unnatural or perverted sexual practices, lewd or indecent acts or proposals, including exhibitionism, touching or fondling, permitting or encouraging a child to participate in acts of pornography or prostitution.
2. **Child:** Any person under the age of eighteen (18).
3. **Sexual Misconduct:** (a) The touching of a private part of another person. Private parts can include the genital or anal areas, the groin, the inner thigh, the buttocks, or the bosom of a female. Touching means either a single incident in which church personnel intentionally brings a part of his/her body or another object into physical contact with a private part of another person, or repeated incidents of the same type, whether intentional or unintentional; (b) Any conduct and/or relationship of a sexual nature that can bring scandal.
4. **Sexual Harassment:** Unwanted attention, ogling, words, pictures, jokes or comments of a sexual nature that are directed towards an individual or in the general environment.
5. **Church Personnel:** Includes bishops, priests, deacons, religious, lay employees and lay volunteers involved in ministry or work for the Diocese of Charlotte.
6. **Bishop:** The canonically appointed Bishop of Charlotte, or, in the case of a vacancy, the Diocesan Administrator. For purposes of this policy, the Bishop or Diocesan Administrator may act personally or through a designated representative.
7. **Administrative Leave:** For purposes of this policy, is defined as the temporary relieving the accused of assigned duties. The application varies depending on the employment, volunteer, or canonical status of the accused. Administrative leave does not infer guilt or innocence.
8. **Chancery:** The administrative branch of the Diocese of Charlotte under the authority of the Bishop or Diocesan Administrator.

II. GENERAL PROVISIONS

1. Compassion requires that primary attention be given to the alleged victim of ministry related sexual misconduct. In that regard, the Diocese of Charlotte will appoint an Assistance Coordinator who will, on notification of an allegation, contact the alleged victim of ministry related sexual abuse of minors for the purpose of offering immediate pastoral care. In addition, the Assistance Coordinator will contact the alleged victim's family with an offer of spiritual help and pastoral counseling. If the need for counseling or medical help for the alleged victim or his/her family is indicated, this too shall be offered, but without admission of guilt or of any liability on the part of the Diocese of Charlotte. The Assistance Coordinator will also ensure that proper assistance and support is offered to faith communities directly affected by ministry related sexual misconduct. When an intervention causes the removal of a priest, deacon, seminarian, religious, employee or volunteer from a parish, mission, agency, school, institution or organization of the Diocese of Charlotte, the Assistance Coordinator will provide necessary concern and direction to the parishioners and/or remaining staff.
2. The Canonically appointed Bishop of Charlotte, or, in the case of a vacancy, the Diocesan Administrator, will appoint a Promoter of Justice. This must be a person of undamaged reputation. He/She will intervene in contentious cases to seek justice and vindicate the public good in penal cases. Functioning as the prosecutor, the Promoter of Justice brings the action, brings forth the evidence, argues the case, and appeals, if necessary.
3. The Canonically appointed Bishop of Charlotte, or, in the case of a vacancy, the Diocesan Administrator, will appoint or retain an investigator who is competent in sexual misconduct investigative procedures and techniques. More than one investigator may be appointed or retained. An investigative file will be established by the investigator for each reported allegation of sexual misconduct referred to him/her and shall contain all material gathered during the investigation. When the investigation has been completed, the investigator will prepare a complete written account of the allegations and findings and give it to the Chancery where it will be filed in a secure and confidential manner.
4. Any accused person who admits to, or on whom an appropriate investigation substantiates an allegation of sexual abuse of a minor will be permanently removed from ministry, employment and/or volunteer status. If the accused is a priest or a deacon, this may include the loss of the clerical state.
5. In instances where the accused is not convicted, not found liable by a court of competent jurisdiction, not found guilty by a civil or diocesan investigation, or

does not admit to sexual abuse or misconduct, the Chancery will make a determination as to whether or not the accused will be returned to ministry, employment or volunteer status.

