

Diocese of Reno Policy on Sexual Misconduct

INTRODUCTION

The obligation to protect all persons from sexual abuse and misconduct, especially children and young people and those who habitually lack the use of reason flows from the mission and example of Jesus Christ himself, in whose name all ministers of the Church serve. The Diocese of Reno is committed to doing everything in its power to prevent sexual misconduct on the part of its ministers, employees and volunteers. In cases where misconduct has already occurred, the Diocese is committed to healing the trauma suffered by victims and their families by actively reaching out to them in ways that promote healing and reconciliation.

The Diocese of Reno-Las Vegas published its first formal written policy on sexual misconduct in 1993. That policy was revised and expanded after the division of the original diocese into the Dioceses of Reno and Las Vegas. In June 2002, the Bishops of the United States adopted the Charter for the Protection of Children and Young People and a set of Essential Norms for Diocesan/Eparchial Policies Dealing with Allegations of Sexual Abuse of Minors by Priests or Deacons that supplemented existing canon law. The Charter was revised in 2005 and the Norms were revised and re-promulgated in 2006. The Diocese of Reno's Policy on Sexual Misconduct is in conformity with the Charter and the Norms as revised.

POLICY

Any sexual misconduct by church personnel, volunteers or clergy of the Diocese of Reno is contrary to Christian morals and principals and is outside the scope of the duties of church ministry and employment. Inappropriate sexual activity abuses the power and authority of the pastoral role of all those who work for and serve the church. All sexual misconduct is prohibited by diocesan policy.

All clergy, church personnel and volunteers must comply with applicable church, state and local laws regarding incidents of actual, alleged or even suspected sexual misconduct. This document outlines procedures to implement this policy. In addition, the Diocese of Reno has adopted norms and procedures for cases of sexual abuse by clerics (priests and deacons) against minors and individuals who habitually lack the use of reason. These local norms are adapted from the national Essential Norms. The norms do not encompass situations of misconduct with or against adults, nor misconduct perpetrated by church personnel or volunteers. However, the present policy covers all situations of sexual abuse, exploitation and other sexual misconduct¹ by priests, deacons, other church personnel and volunteers.

¹ Except sexual harassment, which is covered by the Diocesan Lay Employee Handbook.

DEFINITIONS

CLERICS

Clerics covered by this policy include the following:

1. Priests and deacons incardinated in the Diocese of Reno.
2. Priests residing or working in the diocese who are religious incardinated in their community.
3. Priests and deacons of other jurisdictions who seek assignment for work in this diocese or who seek incardination in this diocese.

CHURCH PERSONNEL

Other church personnel covered by this policy include the following:

1. All women and men religious who have an official ministry in the diocese.
2. All non-ordained persons to whom a participation in the exercise of pastoral care of a parish is entrusted according to the Code of Canon Law, c. 517 § 2 (*i.e.*, parochial administrators).
3. All seminarians who seek ordination as clerics of the diocese after being admitted to candidacy.
4. All personnel of diocesan campus ministry programs.
5. All paid personnel, employees and those who contract for services in the offices of the diocese, parishes, schools or other facilities, in campus ministry programs.
6. All who volunteer in diocesan offices, parishes, schools or other facilities, in campus ministry programs, or who work with minors under the age of 18 years or, if in school, until graduation from high school.

SEXUAL MISCONDUCT

As used in this policy, “sexual misconduct” means either of two forms of misconduct by clergy, church personnel or volunteers:

Child abuse: Any sexual abuse or sexual exploitation of a minor under 18, or, if in school, until graduation from high school by a cleric or other church personnel that is an external, objectively grave violation of the sixth commandment or a violation of Chapter 432B of the Nevada Revised Statutes.

Sexual exploitation: Any kind of immoral sexual interaction between a cleric or other church personnel and any other person, including but not limited to a person who is receiving pastoral assistance from that church representative, no matter who initiates the conduct. This includes consensual sexual relations.

