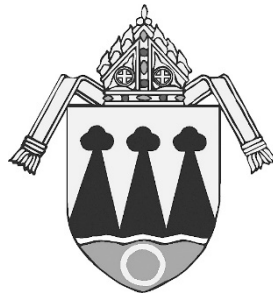


Code of Conduct of the Diocese of Rapid City



**Guidelines for Behavior for Priests, Deacons, Lay Employees,
Volunteers and Youth Activity Participants
in the Diocese of Rapid City, South Dakota**

Revised Edition Promulgated May 20, 2019, Protocol No. 2019-04

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CODE OF CONDUCT

The *Charter for the Protection of Children and Young People* was approved by the full body of the United States Conference of Catholic Bishops (USCCB) in 2002, and was revised in 2005, 2011, and again in 2018. Article VI of the *Charter* document requires all dioceses to publish “standards of ministerial behavior and appropriate boundaries for clergy and for other church personnel in positions of trust who have regular contact with children and young people.”

The purpose of this *Code of Conduct* is to develop and implement uniform guidelines for appropriate behavior, in accord with Article VI of the *Charter*. The *Code of Conduct* does not address all situations that might arise in interpersonal pastoral relationships. Rather, it is a guideline for addressing a variety of circumstances that, if not properly handled, may lead to incidents, allegations, claims and/or lawsuits. As such, this *Code of Conduct* provides a basic structure for identifying limits of behavior in certain situations. It is intended to be a “continuous improvement document,” and therefore may be amended.

The Diocese of Rapid City is committed to creating and maintaining the safest possible environment for our children, young people, and vulnerable adults. All priests, deacons, lay employees and volunteers will be held accountable for their own behavior. The Church must set and follow exemplary standards in this regard.

In 2011, the Charter for the Protection of Children and Young People was revised to include vulnerable adults. Vulnerable adults are defined, at a minimum, as dependent adults, those who are institutionalized, and those who are developmentally disabled or habitually lack use of reason.

In 2013, the Diocese of Rapid City expanded that definition to include the following groups of individuals:

1. Those in hospitals, nursing homes or the homebound.
2. Those in programs for the bereaved, separated and divorced.
3. Those in Rachel’s Vineyard.
4. Those in Returning Catholics Programs.
5. Those in the annulment process.

In 2018 the USCCB again revised the Charter noting that while within the past sixteen years the number of reported cases of sexual abuse has decreased, the harmful effects of this abuse continue to be experienced by both victims and dioceses/eparchies. Thus, it is with a vivid sense of the effort which is still needed to confront the effects of this crisis fully and with the wisdom gained by the experience of the last sixteen years that the bishops have reviewed and revised the Charter. The diocese has therefore updated its Sexual Misconduct Policy to reflect the revisions of the USCCB Charter.

It is to be understood that vulnerable adults are also included wherever minors or children are mentioned in this policy.

This *Code of Conduct* was approved by the Most Reverend Robert. D. Gruss, Bishop of Rapid City, on May 20, 2019 after due consultation with the Diocesan Review Board.

1.0 PREAMBLE

Priests, deacons, lay employees and volunteers in our diocese, parishes, religious communities and institutes, schools, and other organizations must uphold Christian values and maintain codes of conduct. This *Code of Conduct* provides a set of standards for behavior in certain pastoral situations.

2.0 RESPONSIBILITY

Priests, deacons, lay employees and volunteers who conduct themselves appropriately in public and in private inspire and motivate other persons to behave in the same way. If persons who have positions of trust in the Church behave inappropriately, they cause harm to others, scandalize them, and undermine their faith. Priests, deacons, lay employees and volunteers must always be aware of the responsibilities that accompany their work. They must also realize that God's goodness and grace supports them in their ministry.

Responsibility for adherence to this *Code of Conduct* rests with the individual. Priests, deacons, lay employees and volunteers who disregard this *Code of Conduct* will be subject to remedial action by their immediate supervisor or supervisory body (bishop, parish, religious community/institute, school, etc.). Remedial action may take various forms, from a verbal reproach to removal from ministry, employment or volunteer service, and its severity will depend upon the specific nature and circumstances of the offense and the extent of any harm done. The *Charter for the Protection of Children and Young People* and the accompanying *Norms* govern the Church's response in such matters involving clergy.

