



The Franciscan Friars Province of Our Lady of Guadalupe

Code of Ministerial Conduct

9.11.2023

The Friars, following the Gospel way of life revealed by the Lord to Saint Francis, lead a brotherly life in common, and love and support one another. (Const. Art. 38)

I. PREAMBLE

The Franciscan Friars of the Province of Our Lady of Guadalupe (U.S.A.) promise to accept and proclaim the following Code of Ministerial Conduct. As Franciscans, we seek to follow the Gospel of Jesus Christ and its mandates; and to live our vowed life and to act properly at all times within the limits of the cultures and the societies in which we live. In this document, we have defined the ministerial conduct expected of those striving to live the Evangelical Counsels.

Our moral behavior must flow from our lives as Christians and adhere to the professional standards expected by society, lest the ultimate results prove disastrous to our personal reputation, our fraternity, and even the sacred mission of the universal Church. Friars have an obligation to know and to follow the policies regarding conduct in the (arch)diocese in which they reside and minister, as well as the statutes of the jurisdiction(s) in which they live and minister.

II. GENERAL PRINCIPLES

A. Integrity

As Friars, by virtue of our free profession of the Evangelical Counsels, and in our role as spiritual leaders, we are expected to be persons of exceptional integrity and to conduct ourselves in an honest and open manner, free from deception or corruption. We will handle this responsibility in a serious and conscientious fashion; one that reflects our responsibility to lead by example.

B. Competence

1. We shall maintain high levels of professional and ecclesial competence in our particular ministries. Training, education, and experience all contribute to make us competent and credible in our areas of expertise.
2. Since competence also means knowing one's limitations, pastoral care outside of a Friar's area of competence is considered unethical.
3. Competence, in addition to the proper training, education, and experience, involves the ability to put into action through behaviors and attitudes the faith, mission and values of the fraternity and its ministries.

C. Living the Gospel

1. We are committed to the values taught by Jesus, and we work to promote His Good News of Justice, Love and Peace at all times and in all places.
2. We shall have an intimate knowledge of the Gospels and Church teachings and be able to relate them to day-to-day situations encountered in community.
3. Continuing formation and education are essential for us. Time must be found for both. We must ensure that our own faith is strong and seek spiritual nourishment through the frequent celebration of the Liturgy of the Hours, the Eucharist, Reconciliation, and private prayer.
4. Especially in imitation of St Francis, we Friars want our lives to reflect the Gospel call to simplicity of life. We witness commitment to the local fraternal community, and to the larger social community in which we live by a special care and concern for the needs of the poor and oppressed of society.

D. Respect for Others

Friars will always comport themselves in a manner that befits a Christian gentleman.

1. A friar working in any pastoral setting will not gratify his own needs by exploiting a person whom he serves. The Friar will be ever vigilant as regards the impact of his conduct on others and the appropriate boundaries to be kept by professionals in similar circumstances.
2. These requirements become particularly important because of the essentially private, highly personal, and sometimes intensely emotional nature of the issues that are shared in the framework of the ministerial relationship established by a friar with the persons he serves.
3. A Friar should not exclude, segregate, or demean the dignity of any person he serves because of ethnic origin, race, color, sex, gender, sexual orientation, creed, religion, age, disability, or socioeconomic status.
4. The requirement that the Friar conduct himself with propriety in all the actions of his life is especially important in a pastoral setting because the person served tends to model his or her conduct after that of the Friar by whom they are served.
5. Additionally, Friars must be vigilant regarding the inherent inequality and asymmetry in the pastoral relationship between a Friar and the person he serves, and how this dynamic may result in exploitation of that individual.