Both forms of misconduct are contrary to the doctrines, moral teaching and canon law of the Catholic Church; both involve abuse of power or authority that causes injury to another. It is important to note that those who habitually lack the use of reason should also be considered if there are allegations of abuse towards them, and/or elderly persons or vulnerable adults. The State of Nevada defines a vulnerable person as a person 18 years of age or older who either (a) suffers from a condition of physical or mental incapacitation because of a developmental disability, organic brain damage or mental illness; or (b) has physical or mental limitations that restrict the ability of the person to perform the normal activities of daily living. NRS 2005092(8). The State of Nevada defines an older person as a person who is 60 years of age or older. NRS 200.5092(6)

REPORTING CHILD ABUSE

REPORTING CHILD ABUSE AS REQUIRED BY STATE LAW

WHO MUST REPORT

Nevada Revised Statute § 432B.220 includes the following persons as *mandated reporters* of suspected child abuse:

Social workers; psychologists; teachers; administrators; librarians; school counselors; nurses; athletic trainers; clergy (unless knowledge of the abuse or neglect was acquired from the offender during a confession); any person employed by a facility or establishment that provides care for children; any adult who is employed by an entity that provides organized activities for children; or a person directly responsible for, or serving as a volunteer for, an institution or facility where the child is receiving child care outside of his home for a portion of the day.

A report may be made by any other person. Please note that virtually every employee and volunteer is a mandatory reporter under Nevada law to the extent that child abuse or neglect comes to his or her attention while working or volunteering for the Diocese.

WHAT MUST BE REPORTED

Mandated reporters must report abuse or neglect of a child; “child” is defined as a person under eighteen (18) years of age, or, if in school, until graduation from high school. Abuse or neglect of a child means physical or mental injury of a non-accidental nature, sexual abuse (incest, lewdness with a child under fourteen (14) years of age, sadomasochistic abuse, sexual assault, statutory sexual seduction, or open or gross lewdness, mutilation of genitalia of female) or sexual exploitation (solicitation for or engagement in prostitution, viewing pornographic film or literature, or engaging in filming, videotaping or photography, or modeling or live performance before an audience which involves any sexual conduct with a child), or negligent treatment or maltreatment that harms or threatens a child’s welfare.

MAKING A REPORT

Any mandatory reporter who in his professional or occupational capacity knows or has reasonable cause to believe that a child has been abused or neglected shall report the suspected abuse or neglect to the appropriate local child protection agency or law enforcement agency.

Nevada law requires that the report must be made by mandatory reporters within twenty-four (24) hours after there is reason to believe that a child has been abused or neglected. NRS 432B.220 (1). If a report is made in good faith, the person making the report is immune from civil or criminal liability (NRS 432B.160). Failure to make a report may be a misdemeanor punishable by six months in the county jail and a fine of up to \$1,000.

The report may be made verbally, either in person or by telephone, and should contain the following: the name, address, age, and sex of the child; the name and address of the child's parents or other person responsible for child's care; the nature and extent of the abuse or neglect; any evidence of previously known or suspected abuse or neglect of the child; the name, address and relationship of the person alleged to have committed the abuse; and any other relevant information the agency considers helpful.

It is strongly recommended that any verbal report be confirmed in writing to the law enforcement agency with a copy directed to the Chancellor of the Office of Child Safety for the Diocese of Reno (the Chancellor), 290 South Arlington, Suite 200, Reno, Nevada 89501.

WHO TO CALL

If the alleged or suspected abuse involves a person who is still a minor, or habitually lacks the use of reason, the report must be made to a law enforcement agency or to child protective services. During business hours, a report may be made to Washoe County Child Protective Services (775) 785-8600, or after business hours and on the weekend, to the Crisis Call Center in Reno at 784-8090, or toll-free 800-992-5757.

Additional phone numbers for law enforcement and protective agencies throughout the counties of the Diocese of Reno are listed in the back of this booklet.

REPORTING CHILD ABUSE TO THE DIOCESE OF RENO – ALSO MANDATORY

In addition to complying with civil reporting laws, all ministers, employees and volunteers are required to report to the Diocese by contacting the appropriate Victim's Advocate. The names and telephone numbers of the diocesan Victims Advocates are published on the diocesan web site at http://dioceseofreno.org/userpages/Safe_Environment.aspx. In the alternative, a report may also be made to the-Chancellor at the diocesan pastoral center by calling 1-844-669-8911 or fax 1-844-861-8339 or from outside Northern Nevada, (866) 329-6009.