6. The Diocese of Charlotte will not require an attempt at reconciliation between an alleged abuser and victim. The involvement of any diocesan personnel in non-authorized reconciliation efforts will be treated as a violation of this policy.
7. The Diocese of Charlotte will not enter into any confidentiality agreement with any sexual abuse victim/survivor except for grave and substantial reasons brought forward by the victim/survivor. If done, these reasons will be noted in the text of the agreement.
8. No pastor, associate pastor or director of any diocesan rectory, institution or facility is permitted to grant full or part-time residence, or regular weekend ministry to an extern priest, a transitional or permanent deacon, or a religious without prior approval from the Chancery. Short-term hospitality in conformity with these norms is at the discretion of the pastor or director. For other individuals, no one may be extended hospitality as a resident, full or part-time, without approval from the Chancery.
9. An individual Review Board composed of at least five (5) persons of outstanding integrity and good judgment will be appointed by the Chancery. The majority of the review board members will be laypersons who are not employees of the Diocese of Charlotte. Membership will include at least one priest, one civil lawyer (not the diocesan attorney), and an individual having particular expertise in the detection and treatment of the sexual abuse of minors. The Assistance Coordinator and the Promoter of Justice will attend and participate in discussions in board meetings, but without vote. The members will be appointed for a term of five years, which can be renewed. Terms will be staggered. The functions performed by the Review Board are to be confidential, consultative and advisory, not adversarial and adjudicative, and are to be directed toward the protection of minor children, and the integrity of the priesthood and the Church. The responsibilities of the board will include the review of allegations of ministry related sexual abuse of minors, all actions taken in response to those allegations, ensurance of the integrity of the process, advice as to the need for pastoral care for affected individuals, and advice and recommendations to the bishop regarding the implementation of any aspect of this policy. Other cases of ministry related sexual misconduct may be referred to the Board for review and counsel. The board may advise the bishop in his determination of the suitability of an individual for ministry; however, the bishop's ultimate authority to determine an individual's fitness for ministry, or to remove an unfit person from

assignment, temporarily or permanently, is not circumscribed by the advice of the Review Board, the findings of the investigation, inquiries or consultations with experts, or the procedures and definitions contained in this policy. The board will also periodically evaluate the effectiveness of this policy and propose revisions, if a need is dictated.

10. After having an outside agency conduct a background investigation, the Diocese of Charlotte will evaluate the background check report received on all church personnel who have regular contact with children. Additionally, the diocese will have investigated, screen and evaluate the background of candidates for ordination in deciding their fitness for ordination.
11. Allegations against the Bishop are beyond the scope of this policy. Any such allegation shall be directed to the Vicar General who will contact the Papal Nuncio and the appropriate civil authority.
12. Pastors and agency or department heads are responsible for ensuring that all clergy, seminarians, religious, employees and volunteers under their authority are given a copy of this policy. The original of the signed and dated *Acknowledgement of Receipt of Sexual Misconduct Policy* must be sent to the diocesan Human Relations Department within fourteen (14) calendar days of the date of assignment, hire, or beginning volunteer service. Copies should be kept by the parish, mission, school, agency, department or institution.

III. REPORTING REQUIREMENTS

1. All cases of alleged, known or suspected ministry related sexual abuse of a minor must be reported to the proper civil authority. Any person having actual knowledge of, or reasonable cause to suspect an incident of ministry related sexual abuse by any church personnel of the Diocese of Charlotte is to immediately report the incident to the Chancery, unless to do so would violate the Sacrament of Penance. The Chancery will then report the incident to the proper civil authority. After notifying the proper civil authority, the Chancery will immediately notify the Assistance Coordinator, the Promoter of Justice, and the Review Board. Following this, the individual reporting the incident to the Chancery will be notified of the particulars regarding the filing of the incident with civil authority. This reporting requirement is not intended to supersede the right of a victim or witness to individually make a report to public authorities, but is to ensure proper, complete and timely reporting to the proper civil authority. At the time of reporting, the diocese will request to be kept informed as to the progress of that authority's investigation. Should

an individual choose to make a report to civil authorities, the requirement to make a report to the Chancery is not removed.