6. A Friar must not enter into financial partnerships or ventures with a person he serves, or assume any management responsibilities for a person's personal finances or business.
7. Sexual activity with a person he serves or has served and indeed, with anyone, is sinful, unethical, and potentially criminal.
8. The following sexual behaviors are considered unethical. In a pastoral care relationship, both the Friar and the one served need to be protected from:
 - a. Verbal misconduct (such as epithets, making or using derogatory comments, slurs and jokes);
 - b. Verbal propositions or advances, either addressed directly to a person or addressed to someone about a third person;
 - c. Verbal abuse (such as graphic commentaries about an individual's body; sexually degrading words used to describe an individual; or suggestive or obscene letters, notes or invitations, either addressed directly to a person or addressed to someone about a third person);
 - d. Visual misconduct (such as leering, making sexual gestures, displaying derogatory graphics, either printed or electronic);
 - e. Making sexual advances or threatening reprisals after a negative response to sexual advances;
 - f. Physical misconduct (such as touching, hugging, assault, impeding or blocking movements);
 - g. Possessing sexually oriented or morally inappropriate materials (magazines, cards, videos, internet sites, or any electronic public modes of communication, films, clothing, etc.) to view alone or with another.
9. Meetings, counseling sessions, friendly visits, or interviews ought always to be conducted in a public setting or in an office with a window so that occupants can be seen at all times.

E. Protecting Youth and Vulnerable Persons

1. The safety of minors and adults; the sexual exploitation of either a minor or an adult; and the threat of physical harm to a minor or an adult are to be taken seriously and must be reported to appropriate authorities.
2. The obligation to report misconduct can be subject at times to confidentiality. In extreme circumstances, however, such as evidence or reasonable suspicion of the abuse of a minor, even the obligation to confidentiality must yield to the necessity to report misconduct in accordance with the law. This obligation to report misconduct does not include information received through the Sacrament of Reconciliation.

3. Friars have an obligation to know and to follow the policies regarding conduct in the (arch)diocese in which they reside and minister as well as the statutes of the jurisdiction.
4. Friars, when working with youth, must use appropriate judgement to insure an open and trustworthy relationship.
5. Best pastoral practice always suggests a “two deep” strategy i.e. two (2) adults over the age of 21 years present at all times for youth ministry activities.
6. Friars are never to consume alcohol or illegal drugs in the presence of youth.
7. Youth are not to be accommodated in our friaries, unless as guests of a Friar’s family.
8. Friars are never to be nude in the presence of minors.
9. Sexually suggestive conversation or video or print media is never to be shared with minors.
10. Friars are to be vigilant in their conversation with youth: they are not to demean, humiliate, intimidate or shame the young by word or gesture.
11. Friars will not transport youth in a vehicle unless accompanied by another adult.
12. Friars are prohibited from unnecessary or inappropriate physical contact with minors.

F. Social Media and Electronic Communication

A Friar is to respect appropriate boundaries in all electronic communication.

1. Any adult who becomes aware of a boundary violation regarding Electronic Communication and social media by a Friar is to notify his ministry site supervisor, or his local Guardian.
2. A Friar is to report to the Fraternity immediately any communication with a minor that may be construed as inappropriate and forward that communication to the Guardian and / or Praesidium Liaison.
3. A Friar is never to communicate on a personal level with a minor via Internet based social networking sites, mobile phones, texting, instant messaging, etc. unless the minor is a relative, provided that the relatives’ parents are aware of the existence of such communication.
4. A Friar understands that even communication considered private in the digital world often has the possibility of becoming public, sometimes without an individual’s knowledge or consent.

5. In all electronic communication and postings, a Friar is not to say or post anything that is, or could be construed by any observer, as harsh, coercive, threatening, intimidating, shaming, derogatory, demeaning, or humiliating. Furthermore, any sexually oriented conversation or discussion about sexual activities is prohibited.
6. If electronic communication or social networking postings are a regular and an integral part of a Friar's professional activities with minors, the Friar is to establish a mechanism whereby a supervisor has access to the communications or postings.
7. A Friar complies with all federal and state laws, as well as all applicable contracts and licenses governing use of electronic media.
8. Transmission of any material in violation of civil or criminal codes is prohibited, including threatening or obscene materials or any materials/programs protected by trademarks or copyright laws.

