



Clergy Privacy FAQs



Nevada

Chaplains and campus ministers can often provide confidential support for people in campus communities who have experienced sexual and domestic violence. Because of mandatory reporting laws and Title IX reporting requirements on campus, privileged communications may provide the most privacy protection for these survivors. Privileged communications may be possible with victim advocates and medical staff on campuses in certain jurisdictions, but sometimes chaplains and campus ministers are the only privileged professionals on campus who are not required to report a disclosed sexual assault.¹ Office on Violence Against Women (OVW)-funded victim service providers (VSPs) who work on campuses need to be able to explain to the people they serve how private any communication with chaplains or campus ministers will be and when these clergy may be required to report abuse, neglect, or sexual assault. These FAQs are meant to help VSPs understand the legal parameters for these communications.

These FAQs describe the clergy-penitent privilege and the mandatory reporting laws in the identified jurisdiction. We include legal citations so that you can read more about the laws and make sure they are current. None of the information in these FAQs is legal advice and you should always check with an attorney about how these laws work in your jurisdiction. The FAQs are a part of our Campus Privacy Toolkit. To receive an electronic copy of the Toolkit, or to ask privacy questions related to your OVW-funded work, please email us at TA@victimrights.org.

1 **What is the clergy-penitent privilege in Nevada?** “A member of the clergy or priest shall not, without the consent of the person making the confession, be examined as a witness as to any confession made to the member of the clergy or priest in his or her professional character.” Nev. Rev. Stat. § 49.255.

2 **What is a “confidential communication”?** While a “confidential communication” is not defined in the context of the clergy-penitent communication, one can look to its definition in other privilege statutes. For example, in the psychologist and patient statute, a communication is “confidential” if it is “not intended to be disclosed to third persons other than (a) those present to further the interest of the patient in the consultation, examination or interview; (b) persons reasonably necessary for the transmission of the communication; or (c) persons who are participating in the diagnosis and treatment under the direction of the psychologist, including members of the patient’s family.” Nev. Rev. Stat. § 49.207. This language is similarly applied with a clinical professional counselor and client (Nev. Rev. Stat. § 49.2502(3)); a social-worker and client (Nev. Rev. Stat. § 49.2502(3)); and a doctor and patient (Nev. Rev. Stat. § 49.215(1)).

¹ Even if a communication is protected from campus reporting by clergy privilege, jurisdictions may require clergy to report abuse of minors, elders, and persons with disabilities.

How are clergy exempted from, or included in, Nevada’s mandatory reporting laws? (This is not necessarily an exhaustive list of the abuse, neglect, or injuries that must be reported in this jurisdiction.)

Type of abuse or neglect	Rule and exceptions
<p>Child abuse or neglect</p>	<p>If in the clergy member’s professional or occupational capacity, the clergy member “knows or has reasonable cause to believe that a child has been abused or neglected”, they must report the abuse or neglect of the child. Nev. Rev. Stat. § 432B.220(4)(d).</p> <p>However, the clergy member is exempted from this obligation if the clergy member “has acquired the knowledge of the abuse or neglect from the offender during a confession.” Nev. Rev. Stat. § 432B.220(4)(d).</p>
<p>Abuse of older and vulnerable persons</p>	<p>Clergy members are not included in the list of mandatory reporters for abuse of older and vulnerable persons. See Nev. Rev. Stat. § 200.5093(4). However, the statute provides that a report “may be made by any other person.” Nev. Rev. Stat. § 200.5093(5).</p> <p>An “older person” is defined as a person who is sixty years of age or older. Nev. Rev. Stat. § 200.5092(6).</p> <p>A “vulnerable person” is defined as a person eighteen years or older who: “(a) Suffers from a condition of physical or mental incapacitation because of a developmental disability, organic brain damage or mental illness; or (b) Has one or more physical or mental limitations that restrict the ability of the person to perform the normal activities of daily living.” Id. at § 200.5092(8).</p>

