

PROCEDURES AND GUIDELINES FOR CREATING AND MAINTAINING A PARISH WEBSITE

Step 1 : Establish a Parish Evaluator

The Parish Evaluator Reviews the Content of the Website Itself

- Is the material consistent with church teaching?
- Does it avoid creating legal problems?

Reviews All External Links

- Is the linked material consistent with church teaching?
- Does it avoid creating legal problems?

Step 2 : Pastor Approves the Website

Step 3 : Parish Places the Website on the Internet

- Notify Francie Hogan, Diocesan Website Coordinator, fhogan@diocesefwsb.org of the new parish website so that a link can be created from the Diocesan webpage to the new parish webpage.

Step 4 : Updates and Changes

- The Parish Evaluator and the Pastor must approve all changes to the site's content.
- The Parish Evaluator and the Pastor must approve all new external links. If questions arise please contact: Francie Hogan at (260) 399-1454.

DIOCESAN GUIDELINES FOR PARISH WEBSITES

The Internet has brought about a revolution in communications. It is putting people in direct contact with sources of information in ways that were never before possible, and it has added ease and convenience to many of the activities of daily living. The Internet serves the church community as a formidable tool for education and communication. Websites such as those for the Holy See, the Conference of Bishops, Catholic Colleges and Universities, Dioceses, parishes, and other Catholic institutions, are providing enormous benefits to millions of people.

Since the Internet has developed rapidly in recent years, many people do not yet understand how the Internet functions. In many ways, logging on to the Internet is like opening the Yellow Pages or entering a library. While there are many things there in which a person is not interested or of which he or she may disapprove, using the Yellow Pages or a library does not mean that the person endorses everything that can be found there.

The Diocese of Fort Wayne-South Bend, Inc. encourages each of its parishes to consider creating a parish website. While these websites have great potential for improving communications and serving as educational tools, parishes must take care to address several pastoral and legal concerns before creating a new website. Through careful planning and routine monitoring for continued compliance with Diocesan guidelines, parishes should be able to avoid any problems.

I. EVALUATORS

A. Diocesan Evaluator

Given the importance of parish websites to the Diocesan communications strategy and the potential for legal problems, the Diocese has appointed an evaluator to monitor the content of parish websites and links. This evaluator will be a professional person with a thorough understanding of church teaching and knowledgeable about the world of the Internet.

The Diocesan Evaluator will serve as the parishes' primary contact person in the Website review outlined in Part III below. Parishes should not hesitate to contact the Diocesan Evaluator directly regarding the appropriateness of placing certain material on their websites.

B. Parish Evaluators

The Parish Evaluator is the person primarily responsible for supervising the construction and maintenance of a parish's website. This person should be either the parish's pastor or an individual who is appointed by and directly responsible to the pastor. The evaluator should be knowledgeable of the Internet and have sufficient knowledge of church teachings so that he or she can determine if material proposed to be posted on or linked to the parish website is consistent with church teaching. While the pastor is ultimately responsible for all material which appears on the parish website, the Parish Evaluator will normally serve as the primary liaison between the parish and the Diocesan Evaluator. The Parish Evaluator will be primarily responsible for following the procedures outlined in Part II below.

II. PROCEDURE

A. Creation of a New Parish Website.

1. When a parish first creates its website and prepares to place the site on the Internet, the parish must first review the content of the website itself. It must also follow the procedures for reviewing any external links placed on the site (see Section III). The Parish Evaluator begins the initial process by thoroughly reviewing all material to be placed on the proposed website. The Parish Evaluator must ensure both that the material is consistent with church teaching and that it avoids creating legal problems. When making this review, the Parish Evaluator should focus on the following:

- As a tax-exempt organization, the Diocese and all its parishes are prohibited from advocating the election or defeat of any political candidate. As a result, parish websites cannot contain any partisan political material.
- The regulations regarding the Diocese's tax status also prevent the Diocese from making lobbying a substantial part of its activities. As a result, no parish website may contain lobbying material without the express, advance approval of the Vicar General, and then, only to the extent expressly authorized.
- Parish websites may engage sponsors to defray website costs. Parishes may recognize these sponsors on their websites with an acknowledgment that includes information such

as the sponsor's name, address, phone number, logo, e-mail address, or website address. Any qualitative or comparative language, pricing information, endorsement, or actual hyperlink to the sponsor's webpage constitutes advertising. Parishes may not engage in advertising without the express, advance approval of the Diocesan Chief Financial Officer.