2. A lack of information, or the lack of consent of the alleged victim, the victim's parent(s) or legal guardian, or the person(s) providing the information is not to prevent the immediate reporting of the allegation of abuse to civil authorities.
3. At the time of reporting an incident of alleged sexual misconduct to the Chancery, the person making the report will be asked to complete the diocesan form, *Report of Suspected Ministry Related Sexual Misconduct by Church Personnel*.
4. Any act of retaliation or discrimination against an individual who reports or complains of ministry related sexual misconduct is strictly prohibited and will not be tolerated by the Diocese of Charlotte.

IV. APPLICATIONS – LAY PERSONNEL

1. During the application process, the diocesan form, *Application for Lay Employment*, must be completed and submitted by all lay applicants for any paid position in the Diocese of Charlotte. If the applicant is hired, the application is to be kept in the individual's Official Personnel File.
2. During the application process, the diocesan forms, *Application for Lay Employment* and *Volunteer Profile*, must be completed and submitted by all persons volunteering for positions that involve supervised or unsupervised ministry or work with children. If the volunteer is assigned to a position, the forms are to be kept in the individual's personnel folder.
3. During the application process, the diocesan form, *Notification And Release*, must be completed and submitted by all lay applicants for any paid or volunteer position giving authorization to the Diocese of Charlotte to request investigative background inquiries that give information as to the applicant's character, work habits, performance and experience. The original background check release form must be forwarded to the diocesan Human Relations Department immediately upon receipt. The Human Relations Department will conduct the background check and will notify the requesting parish, mission, school, department, agency or institution of the results within five (5) business days of receipt of the report. All original background check information will be kept by the Human Resources Department.

V. APPLICATIONS – CLERGY, SEMINARIANS AND RELIGIOUS

1. Before beginning any duty, all clergy seeking assignment to perform ministry in a stable, official capacity in the Diocese of Charlotte for more than thirty (30) days, must complete and submit the diocesan form, *Application by A Priest/Deacon Seeking Assignment to the Diocese of Charlotte*, which includes a signed certification and unqualified recommendation by the individual's current Bishop or Provincial as to his performance and character. The Chancery will conduct the background check. All forms and background information will be kept in files maintained by the Chancery.
2. All individuals seeking acceptance as a seminarian in the Diocese of Charlotte must complete and submit the diocesan form, *Personal Questionnaire for Applicants for the Seminary*, which will include authorization for the Office of Vocations to request investigative background as to the individual's fitness for ordination. The diocesan Office of Vocations will conduct the background check. All forms and background information will be kept in files maintained by the Chancery.
3. All religious seeking assignment to perform ministry in a stable, official capacity in the Diocese of Charlotte for more than thirty (30) days, must complete and submit the diocesan form, *Application by Members of Religious Institutes Seeking Assignment to the Diocese of Charlotte*, which includes a signed certification and unqualified recommendation by the individual's current Bishop or Provincial as to his/her performance and character. The Chancery will conduct the background check. All forms and background information will be kept in files maintained by the Chancery.
4. Secular clergy seeking an official assignment, and religious clergy who are not being postulated for assignment by a religious superior, may be required to undertake a psychological examination.
5. Any clergy, religious or seminarian seeking assignment, transfer or residence from the Diocese of Charlotte to another diocese or to a religious community will have an accurate and complete description of his/her record forwarded by the Diocese of Charlotte to the local ordinary or superior of his/her new residence, including anything in his/her background indicating that he/she would be a danger to children or young people or likely to engage in sexual harassment or misconduct.

