

Policy/Annual Training: Code of Conduct for Clergy, Diocese of Salina

Sexual misconduct or sexual harassment by a member of the clergy is gravely sinful and can also be a criminal or civil offense resulting in a multitude of possible penalties for the violator and/or the diocese. Violations can result in criminal penalties involving a jail sentence; significant monetary damages to the clergyman or diocese; canonical penalties up to and including laicization; and, possibly most serious of all, causing a member of the Church to lose their faith in their Church or in even Jesus Christ Himself.

All members of the clergy are called to be committed to celibacy as appropriate to the clerical office they hold. For example, all priests have formally vowed at their ordination to remain celibate throughout their priesthood. Deacons, if married, are committed to honor their marriage vows with their spouse. If unmarried at ordination or, if married deacons should become widowed, all also have vowed to remain celibate. “There can be no ‘double life’, no ‘special circumstances’, no ‘secret life’ in the practice of chastity¹ nor within the bonds of marriage.

This code shall apply to all active, inactive, or retired diocesan clergy incardinated in the Diocese of Salina, as well as all religious and extern clergy serving in the Diocese of Salina.

1. General Definitions

- a. Clergy or Clergyman: any bishop, priest, or deacon
- b. Lay Person or Lay Worker: any of the following who is not a clergy or clergyman
 - a full-time or part-time employee of the diocese or any parish in the diocese who does not fall within the definition of “clergy or clergyman” above
 - any person approved by a clergyman or other authorized person within the diocese to serve in a voluntary capacity in a ministry or activity of the diocese
 - a seminarian or other person who is sponsored by the diocese and who is attending a theological or seminary school affiliated with the diocese
 - any nun or religious order pertaining to nuns who are affiliated with the diocese or minister within the diocese
- c. Pastoral Relationship: a relationship between either clergy or a lay person/lay worker acting on behalf of the diocese or any parish within it, and one or more other persons, where: a) the other person has received counseling, pastoral care, spiritual direction, or spiritual guidance from such clergyman, lay person/lay worker; or b) the other person, with a reasonable belief that the clergy or lay person/lay worker is acting on behalf of the diocese/any parish, has provided confidential or privileged information to such clergy or lay person/lay worker.

¹Revised draft, *Standards of Accountability for Bishops*, dated November 14, 2018.

- d. Sexual Harassment: a type of sexual misconduct defined as sexual advances, requests for sexual favors – by any means or media – or any other verbal, visual, or physical conduct of a sexual nature when:
- submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment or membership;
 - submission to or rejection of such conduct by an individual is used as the basis for employment or membership decisions affecting such individual; or
 - such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or ability to maintain membership, or creating an intimidating, hostile, or offensive working environment, in any environment or institution where the person desires to become or remain an employee or member.

Examples of sexual harassment may include, but are not limited to:

- i. Inappropriate/unwanted physical touching
- ii. Verbal conduct such as epithets, derogatory jokes or comments, slurs or sexual advances, invitations or comments
- iii. Visual conduct such as derogatory and/or sexually oriented posters, photography, cartoons, drawings, or gestures, texts via all forms of media
- iv. Threats and demands to submit to sexual requests as a condition of continued employment or to avoid some other adverse consequence, and offers employment benefits in return for sexual favors;
- v. Inappropriate conduct or comments consistently targeted at only one gender, even if the content is not sexual
- vi. In the case of a person in a position of authority – whether it is actual, moral, emotional, legal or any form of ascendancy of one person over another, any type of sexual activity or sexualized circumstances between him and one of his subordinates. While such activity may not explicitly be illegal, it is often against professional codes of ethics. Entering a sexual relationship with a subordinate, even when the contact is initiated by the latter, is unethical because of the subordinate's vulnerability.
- vii. Retaliation for having reported or threatened to report sexual harassment
- viii. The use or exhibiting of photographs, movies, videos or other imagery of a sexual or sexually suggestive nature that would reasonably be anticipated to cause embarrassment, arousal or discomfort to others, including but not limited to any form of adult or child pornography. Viewing child pornography constitutes a crime in federal and state law. If clergy is found to be viewing, distributing, transmitting, circulating, presenting, producing, directing, publishing, displaying, exhibiting, etc., child pornography, law enforcement will be contacted immediately, and the clergyman will be placed upon an immediate leave of absence.

- e. Sexual Misconduct: encompasses a range of behavior used to obtain sexual gratification against another or at the expense of another, or in a situation where the perpetrator is in a position of authority – physical, psychological, emotional, or spiritual – over the victim. Sexual misconduct includes sexual harassment, sexual assault, or any conduct of a sexual nature that has the effect of threatening, intimidating, or using the person against whom such conduct is directed.

In a pastoral or counseling relationship, all sexual relations or sexual misconduct between a clergyman and the person with whom there is a pastoral/professional relationship are deemed to be inappropriate and in violation of this policy.

In addition to the definition of sexual misconduct cited above, clergy sexual misconduct comprises any behavior and/or action that is not in accordance with the teachings of the Catholic Church on the matter of sexuality. It encompasses a range of inappropriately eroticized relationships that can be of a romantic, sexualized, or of a sexual nature or behavior between clergy and any other person who is not the deacon's spouse.

Where sexual misconduct has occurred, the reasons, or claimed reasons, for such behavior are not relevant. Moreover, since sexual misconduct often occurs after a period of "grooming the victim," it is still sexual misconduct, although physical sexual relations did not occur, if reasonable minds would conclude that sexual relations were the intended or probable consequence of the clergy's actions.