3.0 PASTORAL STANDARDS

Pastoral counselors and spiritual directors include priests, deacons, lay employees and volunteers who provide pastoral, spiritual and/or therapeutic counseling services to individuals, families and other groups.

- 3.0.1 Pastoral counselors and spiritual directors must not step beyond their competence in counseling situations and should refer clients to other professionals when appropriate.
- 3.0.2 Pastoral counselors and spiritual directors must carefully consider the possible consequences before entering into a counseling relationship with someone with whom they have a pre-existing relationship (i.e., employee, professional colleague, friend or other pre-existing relationship). [C.F. Section 7.2.2]
- 3.0.3 Pastoral counselors and spiritual directors will not audiotape or videotape sessions with clients.
- 3.0.4 In addition to the requirements of maintaining a professional relationship and one's commitment to celibacy, pastoral counselors and spiritual directors must never engage in sexual intimacies and/or harassment with persons whom they counsel. This includes consensual contact, forced physical contact, and inappropriate sexual comments.

- 3.0.5 In addition to the requirements of maintaining a professional relationship and one's commitment to celibacy, pastoral counselors and spiritual directors must not engage in sexual intimacies with individuals who are close to the client, such as relatives or friends of the client, when there is a risk of exploitation or potential harm to the client. Pastoral counselors and spiritual directors should presume that the potential for exploitation or harm exists in such intimate relationships.
- 3.0.6 Pastoral counselors and spiritual directors must assume the full burden for establishing and maintaining clear, appropriate boundaries in all counseling and counseling-related relationships.
- 3.0.7 Physical contact of any kind (i.e., touching, hugging, holding) between pastoral counselors or spiritual directors and the persons they counsel can be misconstrued, and should be avoided.
- 3.0.8 Sessions should be conducted in appropriate settings at appropriate times.
 - 3.0.8.1 No sessions should be conducted in private living quarters.
 - 3.0.8.2 Sessions should not be held at places or times that would tend to cause confusion about the nature of the relationship for the person being counseled.
- 3.0.9 Pastoral counselors and spiritual directors shall maintain a log of the times and places of sessions with each person being counseled.

3.1 CONFIDENTIALITY

Information disclosed to a pastoral counselor or spiritual director during the course of counseling, advising or spiritual direction will be held in the strictest confidence possible.

- 3.1.1 Information obtained in the course of sessions will be confidential, except for compelling professional reasons or as required by law.
 - 3.1.1.1 If there is clear and imminent danger to the client or to others, the pastoral counselor or spiritual director may disclose only the information necessary to protect the parties affected and to prevent harm.
 - 3.1.1.2 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.
- 3.1.2 Pastoral counselors and spiritual directors should discuss the nature of confidentiality and its limitations with each person in counseling.
- 3.1.3 Pastoral counselors and spiritual directors should keep minimal records of the content of sessions.
- 3.1.4 Knowledge that arises from professional contact may be used in teaching, writing, homilies, or other public presentations only when effective measures are taken to safeguard both the individual's identity and the confidentiality of the disclosures.

- 3.1.5 While counseling a minor, 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's health and well-being, the pastoral counselor or spiritual director should:
- 3.1.5.1 Attempt to secure written consent from the minor for the specific disclosure.
 - 3.1.5.2 If consent is not given, disclose only the information necessary to protect the health and well-being of the minor. Consultation with appropriate church supervisory personnel is required before disclosure.
- 3.1.6 **These obligations are independent of the confidentiality of the confessional. Under no circumstances whatsoever can there be any disclosure – even indirect disclosure – of information received through the confessional.**

3.2 CONDUCT WITH MINORS

Priests, deacons, lay employees and volunteers who supervise minors will maintain an open and trustworthy relationship between themselves and the minors.