The Victim's Advocate or Chancellor may also notify the civil authorities if the allegation has not already been reported, or to verify such a report. The Diocese of Reno will conduct an internal investigation as outlined below.

PASTORAL CARE

THE CHURCH'S CARE FOR THOSE WHO ALLEGE SEXUAL MISCONDUCT

Following the example of Jesus, the Church has a special concern for those who are most vulnerable. The Diocese of Reno reaches out to victims and their families by providing counseling, spiritual assistance, support groups and other appropriate social services. The goal of this outreach is to furnish pastoral care that will result in healing for all directly involved.

Upon receipt of any report of sexual abuse or misconduct, the victim will be invited to meet with the appropriate diocesan official to discuss the nature of the claim. A Victim's Advocate will be available to assist in the victim's immediate pastoral care. The Victim's Advocate will help the victim find appropriate counseling and other help, and will also help the victim throughout the process described in this policy. The Bishop or his representative will offer to meet with victims and their families in order to listen and offer solidarity.

Incidents of sexual misconduct, particularly with minors, or individuals who habitually lack the use of reason, have a negative impact on the victim, the victim's family and the perpetrator, as well as the parish and the whole church. Anyone who has been abused by a cleric or other church personnel has the right to expect meaningful pastoral assistance from the Church to assure that person's holistic healing. Treatment for individual victims will vary. Diocesan support will be determined in proportion to the defined course of therapy. The Diocese of Reno assures its reasonable assistance as the need arises.

In responding to victims of sexual misconduct by clergy or other church personnel, it is necessary to acknowledge that the church is human. Healing is needed by all in the church, and we all need to be part of the healing process. It is important for clerics and all church ministers to be sensitive to the needs and feelings of those who allege sexual misconduct and are found to be victims of abuse.

THE CHURCH'S CARE OF PRIESTS AND DEACONS

All persons are called to live a chaste life in accordance with their particular state in life. Bishops, priests and transitional deacons are obliged to observe perfect and perpetual continence for the sake of the kingdom of heaven, and are therefore subject to special canonical penalties in the area of sexual misconduct. A cleric must be careful about the morality of his actions, as well as about the way his conduct reflects on his commitment to the observance of celibate chastity. As provided by Canon 277 § 2, "Clerics are to behave with due prudence towards persons whose company can endanger their obligation to observe continence or give rise to scandal among the faithful." It is therefore the policy of this Diocese that each priest be afforded the necessary education, formation and growth opportunities to maintain a healthy, celibate lifestyle.

Clerics, who are ordained as married men, such as permanent deacons or men ordained to the priesthood with special permission of the Apostolic See, are canonically bound to continence with all persons except their wives.

Sexual misconduct has the potential for causing considerable harm to all those involved, as well as to the Church and the credibility of all its priests. The nature of the priest's role in the church and within the parish community requires a sacred trust between the priest and parishioners. This trust is essential for his effectiveness as a pastor. Sexual misconduct on the part of a cleric violates this trust. It is also a source of great scandal to Catholics and non-Catholics alike, because clerics have made a commitment to perfect and perpetual continence.

Some forms of sexual misconduct are the result of a psychological illness or disorder. Although some of these disorders may improve with treatment, past experience has shown that treatment followed by reassignment has too often resulted in repeated patterns of abuse. Accordingly, the Bishops of the United States are committed to permanently removing from ministry any priest or deacon who has committed even a single act of sexual abuse against a minor or an individual who habitually lacks the use of reason. As Pope John Paul II stated, "There is no place in the priesthood or religious life for those who would harm the young."²

Any allegation of sexual misconduct will be taken seriously by the diocese and the process of investigation will be initiated immediately. The Diocese of Reno will cooperate with civil authorities and adhere to reporting requirements of civil law, if applicable. While this process will involve several official representatives of the Bishop who will investigate and evaluate the evidence, the Bishop will make all final decisions regarding both the priest and the others involved in the situation. For cases involving allegations of sexual abuse of a minor or an individual who habitually lacks the use of reason by a cleric, the Bishop will make his final decision having consulted the diocesan review board. The Bishop will exercise responsibility for getting to the truth of a difficult situation and for searching for appropriate remedies, while exercising the compassion of Christ toward the priest as well as to the person making the accusation.