III. THE WELL-BEING OF THE FRIAR

A. Physical and Emotional Well-Being

As Friars, we have the duty to be attuned to our physical, mental and emotional health.

1. We should be aware of warning signs in our behavior and moods that can indicate conditions that can be detrimental to our mental and physical health. Extreme mood swings, the use of pornography, inappropriate use of alcohol, misuse of other drugs or isolating behaviors are some examples or warning signs.
2. Because we are Brothers, it is important to be attuned to one another with genuine concern and to be alert for any warning signs of emotional or physical illness.
3. We cannot minister to others unless we Friars also minister to one another. We should immediately seek help when we identify warning signs in our professional or personal lives that our health is weakening.
4. We should make use of allotted time for vacation and days away from the work environment. We should determine healthy limits in our work environment and live within these limits as much as possible.
5. We should be supportive of one another, both in terms of affirmation and holding one another accountable for our mutual physical and emotional well-being.

B. Spiritual Well-Being

As Friars we have to be responsible to care for our spiritual health and ongoing conversion.

1. We must maintain and nurture an ongoing prayer life, including a regular practice of communal prayer, Liturgy of the Hours, and the Sacrament of Reconciliation.

2. We need to address our own spiritual needs to remain focused: having a spiritual director is highly recommended.
3. We need to take advantage of allotted time for an annual retreat and days of reflection.

C. Professional Well-Being

We have a responsibility to attend to our ongoing professional development.

1. We should participate annually in seminars and workshops in areas that are relevant to our current ministry.
2. We should stay current through reading of both religious and secular sources.
3. We should participate in a regular process of supervision and or evaluation of the effectiveness of our ministry.

IV. REPORTING MISCONDUCT

A. Duty to Report Sexual Misconduct Against a Minor. We have a duty to report ethical or professional misconduct. If an allegation of sexual misconduct against a friar is brought to any friar, employee, or volunteer of the Province, and if the allegation involves a minor, immediately alert the Civil Authorities. If any individual reasonably suspects a case of child abuse of any type (whether by a friar or non-member of the community), he *must* report the incident immediately to Child Protective Services or other appropriate civil authority in whatever State he is residing. All individuals are mandated reporters with regard to child abuse and are obligated to report any instance of reasonable suspicion of the abuse (of any type) of a minor. Known or suspected possession, distribution, downloading and/or intentional viewing of real or virtual child pornography must also be reported immediately to civil authorities. All individuals are mandated reporters with regard to child pornography and are obligated to report any known or suspected possession, distribution, downloading and/or intentional viewing of real or virtual child pornography to civil authorities. In all cases, inform the Provincial Minister immediately. Note, however, that civil responsibility and liability for reporting child abuse belongs to the individual with the knowledge on the local level – not to the Provincial Minister.

B. Duty to Report Other Illegal Activity. We have a duty to report ethical or professional misconduct of any sort. In cases where there are clear indications of illegal actions, notification must be made immediately to the Provincial Minister, the appropriate Diocesan officials, and to local law enforcement.

C. When in Doubt, Consult: When we are uncertain whether a particular situation or course of conduct would violate this Code of Professional Responsibility or other ethical principles, we should inform the Provincial Minister who will consult with the Provincial Review Board and legal counsel.

D. **When to Speak to the Individual**. When we believe that a friar may have violated this Code of Ministerial Conduct or other ethical principles, we should attempt to resolve the issue, if possible, by bringing it to the attention of the individual.

E. **Further Action**. If an apparent ethical violation is inappropriate for direct confrontation, we must take further action. Such action may include reporting to the supervisor or the next higher authority or a referral to the Provincial Minister. If after consulting with the Provincial Minister the matter remains unresolved and presents issues of illegality, the matter must then be referred to the proper civil authorities.