VI. PROCEDURES WHEN ALLEGATIONS ARE MADE AGAINST A LAY EMPLOYEE OR VOLUNTEER

1. On receiving an allegation of ministry related sexual misconduct, if the allegation is sexual abuse of a minor, the Chancery will immediately report the allegation to the proper civil authority, request to be kept informed of their investigation, notify the accused of the nature of the allegation, and assign an investigator who will conduct an immediate investigation into the matter. Unless required by law, allegations of sexual misconduct and/or sexual harassment will not be reported to civil authority, but all other requirements and procedures in this policy will be followed. The involvement of the Assistance Coordinator, the Promoter of Justice, and the Review Board will be included where and when necessary but in all cases of sexual abuse. In cases of sexual abuse, the accused will be placed on administrative leave (with pay for paid employees) pending the outcome of the investigation.
2. The accused will be advised of the investigative process, of their right to civil and canonical counsel, and their right to appear before the Review Board with counsel and/or other advocate.
3. No diocesan investigation will interfere with any civil investigation, and will be conducted with a high level of Christian pastoral care for the alleged victim, his/her family, the person reporting the incident, the accused, and all other persons whose lives are touched by this incident.
4. If required, the Review Board will meet as soon as practical once the investigation has been completed and will carefully examine all information gathered during the investigation. After due deliberation, the board will either request additional information/interviews or advise the bishop of their recommendation(s).
5. If the investigation finds that there is no reasonable cause to believe that the allegation is true, the accused and the person making the allegation will be notified and the matter will be closed. The Chancery will make a determination as to whether or not the accused will be restored to duty at his/her original position, to another position, to the same location or to another location. The Diocese of Charlotte will do all that is possible to restore the good name of the accused.
6. If the investigation finds that there is reasonable cause to believe that the allegation is true, the accused and the person making the allegation will be notified of that finding and the accused's employment or volunteer relationship with the Diocese of Charlotte will be terminated immediately. The

diocese will encourage the individual to seek an appropriate treatment program.

7. It is the responsibility of the accused to obtain and finance his/her own private counsel.

VII. PROCEDURES WHEN ALLEGATIONS ARE MADE AGAINST CLERGY, RELIGIOUS OR SEMINARIANS IN SERVICE TO THE DIOCESE

1. On receiving an allegation of ministry related sexual misconduct, if the allegation is sexual abuse of a minor, the Chancery will immediately report the allegation to the proper civil authority, notify the accused of the nature of the allegation, place the accused on administrative leave thereby relieving him/her of any ecclesiastical ministry or function, and conduct an immediate investigation into the matter. Unless required by law, allegations of sexual misconduct and/or sexual harassment will not be reported to civil authority, but all other requirements and procedures in this policy will be followed. The involvement of the Assistance Coordinator, the Promoter of Justice, and the Review Board will be included where and when necessary. Any administrative leave will be planned and circumstances determined in a way specific to each situation and to each individual in accord with canon 1722. In general, an administrative leave will be time limited, will allow for re-determination at the end of such time limit, will specify living arrangement, location, financial support, and will address treatment, conduct and aftercare.
2. The accused will be asked to undergo appropriate medical and/or psychological evaluation and intervention, unless to do so would interfere with an investigation by civil authorities. Participation of an accused cleric in appropriate professional treatment/counseling is required as a matter of clerical obedience (c.273). Treatment/Counseling referral is for treatment, not punishment. Any future ministry in the Diocese of Charlotte will require in part a full sharing with the Chancery of all information developed in the course of the treatment. Authorization from the accused is required in all cases to allow the treatment providers to communicate openly and freely with the Chancery.
3. Following evaluation and treatment, if aftercare is prescribed, the accused will be assigned to a priest-monitor who will be a friend in very difficult circumstances and who will ensure that the aftercare program is carried out.
4. If the diocesan investigation finds that there is no reasonable cause to believe that the allegation is true, the accused and the person making the allegation will be notified and the matter will be closed. The Chancery will make a

determination as to whether or not the accused will be restored to duty at his/her original position, to another position, to the same location or to another location. The Diocese of Charlotte will do all that is possible to restore the good name of the accused.

