



Clergy Privacy FAQs

Oklahoma



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 Oklahoma?** “A person has a privilege to refuse to disclose and to prevent another from disclosing his confidential communication made to a clergyman acting in his professional capacity”. 12 Okla. Stat. § 2505(B).

2 **Who is a “cleric”?** A “cleric” is “a minister, priest, rabbi, accredited Christian Science practitioner or other similar functionary of a religious organization, or any individual reasonably believed to be a cleric by the person consulting the cleric.” 12 Okla. Stat. § 2505(A)(1).

3 **What is a “confidential communication”?** “A communication is ‘confidential’ if made privately and not intended for further disclosure except to other persons present in furtherance of the purpose of the communication.” 12 Okla. Stat. § 2505(A)(2).

4 **Who may claim the privilege?** “The privilege may be claimed by the person [making the communication], by the person’s guardian or conservator, or by the person’s personal representative if the person is deceased. The cleric is presumed to have authority to claim the privilege but only on behalf of the communicant.” 12 Okla. Stat. § 2505(C).

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 clerics excepted from, or included in, Oklahoma’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
Child abuse	<p>“Every person” must report suspected child abuse, and “[n]o privilege or contract shall relieve any person from the requirement of reporting.” Okla. Stat. 10A § 1-2-101(B)(1); (B)(3).</p> <p>See also Okla. Stat. 10A § 1-4-507 (“In any proceeding resulting from a report made pursuant to Section 1-2-101 of this title or in any proceeding where such a report or any contents of the report are sought to be introduced into evidence, such report, contents, or other fact related thereto or to the condition of the child or victim who is subject of the report shall not be excluded on the ground that the matter is or may be the subject of a physician-patient privilege or similar privilege or rule against disclosure.”).</p>
Abuse, neglect, or exploitation of vulnerable adults	<p>“Any person having reasonable cause to believe that a vulnerable adult is suffering from abuse, neglect, or exploitation shall make a report . . .” Okla. Stat. § 43A-10-104(A)(1). A short list of mandated reporters is included, but reporters are not limited to this list. Clergy is not included on the list. Okla. Stat. § 43A-10-104(B).</p> <p>A “vulnerable adult” is “an individual who is an incapacitated person [as defined] or who, because of physical or mental disability, incapacity, or other disability, is substantially impaired in the ability to provide adequately for the care or custody of himself or herself, or is unable to manage his or her property and financial affairs effectively, or to meet essential requirements for mental or physical health or safety, or to protect himself or herself from abuse, verbal abuse, neglect, or exploitation without assistance from others.” Okla. Stat. § 43A-10-103(5).</p>

