

# Diocese of Pueblo Sexual Misconduct Policy

Effective July 1, 2020  
Supersedes all prior policies

**Preamble.** God made humans male and female in his image and likeness, and saw that it was good (Gen. 1:27; 2:21-23; and 5:1-2). The Bible teaches that any good gift from God can be misused, and that such corruption can result in injury or shame (Gen. 3:8-13, II Sam. 11:1-12:15). The Gospel calls the Diocese of Pueblo, the ministries of the Diocese, and the Parishes<sup>1</sup> to serve all of God's people, showing special care for those who are vulnerable, including children, the elderly and those experiencing brokenness or loss (Mt. 18:6; 25:31-46). The Diocese, its ministries, and the Parishes will, therefore, work to ensure their activities and ministries are safe for all.

**Prohibition.** Sexual misconduct<sup>2</sup> is contrary to Catholic values. It is forbidden. It is always outside the scope of duties for Diocesan or Parish leaders, ministers and workers,<sup>3</sup> - clergy, lay or religious,<sup>4</sup> and volunteers.

**Screening.** Each person applying for appointment, employment, or position in the Diocese or a Parish within the Diocese shall complete a background information form as part of the application process. The Director of Human Resources will review these forms. All Diocesan or Parish leaders, ministers or workers; in addition to all Diocesan and Parish volunteers whose duties include ongoing, unsupervised contact with minors; shall be subject to a criminal background check.

**Reporting.** Every clergyman or other worker who believes he or she is a victim of sexual misconduct or who reasonably suspects sexual misconduct has occurred or will occur, shall immediately report such information as explained below. There are three distinct types of reporting: internal, episcopal, and external. Internal reporting provides notice to Diocesan officials of all suspected instances of *sexual misconduct*. Episcopal reporting applies when the suspected offender is a bishop or his equivalent. External reporting provides notice to law enforcement of suspected instances of *child abuse or neglect*.

- a. **Internal Reporting:** Clergy and other workers who reasonably suspect an incident of sexual misconduct has occurred or will occur, including those who believe that they are victims of such conduct, shall immediately report the details to the Vicar General or the Diocesan Human Resources Generalist.
- b. **Episcopal Reporting:** Clergy and other workers who reasonably suspect that a bishop or his equivalent committed an incident of sexual misconduct or that such a person, by act or omission, intended to interfere with or avoid civil or canonical investigation of sexual misconduct by a priest, deacon, or member of a religious institute shall report to the bishop where the conduct occurred. However, if the alleged bishop offender is the present Bishop of Pueblo, the report should be made to the Archbishop of Denver, to ReportBishopAbuse.org, or to the national hotline at 800-276-1562.
- c. **External Reporting:** The Diocese will immediately report every allegation of child abuse or neglect to law enforcement. Clergy and other workers shall immediately report suspected child abuse or neglect to law enforcement. Any clergy or other worker who has any doubt regarding his or her external reporting obligations should consult with the Vicar General, the Diocesan Human Resources Generalist, or Diocesan counsel. "Child abuse or neglect" includes more than sexual misconduct against minors as defined by this policy. It

includes physical injury of a child, malnutrition, failure to thrive and inadequate parental provision of food, clothing, shelter or medical care.

Those making external reports should make them by phone and in writing to the appropriate law enforcement agency. The written report should be submitted on the Diocesan Child Abuse Reporting form. Copies of the form may be acquired from the Diocesan Director of Human Resources.

Subject to certain exceptions, Colorado law states that any person who participates "in good faith in making [such] a report . . . shall be immune from any liability, civil or criminal, or termination of employment that otherwise might result by reason of such" reporting.

*Seal of Confession Inviolable.* The seal of sacramental confession is inviolate. Thus, all reporting obligations do not apply when the information giving rise to the duty to report is acquired exclusively through sacramental confession. Colorado law exempts clergy from the duty to report when they acquire otherwise reportable information through privileged clergy communications in sacramental confession.

**Prohibition of Retaliation.** There shall be no retaliation or adverse employment action against or silencing of clergy or other workers who, in good faith, report suspected sexual misconduct or assist in the investigation of such a report. Any person who suspects any such retaliation shall immediately report the same to the Vicar General or the Diocesan Director of Human Resources.

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<sup>1</sup> "**Parish**" means any parish, mission, parish school or other parish ministry within the Diocese.

<sup>2</sup> "**Sexual misconduct**" is: (a) any sexual conduct which arises from the work of the Diocese or a Parish, involves a Diocesan or Parish Worker, a Diocesan or Parish volunteer, or a religious, and another individual, and that constitutes either unlawful activity, sexual harassment, or activity contrary to Catholic moral teachings or canon law; (b) violence, threat, or abuse of authority by a deacon, priest, or bishop that forces someone (whether an adult or a minor) to perform or submit to a sexual act; (c) the production, exhibition, possession, or distribution of a pornographic image of a minor or vulnerable person; (d) the recruitment of or inducement of a minor or vulnerable person to participate in pornographic exhibition; or (e) youth peer sexual harassment.

"**Sexual harassment**" is any unwelcome sexual advance, request for sexual favors and other visual, verbal or physical conduct of a sexual nature when submission to or rejection of such conduct is used as the basis for employment decisions, or such conduct has the purpose or effect of unreasonably interfering with an employee's work performance or creating an intimidating, hostile or offensive working environment. Sexual harassment does not refer to behavior or compliments of a socially acceptable nature. It refers to sexual behavior that is unwelcome, personally offensive or interferes with work effectiveness.

"**Youth peer sexual harassment**" is any unwelcome sexual advance, request for sexual favors or other verbal or physical conduct of a sexual nature by or between minors involved in any Diocesan or Parish activity and that has the purpose or effect of intimidating, embarrassing or humiliating the other person.

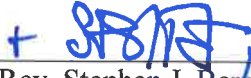
<sup>3</sup> "**Clergy and other workers**" includes:

- a. The bishop, priests, and deacons attached to or on assignment by the Diocese;
- b. Diocesan seminarians and seminarians of other dioceses or religious orders or apostolic societies serving a Parish or the Diocese with approval of the Diocese or a Parish Pastor;
- c. Diocesan diaconal candidates; and
- d. Employees of the Diocese or the Parishes.

<sup>4</sup> "**Religious**" means any member of religious order or apostolic society assigned, engaged, or employed by the Diocese or the Parishes. Solely for the purpose of this policy, "Religious" also includes extern Diocesan priests assigned, engaged or employed by the Diocese or the Parishes.

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I, Stephen J. Berg, Bishop of the Diocese of Pueblo, hereby promulgate this Sexual Misconduct Policy as special legislation of the Diocese. It shall take effect on July 1, 2020 and shall continue in effect until revoked or amended by me or my successor.



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Most Rev. Stephen J. Berg  
Bishop of Pueblo