POLICY CONCERNING SEXUAL MISCONDUCT WITH VULNERABLE ADULTS

Sexual misconduct by personnel of the Diocese, whether by members of the clergy or by lay employees or volunteers, may be a criminal act and, at a minimum, is a grave offense against a person created in God's image and likeness and is contrary to Christian principles and Catholic teaching. This document does not address sexual misconduct in general, or sexual abuse of minors (covered in a separate policy) but only the special circumstances described herein.

I. DEFINITIONS:

Personnel of the Diocese shall include: (1) members of the clergy of the Diocese of Yakima and other clergy members with assignments from the Bishop of Yakima; (2) members of religious congregations or institutes who staff a unit of the Corporation of the Catholic Bishop of Yakima or reside on diocesan property; (3) lay persons who are employees of or volunteers in parishes and other agencies of the Corporation of the Catholic Bishop of Yakima.

Sexual misconduct means any sexual conduct which is unlawful in the State of Washington or is contrary to the moral teachings or doctrines and canon law of the Catholic Church.

Victims are those persons who claim to have experienced sexual misconduct by personnel of the Diocese. The term victim includes vulnerable adults.

Vulnerable adults are all those age eighteen and older who, because of physical, mental or emotional impairment, are unable or unlikely to report abuse or neglect without assistance. This includes, but is not limited to, vulnerable adults as defined under RCW 74.34.020 (see appendix). This also includes those under the age of 21 who are still enrolled in high school.

II. BACKGROUND AND REFERENCE CHECKS:

In order to minimize the possibility of sexual misconduct, seminarians, and members of the clergy beginning their ministry in the Diocese, and new employees arriving to work in the Diocese for the first time shall be required to supply references and, if applicable, a complete history of past employment before they may serve in the Diocese. Qualified agents/agencies shall conduct a background check regarding sexual misconduct by applicants for employment as Catholic school administrators, teachers or support staff. All other prospective employees and unsupervised volunteers working with minors or vulnerable adults must submit to a formal background check by agents/agencies hired by the Diocese prior to beginning their Diocesan employment or volunteer ministry. A background check shall also be obtained for members of the clergy whose

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record is incomplete. Similarly, superiors of religious communities shall supply any information they have regarding sexual misconduct by their members who may wish to serve in this Diocese.

III. OBLIGATION TO REPORT:

Personnel of the Diocese who know or have reasonable grounds to know of a specific incident of sexual misconduct by any personnel of the Diocese shall immediately report such misconduct to the Bishop, the Vicar General, Chancellor, or the Chief of Staff.

A priest, of course, cannot reveal and therefore, cannot report anything said to him by a penitent in the Sacrament of Penance (Confession).

In instances where the alleged misconduct violates state law regarding vulnerable adults, it is the responsibility of the Bishop, or in his absence, the Vicar General, to report any alleged incident involving a vulnerable adult to law enforcement authorities. The Bishop or Vicar General also will advise the victim (or his/her guardian) of their right to report such alleged incident to the appropriate law enforcement agency.

IV. INVITATION TO REPORT:

All persons who have reason to believe that a vulnerable adult is being abused or is in danger of being abused by personnel of the Diocese are urged to contact the Diocese's confidential abuse hotline, 1-888-276-4490. A report also may be made to the Bishop, Vicar General, Chancellor or Chief of Staff by calling The Diocese of Yakima, 509-965-7117.

V. RESPONSE TO THE REPORT:

Pending the outcome of a more complete investigation, the person alleged to have violated this policy may be relieved by the Bishop of all responsibilities in the Diocese and placed on administrative leave. Such leave will be with or without pay and benefits as the Bishop may decide. Great care must be taken that the person's good name not be damaged in any way. The chairman of the Diocesan Lay Advisory Board will be consulted regarding all reports of sexual misconduct, and the full DLAB may be asked to review particular cases of sexual misconduct, if necessary.