- 3.2.1 Priests, deacons, lay employees and volunteers must be aware of their own and others' vulnerability when alone with minors. A team approach must be used when conducting activities for minors.
- 3.2.2 Physical contact with minors, for example, hugging, tickling, and "roughhousing", can be misconstrued and should occur (a) only when completely nonsexual and otherwise appropriate, and (b) never in private.
- 3.2.3 Priests, deacons, lay employees and volunteers must refrain from (a) possession or use of illegal drugs at all times, (b) the use of alcohol when working with minors and (c) the possession and/or distribution of child pornography at all times.
- 3.2.4 Priests and deacons are not permitted to allow minors to stay overnight in their private accommodations or residence.
- 3.2.5 Priests, deacons, lay employees and volunteers should not share private overnight accommodations with minors, unless written permission from the parent or legal guardian of the minor has been granted. This includes, but is not limited to, accommodations in any church facility, private residence, hotel room or any other place where there is no other adult supervision present.
- 3.2.5.1 In rare emergency situations, when accommodation is necessary for the health and well-being of a minor, priests, deacons, lay employees and volunteers should take extraordinary care to protect all parties from the appearance of impropriety and from all risk of harm. A team approach should be used when managing such emergency situations.
- 3.2.6 Priests, deacons, lay employees and volunteers must employ caution in one-to-one contacts with minors, such as meeting in areas that are visible and accessible to others. They should avoid driving alone with a single minor by having another adult present, or

other minors as well.

3.3 SEXUAL CONDUCT

Priests, deacons, lay employees and volunteers must not, for sexual gain or intimacy, exploit the trust placed in them by the faith community.

- 3.3.1 Priests, deacons, religious, lay employees, and volunteers who are committed to a celibate lifestyle are called to be an example of celibate chastity in all relationships at all times.
- 3.3.2 Priests, deacons, lay employees and volunteers who provide pastoral counseling or spiritual direction services must avoid inappropriate intimate relationships with other persons and must behave in a professional manner at all times.
- 3.3.3 Priests, deacons, lay employees and volunteers must not exploit other persons for sexual purposes.
- 3.3.4 Priests, deacons, lay employees and volunteers should review and know the contents of the child abuse regulations and reporting requirements for the State of South Dakota and must follow those mandates.
- 3.3.5 With regard to reporting sexual misconduct, in addition to any requirements in the civil law, the policies of the Diocese of Rapid City must be followed to protect the rights of all involved.

3.4 HARASSMENT

Priests, deacons, lay employees and volunteers must not engage in or tolerate the physical, psychological, written, or verbal harassment of other persons, including parishioners. The policies of the Diocese of Rapid City shall be followed to protect the rights of all involved.

- 3.4.1 Priests, deacons, lay employees or volunteers shall provide a professional work environment free from physical, psychological, written or verbal intimidation or harassment.
- 3.4.2 Harassment encompasses a broad range of physical, psychological, written or verbal behavior, including, but not limited to, the following:
 - Physical or mental abuse,
 - Racial comments,
 - Derogatory ethnic comments,
 - Unwelcome sexual advances or touching,
 - Sexual comments or sexual jokes,
 - Requests for sexual favors used as:
 - a condition of employment or
 - to affect other personnel decisions, such as promotion or compensation,
 - Display of offensive materials including pornography

- 3.4.3 Harassment can be a single severe incident or a persistent pattern of behavior where the purpose or the effect is to create a hostile, offensive or intimidating environment.
- 3.4.4 Allegations of harassment shall be taken seriously and must be reported immediately to the appropriate person in the parish, diocese, religious community/institute, school or other organization.

3.5 DIOCESE, PARISH, RELIGIOUS COMMUNITY/INSTITUTE, SCHOOL AND OTHER ORGANIZATION RECORDS AND INFORMATION

Confidentiality will be maintained in creating, storing, accessing, transferring and disposing of diocesan, parish, religious community/institute, school or other organization records.

- 3.5.1 Safe Environment Records are regarded as confidential. They are to be kept in a locked, secure file cabinet located in the parish office/rectory. When compiling or publishing statistical information from these records for diocesan use, great care will be taken to preserve the anonymity of individuals. This applies to the diocesan annual reports involved in the Safe Environment Program for both adults and minors.

3.5.1.1 For adults, maintained records include:

- Completed, signed and dated forms from the Sexual Misconduct Policy and the Code of Conduct Policy;
- Background Check
- Continue Employment or Volunteer Release Form – Disclosure and Authorization sections;
- Background check Clear Date from diocese;
- Adult Sign-in Forms from trainings; Test results;

3.5.1.2 For minors, maintained records include:

Documentation showing title of training, date of each training, grade level, and names of all minors enrolled in that group/grade, and those in attendance clearly noted on documentation;

All completed Refusal Forms;

3.5.1.3 Each parish will complete the Annual Safe Environment Reporting Forms as required by the Diocesan Safe Environment Office. If printed out, the reports are maintained in the locked file as well. If completed electronically, the files are to be kept in a secured, password protected, manner, or transferred to a data storage device that is kept in the locked file.