Sexual misconduct by a clergyman also includes the use or possession of pornography of any kind, i.e., pictures, magazines, videos or in any other format, on any property owned, leased, or controlled by the diocese. Nor shall such pornography be viewed by a clergyman on any device owned, leased, controlled, or through any internet service provided by the diocese.

Sexual misconduct includes, but is not limited to, the following:

- i. Sexual relations and/or conduct by a clergyman which violate the teachings and/or canons of the Catholic Church
- ii.. Any sexual involvement or sexual contact by a clergyman with another person; whether the person is an employee, volunteer, or a lay person who is a member of the Catholic Church or not, or a person is not the deacon's spouse, and who is under the age of legal consent, or who is legally incapable of giving consent
- iii.. Any written, spoken, or physical sexual advance or conduct by a clergyman towards any person; and, for deacons who are in a marital relationship, any person who is not the deacon's spouse
- iv. Any direct or indirect request or suggestion for a sexual favor by a clergyman in any type of relationship whether it be a pastoral relationship and/or an employment, mentor, and/or colleague relationship between the persons involved

- v. Any use of exploitation by a clergyman of a supervisory position or other position of authority in connection with such person's sexual needs or desires
- vi. The attempted development of a sexual relationship within a pastoral relationship
- vii. The initiation, continuation, or pursuit of a sexual relationship by a clergyman with someone with whom he has a personal and/or pastoral relationship
- viii. The use or exploitation by a clergyman of his position in connection with his sexual needs or desires
- ix. Any direct or indirect request or suggestion for a sexual favor by a clergyman of another person and, for deacons who are in a marital relationship, a person who is not the deacon's spouse; and/or
- x. Any violation of the Diocese of Salina, Safe Environment Program, and its Code of Conduct, rules, and regulations

2. Reporting Offenses

- a. Clergy are required to immediately report any contact with or by a law enforcement agency regarding any investigation of a sexual offense to the bishop, vicar general, and/or chancellor. If the vicar general or chancellor receive a report from clergy, he/she shall report it to the bishop immediately. This is to ensure that the bishop is aware of any investigation involving a clergy member, whether it involves a lay person, employee, or volunteer within the diocese or outside of the diocese so that appropriate action may be taken as required. This reporting is in addition to any diocesan requirements as to the reporting of sexual abuse of minors required by the Safe Environment Program.
- b. If a clergyman becomes aware of an allegation of sexual misconduct with a minor and/or an adult, or sexual harassment of a minor and/or an adult by another clergyman, or if he becomes aware of information leading him to believe that such an offense may have occurred, he is obliged to inform the bishop, the vicar general, and/or the chancellor, as well as comply with all applicable civil reporting laws. The vicar general and/or chancellor, upon learning of a complaint of sexual misconduct and/or sexual harassment, shall report the complaint immediately to the bishop as well as comply with all applicable civil reporting laws. This reporting is in addition to any diocesan requirements as to the reporting of sexual abuse of minors required by the Safe Environment Program.
- c. Nothing in this policy is meant to jeopardize the Seal of Sacramental Confession. The Seal of Sacramental Confession is inviolable; nothing a priest hears in the Sacrament of Confession from either a perpetrator or victim may ever be revealed or reported.
- d. Nothing in this policy is meant to jeopardize the confidentiality of spiritual direction. Spiritual direction means the formal one-on-one communication between a spiritual director and the directee outside of the Sacrament of Confession, which is assumed by both parties to be confidential. "The only possible exception to this standard of

confidentiality would be the case of grave, immediate, or mortal danger involving the directee or another person” (Program for Priestly Formation, USCCB).

- e. Clergy are greatly encouraged to seek professional or spiritual help or assistance from the diocese if they feel they have a problem with pornography, the proper maintenance of sexual boundaries, the temptation to engage in clandestine sexual activities, or any other similar type problem before it escalates to an addiction, to the commission of an inappropriate action, or to a violation of this code by them.
- f. If members of the clergy have a reasonable suspicion that another member of the clergy in the diocese has a problem with the proper maintenance of sexual boundaries, the engagement in clandestine sexual activities, or any other similar type of problem, he shall report to the bishop, the vicar general, and/or the chancellor the suspected behavior. This reporting shall be in conformance with the above stated policies regarding the Seal of Sacramental Confession and spiritual direction.

3. Punishment for Offenses

- a. In addition to any possible criminal or civil penalties for offenses committed under this code, the bishop may apply any appropriate penalty under administrative or canon law such as temporary or permanent suspension of faculties, reassignment of position or location, or request voluntary or involuntary laicization.

4. Mandatory Training

- a. All clergy to whom this code applies (see §3 pg. 1) shall take an initial mandatory in-person training and a subsequent annual review regarding this Code of Conduct in a manner determined by the bishop.





ACKNOWLEDGEMENT RECEIPT

I hereby acknowledge that I received **training** on the date below and a copy of the *Code of Sexual Conduct for Clergy* (dated October 30, 2024) for the Roman Catholic Diocese of Salina. I agree to conduct myself in accordance with these policies and procedures.

Signature

Printed Name

Date Policy was Received

Please detach and return this receipt to:

Catholic Diocese of Salina
c/o Office of the Chancellor
PO Box 980
Salina, KS 67401-0980