VI. INVESTIGATION:

If appropriate and without, at this point, making a judgment about the truth of the allegations made, the Bishop or his delegate will: (1) respond to the report initially received from the alleged victim and/or family; (2) offer assistance in seeking counseling/therapy; (3) demonstrate initial compassionate concern, support and solace; (4) inform the victim that the Bishop through a personal contact will also offer further assistance.

The person alleged to have violated this policy shall be presented with specific charges by the Bishop and given an opportunity to respond to the charges. The person alleged to have violated this policy and the victim may be represented by legal counsel.

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Each reported incident will be investigated as soon as reasonably possible with a high degree of care and concern for all involved. The investigation may be conducted by an investigator appointed by the Bishop. Upon completion of the investigation, the Bishop will review its findings, determine the validity of the allegations or specific charges made and decide what action should be taken. Appropriate confidentiality shall be observed, while at the same time complying with all applicable legal reporting requirements.

It shall be the goal of the Bishop to complete the investigation process within sixty days from the date the Diocese receives the sexual misconduct complaint.

VII. ACTION IF THE ALLEGATIONS ARE TRUE:

Following an investigation under this policy, any non-cleric who admits to, or does not contest the allegation, or is found by the Bishop to have engaged in sexual misconduct, shall be terminated by the Bishop from employment and any position of diocesan responsibility.

Following an investigation under this policy, any cleric who admits to, or does not contest the allegation, or is found by the Bishop to have engaged in sexual misconduct shall be relieved of all ministerial responsibilities or dismissed from the clerical state as determined by church law. The offending cleric shall also be offered professional assistance for his own healing and well being in the future. Following treatment and considering the recommendations of professionals in the field, a cleric may possibly be a candidate for assignment to some ministry if there is good assurance that such assignment can be safely given. Each case will be separately considered by the Bishop. Aftercare will be an important part of such a reassignment.

VIII. ACTION IF THE ALLEGATIONS ARE FALSE:

Based upon the evidence submitted to him, and all the facts involved, the Bishop may decide whether administrative leave, if it has been imposed, should be terminated and the person alleged to have violated this policy reinstated. Both the good of the Church and the good of the individual will be considered. Every effort will be made to restore the good name and reputation of the person wrongfully accused.

IX. MINISTERING TO VICTIMS AND THEIR FAMILIES:

The Bishop may direct the Diocesan Victim's Assistance Coordinator to take responsibility for ministering to victims of sexual misconduct and their families.

X. PROMOTER OF JUSTICE:

The Bishop has appointed a Promoter of Justice who will review the recommendations made to the Bishop in the case of a cleric against whom an allegation of sexual misconduct has been made.

XI. EDUCATION OF PERSONNEL:

The Diocese shall maintain, for its clergy, religious and laity, a permanent policy of ongoing education regarding sexual misconduct.

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XII. STANDARDS OF BEHAVIOR FOR CLERGY AND VOLUNTEERS:

Those who act in the name of the church have special influence in the lives of the people to whom they minister. Because of the respect and reverence with which many people seek help from the church's ministers, there is an imbalance of power and hence a vulnerability inherent in the ministerial relationship. In these circumstances it is likely that there is an absence of meaningful consent to any sexual activity, even in the case of an adult. This imbalance of power makes any sexual activity always inappropriate. It is the responsibility of the church minister or staff member to maintain appropriate emotional and sexual boundaries with those with whom they work and serve.

As in other helping professions such as physicians and therapists, the special nature of the relationship between church personnel and the people they serve calls for a higher ethical standard of behavior. In such relationships the appropriateness or inappropriateness of behavior is judged not by the intent of the agent, but its impact upon the recipient. It is the policy of this Diocese to expect the behavior of all church personnel to comply with professional ethics and Catholic moral standards. Not only must the actual behavior meet appropriate standards, but all clergy, employees and volunteers are expected to act in ways which do not give the appearance of impropriety.