THE CHURCH'S CARE OF CHURCH PERSONNEL

The Diocese of Reno has similar concern for any sexual misconduct or abuse that may be perpetrated by a non-ordained person who is employed by the church or serving in a recognized pastoral ministry. Trust is fundamental in all ministerial relationships. Any proven abuse of the power and authority of a pastoral role by sexual misconduct or abuse is cause for termination. In addition, the Diocese of Reno will cooperate with civil authorities and adhere to reporting requirements of civil law, if applicable.

² Quoted in the *Charter for the Protection of Children and Young People*, Art. 5, p. 11.

The process concerning investigation and action as described in this policy will be followed if any such allegation is made. The diocese will assume appropriate responsibility in accordance with the relationship it has with the accused. The diocese will ensure that all canonical and civil rights are upheld, including that of the accused and the victim.

PROCEDURES

INVESTIGATIVE PROCEDURE

When an allegation of sexual misconduct is made, the person reporting the complaint shall be informed that the Diocese has a policy and procedures to be followed. The person reporting the complaint is to be referred to the appropriate Victim's Advocate or to the Chancellor. To facilitate reporting incidents of sexual misconduct or abuse, information concerning how to contact the Chancellor directly shall be readily available in printed form and will be publicized within the Diocese, including on the web site.

Upon receipt of an allegation, the Chancellor will comply with all civil reporting requirements. If the Chancellor believes that the safety of children requires immediate withdrawal of the accused from his ministerial assignment, he will so advise the Bishop. The Bishop may place the accused on administrative leave at any time during the process.

The Bishop will appoint one or more persons to investigate the allegations. The Chancellor shall call upon the investigator to gather information regarding the allegation. The accused enjoys a presumption of innocence during the investigation. At all times during the investigation of the matter, care will be taken lest anyone's good name—including that of the victim and of the accused—be endangered by the investigation. The investigator shall conduct the preliminary investigation of the complaint and shall prepare a confidential written report of its findings. The investigator's report will not be made available to the person making the allegations.

For cases involving allegations of sexual abuse of a minor or an individual who habitually lacks the use of reason by a cleric, the Bishop has also appointed a review board to advise him in his assessment of allegations and in his determination of the suitability of the accused for ministry. Upon completion of the investigator's report, the review board is to review the report and meet and confer concerning the report.

The Review Board will determine whether the Chancellor's preliminary actions were appropriate and what further action must be taken at this time, including whether further investigation is necessary to assist the board. Once the board has all the information it needs, it will deliberate upon whether the allegations are credible, and will advise the Bishop of its determinations and conclusions.

For cases not involving allegations of sexual abuse of a minor or an individual who habitually lacks the use of reason by a cleric, the Review Board will not be called upon. Instead, the Bishop will consider the investigator's report and will determine whether the allegations seem credible.

If the Bishop finds that an allegation does not appear to be credible, no canonical action will be instituted in the diocesan tribunal. The Bishop may suspend the investigation, direct the investigator to conduct further investigation, or may request the accused to submit to psychological testing or counseling. The Bishop will see to it that the accused and the person who brought the allegation are notified of the conclusion of the investigation.

If it is determined that a claim is unfounded, but that the accused acted imprudently, the investigator (or the review board, if applicable) may recommend to the Bishop that the activities of the accused be restricted and that the person be supervised, monitored or counseled. If the accused is a diocesan priest or deacon, the Bishop makes all decisions regarding the priest, taking care that his canonical and civil rights are upheld. If the accused is a member of a religious order, the Bishop and the ordinary of the religious order will make the appropriate decisions. Similarly, the Bishop will take appropriate action if the accused is not a cleric.

ACTION PHASE

FOR CASES INVOLVING SEXUAL ABUSE OF MINORS OR AN INDIVIDUAL WHO HABITUALLY LACKS THE USE OF REASON BY CLERICS:

When there is sufficient evidence that sexual abuse of a minor or an individual who habitually lacks the use of reason has occurred, the Congregation for the Doctrine of the Faith ("CDF") shall be notified. The Bishop shall then apply the precautionary measures mentioned in can. 1722—*i.e.*, withdraw the accused from sacred ministry or from any ecclesiastical office or function, impose or prohibit residence in a given place or territory, and prohibit public participation in the most holy Eucharist pending the outcome of the process. This canon requires that the promoter of justice must be heard and the accused must be cited before these precautionary measures are applied.

