

## DIOCESE OF NASHVILLE

### RESPONSE TO ALLEGATIONS OF ABUSE OF A PROFESSIONAL RELATIONSHIP A STATEMENT OF POLICY

- 1 This statement of policy is intended to create a prompt, reasonable process of diocesan response to all allegations of abuse of a professional relationship by any person acting on behalf of the Diocese of Nashville or any entity subject to the authority of the diocesan bishop per church law (hereafter 'entity/entities subject to the bishop') whether a cleric or a layperson (i.e., a minister, an employee, or an authorized volunteer) as defined in Part 2 of the diocesan policy entitled *Response to Allegations of Sexual Abuse of a Minor*. Provisions governing processes for employment or appointment of any person to a position for the Diocese are to be found in personnel policies of the Diocese, of the Catholic Schools Office, and entities subject to the bishop. Provisions governing processes and procedures for sexual abuse of a minor are found in and controlled by the diocesan policy entitled *Response to Allegations of Sexual Abuse of a Minor*.
- 2 Abuse of a professional relationship by any person acting on behalf of the Diocese of Nashville or any entity subject to the bishop whether a cleric or a layperson will not be tolerated by the Diocese of Nashville or any entity subject to the bishop.
- 3 All clergy and laypersons of the Diocese of Nashville and entities subject to the bishop are bound by this policy to report to the Victim Assistance Coordinator (615-783-0765) all known or suspected instances of abuse of a professional relationship by a cleric or a layperson. If the Victim Assistance Coordinator cannot be reached, the report should be made to the diocesan attorney (615-390-5509). The Victim Assistance Coordinator or the diocesan attorney will immediately notify the Bishop.
- 4 The Catholic Church asserts that certain acts constitute ecclesiastical crimes separate and apart from any criminal proceeding. The Church also claims the right to impose penal sanctions on its members in accordance with canon law in order to protect church community and to promote the spiritual welfare of its members. Church law provides comprehensive and equitable procedures for determining the guilt or innocence of persons accused of ecclesiastical crimes, and for imposing an appropriate sanction. The Diocese of Nashville supports and promotes compliance with these ecclesiastical laws and when circumstances warrant will employ such procedures.
- 5 **ABUSE OF A PROFESSIONAL RELATIONSHIP** is defined as an act of sexual misconduct between a cleric or a layperson (i.e., a minister, an employee, or an authorized volunteer) and an adult with whom the cleric or layperson has a relationship based on legitimate expectations of spiritual, pastoral, religious, or ministerial assistance. The term also includes the relationship between a church administrator and respective employees and appointees, and this policy statement will be followed when allegations of sexual harassment are brought against the administrator.
- 6 **SEXUAL HARASSMENT** includes unwelcome sexual advances, requests for sexual favors, sexually motivated physical contact, or other verbal or physical conduct of a sexual nature when submission to that conduct is made a condition, implicitly or explicitly, of obtaining or maintaining employment or office, or when it has the effect of substantially interfering with the exercise of duties associated with employment.
- 7 The acts of misconduct covered by this policy statement constitute ecclesiastical crimes if they involve a sin against the sixth commandment of the Decalogue and one of the following circumstances involving a cleric: force, threats, public display, open cohabitation, absolution of an accomplice, or solicitation on the occasion or under the pretext of confession. Allegations involving

the last circumstance require that special instructions from the Holy See take precedence over these norms. Otherwise, these circumstances warrant compliance with those canons of the *Code of Canon Law* and diocesan norms which govern the church's formal penal process.

- 8 In response to an allegation of abuse of a professional relationship as defined above the Bishop will immediately appoint an Investigator who as soon as possible submits a written report to the Bishop indicating whether the allegation is substantiated or not substantiated. The report may also contain a recommendation concerning any immediate action that should be taken to protect the community.
- 9 If the alleged misconduct constitutes an ecclesiastical crime, involves a cleric, and is not reserved to the Congregation for the Doctrine of the Faith, then the Bishop must decide whether to initiate a penal process in accordance with canon law and diocesan norms.
- 10 If the accused is a cleric, an ecclesiastical crime is not involved, and the Bishop accepts the Investigator's determination that an allegation is substantiated, the Bishop will intervene pastorally with the appropriate admonition, penal remedy or penance pursuant to Canons 1339-1340 of the *Code of Canon Law*. The Bishop may also insist on a medical and psychological evaluation of the priest as a condition for continued assignment in the Diocese.
- 11 If the accused is a layperson (i.e., a minister, an employee, or an authorized volunteer), employment or ecclesiastical appointment may be suspended until the case is resolved, or terminated immediately if the allegation is acknowledged or clearly substantiated.
- 12 Whenever the Bishop accepts a determination that an allegation is substantiated, the Bishop will meet with the injured party to offer the assistance of the Diocese as indicated by the circumstances and to report on all the actions undertaken.
- 13 The Diocese will not assist the accused in procuring legal representation in the civil forum or in paying for legal expenses.
- 14 Provisions of this policy are in addition to any other provisions and procedures contained in the Employee Handbooks of the Diocese or entities subject to the bishop.

#### **PROMULGATION**

This policy is hereby promulgated by the Bishop of Nashville as diocesan law. It will be strictly enforced so that justice may be served, victims may be protected, and offenders may be reformed.

Originally given the fourteenth day of September in the Year of Our Lord 1992 from the Chancery of the Diocese of Nashville by James D. Niedergeses, Bishop of Nashville, and witnessed and attested to by J. Patrick Connor, Chancellor. Continuance with revisions extended on the twenty-fourth day of February in the year of our Lord 2009 and again on the seventeenth day of March 2016 at the Chancery of the Diocese of Nashville by David R. Choby, Bishop of Nashville, and witnessed and attested to by Hans M. Toecker, Chancellor.

Most Reverend J. Mark Spalding  
Bishop of Nashville

Reverend Mr. Hans M. Toecker  
Chancellor