- 3.5.2 Sacramental records are confidential. When compiling and publishing diocesan, parish, religious community/institute, school or other organization statistical information from these records, great care will be taken to preserve the anonymity of individuals. The diocesan Pastoral Handbook includes a copy of a USCCB document regarding the sacramental records of adopted children.

- 3.5.3 Most sacramental records older than 70 years are open to the public.
- 3.5.3.1 Information regarding adoption and legitimacy remains confidential, regardless of age.
- 3.5.3.2 Only staff members who are authorized to access the records and supervise their use may handle requests for more recent records.
- 3.5.4 The financial records of the Diocese, parish, religious community/institute, school or other organization are confidential, unless review is required by the diocese or an appropriate government agency. The bishop must be contacted upon receipt of any request for release of financial records by anyone other than the financial officer of the diocese.
- 3.5.5 Individual contribution records of the diocese, parish, religious community/institute, school or other organization shall be regarded as private and will be maintained in strictest confidence.

3.6 CONFLICTS OF INTEREST

Priests, deacons, lay employees and volunteers will avoid situations that might present a conflict of interest; e.g., a past or existing relationship with the parties involved. Even the appearance of a conflict of interest can call personal integrity and professional conduct into question.

- 3.6.1 Priests, deacons, lay employees and volunteers must disclose all relevant factors that potentially could create a conflict of interest.
- 3.6.2 Priests, deacons, lay employees and volunteers must inform all parties when a real or potential conflict of interest arises. Resolution of the issues must protect the person receiving ministry services.
- 3.6.2.1 Priests, deacons, lay employees and volunteers must not take advantage of anyone to whom they are providing services in order to further their personal, religious, political or business interests.
- 3.6.2.2 Pastoral counselors must not provide counseling services to anyone with whom they have a business, professional or social relationship. When this is unavoidable, the client must be protected. The counselor must establish and maintain clear, appropriate boundaries.
- 3.6.2.3 When pastoral counseling or spiritual direction services are provided to two or more people who have a relationship with each other, the pastoral counselor or spiritual director must:
- Clarify with all parties the nature of each relationship,
 - Anticipate any conflict of interest,
 - Take appropriate actions to eliminate the conflict, and
 - Obtain written consent from all parties to continue services

3.6.3 Conflicts of interest may also arise when a pastoral counselor's or spiritual director's independent judgment is impaired by:

- Prior dealings,
- Becoming personally involved, or
- Becoming an advocate for one person against another.

In these circumstances, the pastoral counselor or spiritual director must advise the parties that he or she can no longer provide services and refer them to another pastoral counselor or spiritual director.

3.7 REPORTING ETHICAL OR PROFESSIONAL MISCONDUCT

Priests, deacons, lay employees and volunteers have a duty to report their own ethical or professional misconduct and the misconduct of others.

3.7.1 Priests, deacons, lay employees and volunteers must hold each other accountable for maintaining the highest ethical and professional standards. When there is an indication of illegal civil action by a priest, deacon, lay employee or volunteer, the proper civil authorities must be notified immediately by the observer. The diocese, parish, religious community/institute, school or other organization must also be notified.

3.7.2 When an uncertainty exists about whether a situation or course of conduct violates this *Code of Conduct* or other religious, moral or ethical principles, the Vicar General or others knowledgeable about ethical issues must be consulted.

3.7.3 When it appears that a priest, deacon, lay employee or volunteer has violated this *Code of Conduct* or other religious, moral or ethical principles, the issue must be reported to a supervisor or next higher authority, or the matter must be referred directly to the Vicar General or responsible administrative authority for the diocese, parish, religious community/institute, school or other organization for further assessment and any necessary action.

3.7.4 The obligation of pastoral counselors and spiritual directors to report client misconduct is subject to the duty of confidentiality. However, any agreement or duty to maintain confidentiality must yield to the need to report misconduct that threatens the safety, health or well-being of any of the persons involved, except as provided for in Section 3.1.6 of this *Code of Conduct*.