The Bishop will inform those closest to the cleric's official assignment of his decision, including parishioners, but not the details of the allegation.

The CDF will direct the Bishop how to proceed, unless it calls the case to itself because of special circumstances. If the case would otherwise be barred by prescription (the canonical statute of limitations), because sexual abuse of a minor, or individual who habitually lacks the use of reason is a grave offense, the Bishop may apply to the CDF for a dispensation from the prescription, indicating relevant grave reasons. If the CDF remands the case for adjudication at first instance before the local tribunal, the promoter of justice shall initiate the appropriate

canonical action by filing a libellus in the tribunal, and shall prosecute the same to its conclusion in accordance with the Code of Canon Law.

The alleged offender may be requested to seek, and may be urged voluntarily to comply with, an appropriate medical and psychological evaluation at a facility mutually acceptable to the diocese and the accused, as long as this does not interfere with any investigation by civil authorities. The accused is never obliged to submit to such evaluation or treatment, however.

Care will always be taken to protect the rights of all parties involved, particularly those of the person claiming to have been sexually abused and the person against whom the charge has been made. When an accusation has proved to be unfounded, every step possible will be taken to restore the good name of the person falsely accused.

Even a single act of sexual abuse of a minor or individual who habitually lacks the use of reason by a priest or deacon shall result in permanent removal from ministry. The Bishop will offer the offending cleric professional assistance for his own healing and well being, and for the purpose of prevention.

FOR CASES INVOLVING SEXUAL ABUSE OR MISCONDUCT BY CLERICS WITH ADULTS:

If the evidence shows the allegations are credible, the Bishop must decide 1) whether a process to inflict or declare a penalty can be initiated, and if so, 2) whether this is expedient; 3) whether a judicial process must be used or the matter must proceed by way of extra-judicial decree (*i.e.*, administrative process) (can. 1718).

Administrative Process: Canon 1720 provides for an administrative process for imposing a penal decree; *i.e.*, the Bishop may circumvent the normal judicial process.

Judicial Process (cann. 1717-1728): The Bishop may give the acts of the investigation to the promoter of justice to initiate a judicial action in the tribunal. The action will proceed as provided in the Code of Canon Law. Such cases are not referred to the CDF.

FOR ALL OTHER TYPES OF CASES:

If the accused is not a cleric, the diocese will exercise appropriate action in accord with its relationship with the accused and the particular circumstances of the situation.

All diocesan employees are employees at will, with the exception of teachers, who execute an annual contract. Accordingly, the relevant norms and procedures in the diocesan employee handbook and the teacher handbook are incorporated into this policy by reference.

If the accused is not an employee, the diocese will take appropriate action to ensure that he or she does not volunteer again in any capacity that would put others at risk for repeated sexual misconduct.

ORDAINED CLERGY INCARDINATED IN A RELIGIOUS COMMUNITY OR ANOTHER DIOCESE

All priests and deacons not incardinated in the Diocese of Reno who intend to exercise pastoral ministry in this diocese must receive faculties from the Bishop of Reno. The Bishop will not grant faculties to a cleric without full disclosure of the cleric's current status. No cleric can be transferred for residence to this diocese unless the Bishop of Reno has received the necessary information regarding any past act of sexual abuse of a minor or an individual who habitually lacks the use of reason by the cleric. (*Essential Norms (rev.)*, ¶ 12.) In addition, the Bishop will not grant faculties to a cleric unless that cleric is established to be free from a history of any other kind of sexual misconduct.

A transferring cleric and his superior are to be fully informed that the cleric will be expected to abide by the policies and norms in effect in this diocese concerning sexual misconduct. Should a valid allegation arise against a priest or deacon incardinated elsewhere, he will be immediately removed from his official ministry in this diocese.

SEMINARIAN FORMATION

Students sponsored by the diocese and studying in seminaries for ordination to the priesthood to serve the Diocese of Reno are to receive appropriate screening, academic courses and components in their formation programs to achieve in-depth psychosexual development with special emphasis on making moral choices in accord with church teaching.