- A parish website must not include any material which infringes upon a copyright or dilutes a trademark.
- A parish website must not contain any material which exposes the Diocese to liability for libel or slander.
- Parishes should take care when posting information regarding children on their websites. Any information regarding a student in a Diocesan elementary or high school (regardless of age) can only be posted on the Internet in a manner consistent with the policies and procedures approved by the Diocesan Schools Office and as allowed by law, such as the Family Education Rights and Privacy Act. A parish should not post a picture of a child who is identified by name as the child in the picture without the consent of the child's parent/guardian. A photograph showing a child or children, such as at a parish function or as part of a sports team, without personal identification of the child or children in the picture, is suitable so long as the parent of a child depicted in the picture does not object.

After the Parish Evaluator reviews the material on the proposed website, the Parish Evaluator shall submit a report to the parish's pastor. This report should summarize the contents of the website, contain a truthful affirmation that the material, including all links, is consistent with church teaching and a truthful affirmation that publishing the material should not violate any laws or diocesan guidelines. The parish can place the new website on the Internet as soon as the pastor has reviewed the report and approved the website.

Parishes should also notify the Diocesan website coordinator, Francie Hogan, at fhogan@diocesefwsb.org, so that the Diocese can create a link from the Diocesan website to the parish website. It is important to note that the parish website will be available on the Internet as soon as it receives the pastor's approval, and that the Diocesan Evaluator will examine the website after it is posted on the Internet. As a result, parishes should do a thorough review of the website before it is placed on the Internet and should not rely upon the Diocesan Evaluator's review. At any point in this process, the Parish Evaluator and the pastor should not hesitate to contact the Diocesan Evaluator to discuss any concerns that they might have.

When a parish wants to add new material to its already existing website, the parish must review the material before it is actually placed on the site. First, the Parish Evaluator will examine the proposed additions, again focusing on whether the material is consistent with church teaching and whether it creates any legal problems. The evaluator will then send a report to the pastor, and the parish can make the additions to the website as soon as the

pastor approves them.

III. EXTERNAL LINKS

A. Procedure

Since external links create a greater potential for encountering material inconsistent with church teaching and creating legal problems, each external link placed on a parish website must be approved by the Parish Evaluator and the pastor before it can be placed on the parish's website. This includes any external link added to the website after it is initially posted on the Internet. The Parish Evaluator will first analyze the website linked to the parish website, looking for any potential conflicts with church teaching or legal problems. When examining these outside websites, the evaluator must focus on the following issues:

- As a tax-exempt organization, the Diocese and its parishes cannot advocate the election or defeat of any political candidate. As a result, parish websites cannot have any links to the websites of political organizations. Examples of prohibited websites include the sites of political candidates, political parties, political action committees ("PACs") or any other partisan organization.
- The tax laws also strictly limit the amount of lobbying activities in which the Diocese can engage. As a result, parish websites cannot link to any other website which contains lobbying material without the express, advance approval of the Vicar General and then, only to the extent expressly authorized.
- While a parish website can contain acknowledgments of its sponsors which list the sponsor's e-mail address or website address, an actual hyperlink to the sponsor's website constitutes advertising. Parishes may not engage in any advertising, including hyperlinks to sponsor's websites, without advance approval of the Diocesan Chief Financial Officer.
† Any links to outside websites should go directly to the outside website's home page, and not to interior web pages. The process of linking to interior web pages is known as "deep linking" and carries a substantial risk of trademark or copyright infringement when done without the express permission of the owner of the outside website.
- The Parish Evaluator should thoroughly review the entire contents of the outside website to ensure that it does not infringe copyrights, dilute trademarks, or contain any libelous or slanderous material.
- The Parish Evaluator should thoroughly review the outside website to determine whether any of the material on the site is at variance with church teaching.