3.8 ADMINISTRATION

Employers and supervisors will treat clergy, staff and volunteers justly in the all operations of their ministries.

3.8.1 Personnel and other administrative decisions made by priests, deacons, lay employees and volunteers must meet civil and Canon law requirements and reflect Catholic social teachings and this *Code of Conduct*.

3.8.2 No priest, deacon, lay employee or volunteer may use his or her position to exercise unreasonable or inappropriate power and authority.

- 3.8.3 Each volunteer providing services to minors must read and sign the *Diocese of Rapid City Sexual Misconduct Policy and the Volunteer Code of Conduct* before providing services.
- 3.8.4 Each volunteer providing services to vulnerable adults must sign the *Volunteer Code of Conduct with Vulnerable Adults form* before providing services.

3.9 PERSONAL WELL-BEING

Priests, deacons, lay employees and volunteers must be responsible for their own spiritual, physical, mental and emotional health.

- 3.9.1 Priests, deacons, lay employees and volunteers should be aware of warning signs that indicate potential problems with their own spiritual, physical, mental and/or emotional health.
- 3.9.2 Priests, deacons, lay employees and volunteers should seek help immediately whenever they notice behavioral or emotional warning signs in their own professional and/or personal lives.
- 3.9.3 Priests, deacons, lay employees and volunteers must address their own spiritual needs. Support from a spiritual director is highly recommended.
- 3.9.4 The use of illegal drugs and the inappropriate use of alcohol are prohibited.
- 3.9.5 The possession and/or distribution of child pornography is prohibited.

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CODE OF CONDUCT
VOLUNTEERS WORKING WITH MINORS
IN PARISHES, SCHOOLS AND OTHER ORGANIZATIONS
IN THE DIOCESE OF RAPID CITY

Preamble

Our children and young people are the most important gifts God has entrusted to us. As a volunteer, I promise to strictly follow the rules and guidelines in this *Volunteer Code of Conduct*, as well as the *Code of Conduct* of the Diocese of Rapid City, as it applies to me. My adherence to these rules and guidelines is a condition of my **supervising minors** in the parishes, schools, and other organizations of the Diocese of Rapid City.

As a volunteer, I will:

- Treat everyone with respect, loyalty, patience, integrity, courtesy, dignity, and consideration.
- Avoid situations in which I am alone with a minor.
- Use positive reinforcement rather than criticism, competition, or comparison when working with minors.
- Safeguard my use of technology no matter how innocent around minors.
- Refuse to accept expensive gifts from minors or their parents or legal guardian without prior written approval from the pastor or parish administrator.
- Refrain from giving expensive gifts to minors without prior written approval from their parents or legal guardian and the pastor or parish administrator.
- Report suspected abuse of minors to the pastor, parish administrator or appropriate supervisor and the local Child Protection Services agency or if closed, the local police station.
- Cooperate fully in any investigation of abuse of minors.

As a volunteer, I will not:

- Smoke, vape, or use tobacco products in the presence of minors.
- Use, possess or be under the influence of alcohol at any time while supervising minors as a volunteer.
- Use, possess or be under the influence of illegal drugs at any time.
- Pose any health risk to minors or allow exposure to contagious health conditions.
- Strike, spank, shake or slap minors.
- Humiliate, ridicule, threaten or degrade minors.
- Touch minors in a sexual or other inappropriate manner.
- Use any discipline that frightens or humiliates minors.
- Use profanity in the presence of minors.
- Possess and/or distribute child pornography at any time.

I understand that, as a volunteer supervising minors, I am subject to a thorough background check, including any criminal history. I understand that any action inconsistent with this *Volunteer Code of Conduct* or failure to take action mandated by this *Volunteer Code of Conduct* shall result in my removal as a volunteer supervisor of minors.

Volunteer's Signature _____ Date _____

Volunteer's Printed Name

Printed Name of Sponsoring Organization

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CODE OF CONDUCT
VOLUNTEERS WORKING WITH VULNERABLE ADULTS
IN PARISHES AND OTHER ORGANIZATIONS
IN THE DIOCESE OF RAPID CITY

Preamble

Christ calls us to minister to those who are suffering and are vulnerable. As a volunteer, I promise to strictly follow the rules and guidelines in this *Volunteer Code of Conduct*, as well as the *Code of Conduct* of the Diocese of Rapid City. My adherence to these rules and guidelines is a condition of my serving vulnerable adults in the parishes and other organizations of the Diocese of Rapid City.