Behaviors that are deemed inappropriate include but are not limited to the following:

1. Sexual relationships with parishioners, counseling clients, students, or collaborators in ministry.

2. Touches and embraces that are experienced or perceived as uncomfortable to the individual or which may not be appropriate as to sex and age.

3. Language and non-verbal communication which is suggestive, demeaning or controlling of another person.

4. The singling out of persons, especially of children and minors, for special personal attention or personal gifts.

5. Taking young people on personal trips or vacations without other adults or appropriate chaperones.

6. A relationship with a parishioner or a client which becomes highly personal or which mixes professional responsibilities with a personal friendship in a way that might be viewed as inappropriate.

7. When a cleric or a volunteer asks an individual (for example, a parishioner, a counseling client, a student or a co-worker) to conceal the fact and nature of their personal relationship.

8. The suggestion that the relationship between care givers and those who seek their help is a "two way" relationship in which the care giver also receives help from the interaction.

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APPENDIX

Revised Code of Washington 74.34.020

Definitions.

(1) "Abandonment" means action or inaction by a person or entity with a duty of care for a vulnerable adult that leaves the vulnerable person without the means or ability to obtain necessary food, clothing, shelter, or health care.

(2) "Abuse" means the willful action or inaction that inflicts injury, unreasonable confinement, intimidation, or punishment on a vulnerable adult. In instances of abuse of a vulnerable adult who is unable to express or demonstrate physical harm, pain, or mental anguish, the abuse is presumed to cause physical harm, pain, or mental anguish. Abuse includes sexual abuse, mental abuse, physical abuse, and exploitation of a vulnerable adult, which have the following meanings:

(a) "Sexual abuse" means any form of nonconsensual sexual contact, including but not limited to unwanted or inappropriate touching, rape, sodomy, sexual coercion, sexually explicit photographing, and sexual harassment. Sexual abuse includes any sexual contact between a staff person, who is not also a resident or client, of a facility or a staff person of a program authorized under chapter 71A.12 RCW, and a vulnerable adult living in that facility or receiving service from a program authorized under chapter 71A.12 RCW, whether or not it is consensual.

(b) "Physical abuse" means the willful action of inflicting bodily injury or physical mistreatment. Physical abuse includes, but is not limited to, striking with or without an object, slapping, pinching, choking, kicking, shoving, prodding, or the use of chemical restraints or physical restraints unless the restraints are consistent with licensing requirements, and includes restraints that are otherwise being used inappropriately.

(c) "Mental abuse" means any willful action or inaction of mental or verbal abuse. Mental abuse includes, but is not limited to, coercion, harassment, inappropriately isolating a vulnerable adult from family, friends, or regular activity, and verbal assault that includes ridiculing, intimidating, yelling, or swearing.

(d) "Exploitation" means an act of forcing, compelling, or exerting undue influence over a vulnerable adult causing the vulnerable adult to act in a way that is inconsistent with relevant past behavior, or causing the vulnerable adult to perform services for the benefit of another.

(3) "Consent" means express written consent granted after the vulnerable adult or his or her legal representative has been fully informed of the nature of the services to be offered and that the receipt of services is voluntary.

(4) "Department" means the department of social and health services.

(5) "Facility" means a residence licensed or required to be licensed under chapter 18.20 RCW, boarding homes; chapter 18.51 RCW, nursing homes; chapter 70.128 RCW, adult family homes;

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chapter 72.36 RCW, soldiers' homes; or chapter 71A.20 RCW, residential habilitation centers; or any other facility licensed by the department.

(6) "Financial exploitation" means the illegal or improper use of the property, income, resources, or trust funds of the vulnerable adult by any person for any person's profit or advantage other than for the vulnerable adult's profit or advantage.

(7) "Incapacitated person" means a person who is at a significant risk of personal or financial harm under RCW 11.88.010(1) (a), (b), (c), or (d).

(8) "Individual provider" means a person under contract with the department to provide services in the home under chapter 74.09 or 74.39A RCW.