RESOURCES

Canon Law Society of America (CLSA), Washington, D.C., Code of Canon Law, Latin-English Edition, 1983

CLSA, New Commentary on the Code of Canon Law, (Beal, Coriden & Green, eds.) 2000

CLSA, *Guide to the Implementation of the U.S. Bishop's Essential Norms for Diocesan/Eparchial Policies Dealing with Allegations of Sexual Abuse of Minors by Priests or Deacons*, January 2003

United States Conference of Catholic Bishops (USCCB), Washington D.C., *Charter for the Protection of Children and Young People*, Rev. June 2005

USCCB, *Essential Norms for Diocesan/Eparchial Policies Dealing with Allegations of Sexual Abuse of Minors by Priests or Deacons*, Revised, Effective May 15, 2006

RELEVANT CANONS FROM THE CODE OF CANON LAW

Can. 1387 – Penalizes a priest who solicits a penitent to sin against the sixth commandment, whether in the act or on the occasion or under the pretext of confession. Such priest shall be punished with suspension, prohibitions and deprivations in accord with the seriousness of the offense; in more serious cases, he is to be dismissed from the clerical state.

Can. 1389 – Provides that one who abuses ecclesiastical power or function is to be punished in accord with the seriousness of the act or omission, not excluding deprivation from office, unless a penalty for such abuse has already been established by a law or a precept.

Can. 1395 § 1 Prohibits a cleric from living in concubinage or remaining in another external sin against the sixth commandment that produces scandal. Such cleric shall be suspended, but if he persists, other penalties may be added gradually, including dismissal from the clerical state. § 2. If a cleric commits an offense against the sixth commandment with force or threats or publicly or with a minor, the cleric is to be punished with just penalties, including dismissal from the clerical state if the case so warrants.

Can. 1399 –In addition to the other defined canonical crimes or delicts, an external violation of a divine or an ecclesiastical law can be punished by a just penalty only when the particular seriousness of the violation demands punishment and there is an urgent need to preclude or repair scandal. This canon is applicable to both clerics and lay persons.

To Report Sexual Abuse of Minors or individuals who habitually lack the use of reason by Priests, Deacons, Religious or by any Employee of the Diocese of Reno Please Call the Diocesan Victim Assistance Office: 1-844-669-8911 or FAX 1-844-861-8339 and provide a phone number so that a return call can be made or in the Elko/Eastern Nevada area: Marilyn Janka: 775-753-9542, in the Western Nevada area: David Caloiaro: 775-450-3618.

County	City	Law Enforcement		Child Protective Services
		Sheriff	Police	
Carson City	Carson City	(775) 887-2500		(775) 687-4943
Churchill	Fallon	(775) 423-1596	(775) 423-2111	(775) 423-8566
Douglas	Minden	(775) 782-5126		(800) 992-5757
Elko	Carlin		(775) 754-2221	(800) 992-5757
Elko	Elko	(775) 777-2501	(775)777-7310	(775) 753-1300
Elko	Wells	(775) 738-3421	(775) 752-3333	(800) 992-5757
Eureka	Eureka	(775) 237-5330		(800) 992-5757
Humboldt	Winnemucca	(775) 623-6419	(775) 623-6396	(775) 623-6555
Lander	Battle Mountain	(775) 635-5161		(775) 635-8172
Lyon	Fernley	(775) 463-6600		(775) 575-1844
Lyon	Yerington	Same as Fernley	(775) 463-2333	(775) 463-3151
Mineral	Hawthorne	(775) 945-2434		(775) 945-3602
Pershing	Lovelock	(775) 273-5111	(775) 273-2256	(775) 273-7157
Storey	Virginia City	(775) 847-0959		(800) 992-5757
Washoe	Reno	(775) 328-3002	(775) 334-2627	(775) 785-8600
Washoe	Sparks	Same as Reno	(775) 353-2231	Same as Reno

RECEIPT OF POLICY

The undersigned hereby acknowledges receipt on the date written below of a copy of the *Policy on Sexual Misconduct* promulgated by the Diocese of Reno, revised as of October 27, 2016. I acknowledge that if any questions are raised when I read this policy, I will contact the Diocesan Personnel Administrator. I furthermore agree to conduct myself in accordance with said policy.

Signature

Print Name

Date of Receipt

PLEASE SIGN AND RETURN THIS TO THE FACILITATOR OR THE DIOCESE OF RENO