Once the Parish Evaluator has reviewed the outside website and recommends linking it to the parish website, he or she will submit a report to the pastor. The pastor will then review a copy of the website and the Evaluator's report to determine if a link to this site would be consistent with church teaching and avoid potential legal problems. Once the pastor approves the external link, the link can be placed on the parish website. Once again, the hyperlink will be placed on the Internet before the Diocesan Evaluator has a

chance to review it, so the Parish Evaluator and pastor must thoroughly review the outside website before placing the link on the Internet.

B. Considerations When Making External Links

1. Links to Different Types of Outside Organizations

a. Organizations in Full Agreement with Church Teaching From time to time, a parish may find that information provided on the website of an outside organization supplements the information found on the parish web page. For organizations known to be in full agreement with teachings and practice of the church and with the policies of the Diocese, an expedited review will often be possible.

b. Organizations at Variance with Church Teaching and Practice Links to outside organizations which are at variance with church teaching and practice or the policies of the Diocese are not necessarily precluded, but will need thorough consideration and a detailed evaluation.

c. Governmental Agencies or Their Equivalents Governmental agencies, or their equivalents, for example, the U.S. Department of Defense or the United Nations, compile and publish vast amounts of information which may be useful to Diocesan agencies or parishes. Such organizations are intended to provide a public service; but, as with organizations which are at variance with church teaching and practice or the policies of the Diocese, thorough consideration and a detailed evaluation are needed.

2. Considerations When Deciding Whether a Link is Necessary and Appropriate

a. For Both Religious and Secular Organizations:

- The information found at the requested link should supplement content found on the parish website.
- All links should be to the outside organization's home page and should not involve any "deep linking." Parishes should avoid linking to websites which have one bit of information relevant to the parish website but are contained in a larger website containing much material at variance with church teaching or practice.
- Preference should be given to sources of accurate information associated with the church or in agreement with church teaching, if available, over sources which are at variance with church teaching and practice or the policies of the Diocese.
- For organizations of a purely secular nature, preference should be given to links with organizations which have worked cooperatively with the Diocese and/or parish in the past; organizations without such a cooperative history should be evaluated in more detail.
- The evaluation of the outside website must include taking note of links to any other organization which is at variance with church teaching and practice or the policies of the Diocese.
- Links to organizations which are at variance with church teaching and practice or the

policies of the Diocese must not be considered if the organization's mission and purpose is intrinsically hostile to the church.

- The possibility of public confusion or the appearance of endorsement or approval of an organization which is at variance with church teaching and practice or the policies of the Diocese must be a serious consideration in linking to a site. The public service aspect of links to the sites of governmental agencies or their equivalents may be a reason for such a link. The site owner should be amenable to a link from the parish website.

b. For Organizations of a Purely Religious Nature:

- For organizations which self-identify as Catholic, the Bishop of the Diocese in which the organization is located should be consulted for his approval.

- For organizations which self-identify as Catholic, the information found at their website should be in full communion with the teachings of the Catholic Church. ¶ Non-Catholic religious organizations should be open to working in an ecumenical/inter-religious spirit.

C. The Process of Hyperlinking.

All links to outside organizations should open a new browser window when the visitor clicks on an external link. This will help to make it clear that the visitor is leaving the parish website and going on to the website of an outside organization. Each page within the parish's website which has external links must contain a disclaimer. This disclaimer should state:

The link(s) to other web pages provided here are solely for the user's convenience. The parish and Diocese of Fort Wayne-South Bend assume no responsibility for, nor do they necessarily endorse, these websites, their content, or their sponsoring organizations.

IV. THIRD PARTY POSTING

Parish websites may or may not allow third parties to post material on the parish site (letters, blog entries, comments, reviews, photos, chat room materials). Third party posts, if allowed, must be reviewed by the Parish Evaluator and approved by the Pastor in the same fashion as other parish website content prior to posting. Once posted, third party postings will be subject to review by the Diocesan Evaluator and to removal from the parish website, the same as other material on the parish website.

Special care must be used to prevent approval of third party posting material that involves copyright infringement. Third parties who seek to post information or material on a parish website must be advised that the parish will terminate access to parish website posting for anyone who infringes copyrights and that the parish/diocese does not tamper with copyright identification or digital rights management software. If the parish/diocese become aware of any copyright infringing material or links to infringing material on the parish website, regardless of the source of origin, the infringing material or link must be removed at once.