(9) "Interested person" means a person who demonstrates to the court's satisfaction that the person is interested in the welfare of the vulnerable adult, that the person has a good faith belief that the court's intervention is necessary, and that the vulnerable adult is unable, due to incapacity, undue influence, or duress at the time the petition is filed, to protect his or her own interests.

(10) "Mandated reporter" is an employee of the department; law enforcement officer; social worker; professional school personnel; individual provider; an employee of a facility; an operator of a facility; an employee of a social service, welfare, mental health, adult day health, adult day care, home health, home care, or hospice agency; county coroner or medical examiner; Christian Science practitioner; or health care provider subject to chapter 18.130 RCW.

(11) "Neglect" means (a) a pattern of conduct or inaction by a person or entity with a duty of care that fails to provide the goods and services that maintain physical or mental health of a vulnerable adult, or that fails to avoid or prevent physical or mental harm or pain to a vulnerable adult; or (b) an act or omission that demonstrates a serious disregard of consequences of such a magnitude as to constitute a clear and present danger to the vulnerable adult's health, welfare, or safety, including but not limited to conduct prohibited under RCW 9A.42.100.

(12) "Permissive reporter" means any person, including, but not limited to, an employee of a financial institution, attorney, or volunteer in a facility or program providing services for vulnerable adults.

(13) "Protective services" means any services provided by the department to a vulnerable adult with the consent of the vulnerable adult, or the legal representative of the vulnerable adult, who has been abandoned, abused, financially exploited, neglected, or in a state of self-neglect. These services may include, but are not limited to case management, social casework, home care, placement, arranging for medical evaluations, psychological evaluations, day care, or referral for legal assistance.

(14) "Self-neglect" means the failure of a vulnerable adult, not living in a facility, to provide for himself or herself the goods and services necessary for the vulnerable adult's physical or mental health, and the absence of which impairs or threatens the vulnerable adult's well-being. This definition may include a vulnerable adult who is receiving services through home health, hospice, or a home care agency, or an individual provider when the neglect is not a result of

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inaction by that agency or individual provider.

(15) "Vulnerable adult" includes a person:

(a) Sixty years of age or older who has the functional, mental, or physical inability to care for himself or herself; or

(b) Found incapacitated under chapter 11.88 RCW; or

(c) Who has a developmental disability as defined under RCW 71A.10.020; or

(d) Admitted to any facility; or

(e) Receiving services from home health, hospice, or home care agencies licensed or required to be licensed under chapter 70.127 RCW; or

(f) Receiving services from an individual provider.

[2007 c 312 § 1; 2006 c 339 § 109; 2003 c 230 § 1; 1999 c 176 § 3; 1997 c 392 § 523; 1995 1st sp.s. c 18 § 84; 1984 c 97 § 8.]

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PROMULGATION

POLICY CONCERNING SEXUAL MISCONDUCT WITH VULNERABLE ADULTS

By the authority granted him by Canon 31 of the 1983 Code of Canon Law, Bishop Carlos A. Sevilla, S.J., promulgated the Yakima Diocese Policy Concerning Sexual Misconduct with Vulnerable Adults on March 1, 2010.

After consultation earlier this year with the Diocesan Lay Advisory Board (DLAB) and the Executive Committee of the Council of Priests, I have approved an update to the policy, concerning the DLAB's involvement in cases of sexual misconduct with vulnerable adults. Today, June 26, 2025, I am promulgating the entire policy again, with the update.

This updated policy is effective immediately, and is to be followed by all parishes and institutions of the Diocese of Yakima.

Given June 26, 2025 at the Pastoral Office of the Diocese of Yakima.

Most Rev. Joseph J. Tyson
Bishop of Yakima
[signature electronically applied]

Rev. Msgr. Robert M. Siler
Chancellor
[signature electronically applied]

CATHOLIC DIOCESE OF YAKIMA 1951