5. If the accused admits that the allegation is true, if the diocesan investigation finds that there is reasonable cause to believe that the allegation is true, or if a civil investigation finds that the allegation is true, the accused will be permanently removed from ministry. Clergy may request dispensation from the obligations of Holy Orders. If this is not voluntarily requested the Bishop of the Diocese of Charlotte or, in the case of a vacancy, the Diocesan Administrator, may request dismissal of the accused from the clerical state without the consent of the accused. If removal from the clerical state is not applied, i.e. for reasons of advanced age or infirmity, the accused will not be allowed to celebrate Mass publicly, wear clerical garb, or present himself publicly as a priest.
6. The accused will be encouraged to retain the assistance of civil and canonical counsel. When necessary, the Diocese of Charlotte will supply canonical counsel to the accused. It is the responsibility of the accused to obtain his/her own private counsel.
7. The Diocese of Charlotte is responsible for the diocesan salary of a priest, seminarian or permanent deacon undergoing treatment who has been relieved of his duties and responsibilities in accordance with this policy.
8. In the case of a priest, seminarian, permanent deacon, or religious from another diocese, on receiving an allegation of ministry related sexual misconduct, the Chancery will immediately notify the appropriate bishop or superior of the allegation and of the actions that have been/will be taken by the Diocese of Charlotte.
9. In cases where the accusation is found to be true, the accused will be the primary person responsible for payment of the victim's therapy and attendant expenses, and will be required to reimburse the Diocese of Charlotte for all expenses that are incurred in connection with the matter.

VIII. EDUCATION

1. The Diocese of Charlotte will periodically conduct continuing education sessions for clergy, religious, employees and volunteers that will update them from viewpoints such as new scientific knowledge, church policy, canon law, civil law, moral theology, professional ethics, the pastoral care of victims, recognizing the signs of abuse, and coping with the disclosure of misconduct by a colleague.
2. The Diocese of Charlotte will establish safe environment programs for its parishes, missions, schools, institutions and agencies. Through this program, the diocese will cooperate with parents, civil authorities, educators, and community organizations to provide education and training for clergy, religious, employees, volunteers, children, youth, parents, ministers, educators, and others about ways to make and maintain a safe environment for children, including standards of ministerial behavior and appropriate boundaries.

IX. MEDIA AND COMMUNICATIONS

1. The Diocese of Charlotte is committed to a policy of openness relating to allegations of sexual misconduct by its church personnel. Within the confines of respect for the privacy and the reputation of the individuals involved, the diocese will be as open as possible with members of the media and the community.
2. The Diocese of Charlotte will also cooperate with other churches and ecclesial communities, other religious bodies, institutions of higher learning, social service agencies, support groups for victims/survivors, and other interested organizations in conducting research in the area of sexual misconduct.
3. The Chancery shall be responsible for all media contacts and will appoint a primary spokesperson to handle all media inquiries, all release of information, and all news conference arrangements.

X. SANCTIONS

1. Any church personnel who fails to comply with any of the provisions of this policy will be subject to such action(s) by the Diocese of Charlotte as it deems necessary, up to and including removal or termination from any position with any parish, mission, school, department, agency, institution, or organization which is subject under canon or civil law to the administration, authority or governance of the Diocese of Charlotte.
2. Applicants or volunteers for assignment or positions with any parish, mission, school, department, agency, institution or organization in the Diocese of Charlotte who fail to comply with the provisions of this policy may be denied or removed from any position that is subject under canon or civil law to the administration, authority or governance of the diocese.

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Acknowledgement of Receipt

- Personnel Policy Handbook
- Code of Ethics
- Policy of the Diocese of Charlotte Concerning Ministry-Related Sexual Misconduct by Church Personnel

This will acknowledge that I have personally received a copy of the Diocese of Charlotte Personnel Policies Handbook, including the Diocese of Charlotte Code of Ethics and the Policy of the Diocese of Charlotte Concerning Ministry-Related Sexual Misconduct by Church Personnel. I agree that I am obligated to read and familiarize myself with its contents. I understand that this handbook takes the place of any prior policies or manuals that I have received in writing, or heard about verbally.

I understand the contents and agree to comply with them. I further understand that the handbook is the sole property of the Diocese, who can revise, supplement, and/or rescind any of the policies at any time without prior notice to me, and that I may not copy it or give any part of it to anyone outside of the Diocese. I agree to return the handbook in its entirety at such time as I leave the employ of the Diocese.

Employee's Signature

Date

Employee's Name (please print)

Location