

Diocese of San Diego
POLICY ON SEXUAL MISCONDUCT

Introduction

Sexual misconduct is contrary to the principles and values which we hold as Catholics. Therefore, beyond any provisions of law, sexual misconduct by personnel of the Diocese of San Diego is totally inappropriate and unacceptable.

All personnel of the diocese shall comply with applicable laws as well as the policies of the diocese regarding incidents of actual or suspected sexual misconduct.

Definitions

Sexual misconduct is here defined as any sexual conduct which is civilly unlawful, e.g., sexual abuse, sexual exploitation, sexual harassment, and possession of child pornography.

The word diocesan is meant to include all entities operating under the Roman Catholic Bishop of San Diego, i.e., diocesan offices, parishes and schools.

Diocesan personnel means all those whose source of compensation is a diocesan entity, and those whose volunteer services are formally accepted by a diocesan entity.

Reporting Requirements

California State Law, Article 2.5 of the Penal Code, provides reporting requirements for child abuse whether sexual abuse, physical non-accidental injury, or neglect. Diocesan personnel must comply with those legal requirements.

In addition, diocesan personnel who have actual knowledge, or reasonable cause to suspect, that a child or an adult has been subject to sexual misconduct by diocesan personnel, must make an immediate report to the Office of the Vice-Moderator of the Curia. Children and young people are minors and a minor is defined as anyone below the age of 18 years. A person who habitually lacks the use of reason is considered equivalent to a minor. This policy is not to be construed in such a way that it would violate the priest/penitent relationship of the Sacrament of Penance.

Investigation and Response

Each reported incident will be investigated with a high level of confidentiality, as well as concern and care for alleged victims, alleged perpetrators, and others affected.

If there is reason to believe that the report may be true, pending the outcome of the internal and any external investigation, the alleged perpetrator, if compensated by the diocese, will be placed

on administrative leave; if a volunteer, services to the diocese will be suspended. At the same time there will be immediate outreach to alleged victims and others affected. Personnel of the diocese who admit to, do not contest, or are found guilty of sexual misconduct shall be subject to appropriate administrative or disciplinary action up to and including termination of employment and/or ministerial duties.

Communication

Within the confines of respect for privacy, authorized diocesan representatives will deal as openly as possible with members of the community involved. Any media contact or inquiries will be addressed only by the bishop or his delegate.

False Accusation

In the case of false accusations or unsubstantiated claims, both civil and canon law provide penalties for defamation of character in which individuals become victims of calumny and detraction.

Applicability

This policy applies to all diocesan personnel.

Forms

Form 1:

Report of Suspected Sexual Misconduct by Diocesan Personnel