As a volunteer, I will:

- Treat everyone with respect, loyalty, patience, integrity, courtesy, dignity, and consideration.
- Refuse to accept expensive gifts from vulnerable adults without prior written approval from the pastor or parish administrator.
- Refrain from giving expensive gifts to vulnerable adults without prior written approval from the pastor or parish administrator.
- Report suspected abuse of vulnerable adults to the appropriate civil authorities, the pastor, parish administrator or appropriate supervisor.
- Cooperate fully in any investigation of abuse of vulnerable adults.

As a volunteer, I will not:

- Smoke, vape, or use tobacco products in the presence of vulnerable adults while volunteering.
- Use, possess or be under the influence of alcohol at any time while volunteering.
- Use, possess or be under the influence of illegal drugs at any time.
- Pose any health risk to vulnerable adults or allow exposure to contagious health conditions.
- Enter into an intimate or sexual relationship with any vulnerable adult that I am serving.
- Use profanity in the presence of vulnerable adults while volunteering.
- Possess and/or distribute child pornography at any time.

I understand that, as a volunteer with vulnerable adults, I am subject to a thorough background check, including any criminal history. I understand that any action inconsistent with this *Volunteer Code of Conduct* or failure to take action mandated by this *Volunteer Code of Conduct* shall result in my removal as a volunteer.

Volunteer's Signature

Date

Volunteer's Printed Name

Printed Name of Sponsoring Organization

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CODE OF CONDUCT
YOUTH PARTICIPATING IN EVENTS
IN THE DIOCESE OF RAPID CITY

This *Code of Conduct for Youth* is a general list of rules and regulations for events conducted by parishes, schools, and other organizations in the Diocese of Rapid City. Some of the rules and regulations may not be applicable to all events; therefore, the event coordinator or adult chaperone should make any necessary revisions to the *Code of Conduct for Youth*. The following items are divided into must follow items and suggested items.

These rules and regulations **must** be followed at all events:

1. The use by participants of drugs, tobacco, vaping, alcohol, pornography, fireworks, matches, cigarette lighters or items that endanger people, pets, wildlife, or property is strictly prohibited.
2. Language and behavior should exemplify Christian values. Profanity is strictly prohibited.
3. Participants are expected to respect the rights and property of others. Vandalism and theft will not be tolerated. Financial obligations that result from such behavior will be the sole responsibility of the youth and his/her parents or legal guardians.
4. Males and females are not allowed to be in the same sleeping area unless the event coordinator or an adult chaperone is present.
5. Participants are not allowed to ride with another participant to, from, or during an event, unless written permission for such an arrangement has been previously given by a parent or legal guardian to the event coordinator or adult chaperone.
6. Clothing must be appropriate. Short shorts, short skirts, tank tops, and excessively baggy pants are prohibited. Undergarments should not be visible. References to drugs, or to tobacco or alcohol products, including insignias or advertisements on clothing, jewelry, accessories, or caps, are prohibited.
7. If requested, a name tag must be worn.
8. Participants are not permitted to leave the premises without the permission of the event coordinator or adult chaperone.
9. Participants must follow all rules set by the event coordinator or adult chaperone for the use of electronic devices including, but not limited to, MP3 players, iPods, tablet or notebook computers, cell phones, social media items, and games.

I have read this *Code of Conduct for Youth* and understand it and will abide by the rules and regulations as outlined above. I will also abide by all rules established by the event coordinator or adult chaperone. I also understand and agree that my parents or legal guardian will be notified if I commit any infraction of the *Code of Conduct for Youth* which requires my dismissal from an event, and that I will be sent home at the expense of my parents or legal guardian.

Signature of Participant _____

Date _____

I agree that my child, _____, is expected to abide by all of the rules and regulations as outlined in this *Code of Conduct for Youth*. I agree that if my child fails to abide by the *Code of Conduct for Youth* or engages in any infraction that is considered by the event coordinator or adult chaperone to be inappropriate, he/she will be dismissed from this activity and sent home at my expense with no right of reimbursement,

Signature of Parent/Guardian _____

Date _____

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