V. LEGAL CONCERNS WITH THE CREATION OF PARISH WEBSITES

Avoiding Political Activity.

The Diocese, which includes all of its parishes, is a tax-exempt organization under Internal Revenue Code § 501(c)(3). In order to maintain this exemption from federal income tax, the Diocese must refrain from engaging in certain political activities. Since the Diocese is a single entity for tax purposes, the actions of a single parish could jeopardize the tax exempt status of the entire Diocese.

As a tax-exempt organization, the Diocese is strictly prohibited from participating or intervening in political campaigns on behalf of or in opposition to any candidate for public office. In the context of parish websites, a parish must not place political material on its website or create links to other websites which contain political content. For example, an IRS official has stated that a tax-exempt organization like the Diocese cannot place a link on its own website to the website of a political organization. Parish websites must not link to the websites of candidates, political parties, political action committees ("PACs") or any other partisan organization.

The Diocese is permitted to engage in a limited amount of lobbying. Lobbying does not involve advocating the election or defeat of any candidate for public office. Instead, it involves either directly contacting members of a legislative body or urging members of the public to do so for the purpose of proposing, supporting, or opposing legislation. Lobbying cannot constitute a substantial part of the Diocese's activities. The Diocese honors this law and those restrictions. To better insure compliance, no parish website may engage in any lobbying without the express, advance approval of the Vicar General, and then, only to the extent expressly authorized.

Sponsorships and Advertising.

Parishes may wish to obtain sponsors or advertisers to help defray the cost of a website. This income may be taxable. While the Diocese is generally exempt from federal income tax, it is subject to federal tax on income from any unrelated trade or business in which it regularly engages. This is known as the unrelated business income tax ("UBIT"). Any money received from advertising is subject to UBIT while money received from a qualified sponsorship is not. The difference between a qualified sponsorship and advertising is the type of statement made in exchange for payment. A sponsorship acknowledgment can include the sponsor's name, address, phone number, logo, e-mail address, or website address. Anything beyond the items included in this list constitutes advertising and the revenue generated by it would be subject to UBIT.

Examples of advertising would include statements containing qualitative or comparative language, pricing information, or endorsements. The IRS has stated that an actual link to the home page of an entity that otherwise would qualify as a "sponsor" would constitute advertising, while merely listing the sponsor's web address without a link would not. To ensure compliance with legal requirements concerning UBIT, parish websites may engage sponsors to defray website costs but may not engage advertisers without the advance approval of the Diocesan Chief Financial Officer.

Copyrights and Trademarks.

Each parish must ensure that no material on the website violates either trademark or copyright law. A copyright gives its owner the exclusive right to take certain actions with a copyrighted work, such as reproducing the work, selling or otherwise distributing copies of the work to the public, and performing or displaying the copyrighted work publicly. A trademark is any name, combination of words, or symbol used by a person to distinguish his or her goods and to indicate the source of the goods. The law prevents individuals from using another person's trademark or a confusingly similar trademark.

Parishes must monitor the material on their websites to ensure that they are not infringing on the copyrights of others or diluting trademarks. This is similar to the care taken when reproducing songs published in hymnals. In addition, parishes should not use any music acquired on a website suspected of engaging in copyright infringement. In the Napster case, the courts found that users of the site engaged in direct copyright infringement. Parishes should also avoid linking to any other site suspected of engaging in this type of copyright infringement. When creating links to other websites, parishes must ensure that they do not dilute trademarks by a process known as "deep linking." Deep linking is linking to another website without linking to the second website's home page, but, instead, linking to an internal page within the second website. This type of linking is problematic because it often allows visitors to skip the copyright notices, etc. on the second website's home page and can create confusion as to the source of information on the second website.

If the parish/diocese becomes aware of any copyright infringing or trademark diluting material or any link to such copyright or trademark material on the parish website, regardless of the source of origin, the infringing or diluting material or link must be removed at once. Likewise, if the parish/diocese becomes aware of any offensive or inappropriate information or link to offensive or inappropriate information on the parish website, regardless of origin, the offensive or inappropriate information or link must be removed at once.