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CRIMINAL HISTORY BACKGROUND CHECK POLICY

POLICY REGARDING CRIMINAL HISTORY BACKGROUND CHECKS FOR EMPLOYEES AND VOLUNTEERS WHO HAVE CONTACT WITH CHILDREN OR YOUNG PEOPLE

I. CHARTER FOR THE PROTECTION OF CHILDREN AND YOUNG PEOPLE

In 2002, the United States Conference of Catholic Bishops issued the *Charter for the Protection of Children and Young People* (“Charter”). Article 13 of the *Charter* provides as follows:

Dioceses/eparchies will evaluate the background of all diocesan/eparchial and parish personnel who have regular contact with minors. Specifically, they will utilize the resources of law enforcement and other community agencies. In addition, they will employ adequate screening and evaluative techniques in deciding the fitness of candidates for ordination (cf. National Conference of Catholic Bishops, *Program of Priestly Formation*, 1993, no. 513).

This Policy sets forth the procedures to be followed in the Diocese of Camden with regard to performing criminal history background checks for individuals who will be permitted to interact with children and/or young people. It applies to **employees and volunteers – lay people, religious, deacons and priests**. This Policy supersedes the *New Jersey Catholic Conference Statewide Policy on Criminal History Background Checks for Employees and Volunteers of Nonprofit Youth Serving Organizations*, issued October 1, 2001 and the *Diocese of Camden Implementation Plan for the Statewide Policy*, and has been developed in light of the *Charter*. With respect to candidates for ordination, this is a supplement to existing policies, procedures and requirements addressed elsewhere.

II. SCOPE OF THIS POLICY

This document sets forth the criminal history background check policy and procedures for all adult employees and volunteers (18 years of age or older) who have regular contact with minors (under 18 years of age). All such employees and volunteers must undergo appropriate evaluation. This Policy concerns only one part of that evaluation – the criminal history background check – which is necessary, but not sufficient to evaluate a prospective employee or volunteer.

In addition to the criminal history background check, it is recommended that the prospective employee or volunteer be interviewed and that references attesting to the person's character and fitness to work with minors be checked. This is especially important if the employee or volunteer is a young adult. Because juvenile records will generally not be reported as part of the criminal record, the utility of a criminal history background check on young adults is limited. Therefore, if the employee or volunteer is between 18 and 21 years of age, in addition to the criminal background check, it is required that the individual provide at least two (2) letters of reference, from adults who are not relatives, attesting to his or her fitness to have regular contact with minors.

Volunteers: The criminal history background check must be completed, and an individual deemed "eligible" to volunteer with minors before the individual may begin the volunteer work. The background check is complete, and the individual deemed "eligible," when the local safe environment coordinator is in receipt of the clearance letter from the Office of Child and Youth Protection.

Employees: Every effort should be made to complete the criminal history background check before an employee begins work. If it is not possible to complete the check prior to the first day of employment, then it must be made clear to the employee that employment is conditioned upon the completion of a criminal history background check, with satisfactory results.

III. APPLICABILITY OF THIS POLICY

All adult employees and volunteers (18 years of age or older) who have regular contact with minors (under 18 years of age) must undergo appropriate evaluation, which must include a criminal history background check.

This Policy applies to:

- All activities sponsored, promoted or organized by the Diocese, a parish, a school or any other entity affiliated with any of these, wherever the activity occurs.
- All activities that are permitted to occur on property owned or operated by the Diocese, a parish, a school or any other entity affiliated with any of these, even if the activity is organized by an outside party. If an outside party conducts a program or an activity for minors on such property, the adults involved in that activity must undergo a criminal history background check. This Policy is not, however, applicable in those situations where the property is leased to an outside party, and neither such outside party nor the programs or activities conducted on the property, are associated with the Diocese, parish or school, or any other entity affiliated with any of them.
- All activities that the Diocese, a parish, a school or any other entity affiliated with any of these organizes, advertises, promotes or is otherwise involved in which are run by a third party at another location. The adults involved in the activity must undergo a criminal history background check.

All questions regarding the applicability of this Policy or interpretation of any provisions of this Policy must be referred to the Diocesan Office of Child and Youth Protection (“Diocesan OCYP”).

IV. CRIMINAL HISTORY BACKGROUND CHECKS

A. INITIAL CRIMINAL HISTORY BACKGROUND CHECK

The following people must be fingerprinted and submit to a criminal history background check:

- Priests
- Seminarians (prior to first parish assignment)
- Deacons
- Candidates and Aspirants for the Permanent Diaconate
- Pastoral Associates/Assistants
- Teachers
- School employees (including those who work in the school but are paid by others – *e.g.*, government-funded positions, contracted services) – substitute teachers, teacher aides, school physicians, school nurses, custodians, maintenance workers, bus drivers, security guards, secretaries, clerical workers and anyone else who has regular contact with students. Employees who are not on the premises when students are present do not require a criminal history background check.
- School volunteers who have regular contact with minors – *e.g.*, volunteers in before- and after-school programs, lunchroom and cafeteria volunteers, tutors, schoolyard monitors, Bookmates volunteers, library volunteers, club leaders/monitors
- Daycare employees and volunteers
- Parish Catechetical Leaders
- Religious Education Teachers
- Trainers of altar servers
- Athletic Directors
- Athletic coaches
- Employees and volunteers for summer programs such as camps, vacation Bible school, and similar activities
- Directors of Youth Ministry
- Scout Leaders
- Leaders of Children or Youth Music Ministry/Choirs
- Babysitters at Sunday Masses or other activities
- Instructors of any classes or activities for minors, including but not limited to, karate, dance, arts and crafts or other classes
- Chaperones and assistants who regularly assist at events involving minors
- Any employee or volunteer accompanying or chaperoning minors on overnight activities
- Any employee or volunteer who will be alone with minors
- Any other employee or volunteer who has regular contact with minors in other groups, ministries or activities

B. CRIMINAL HISTORY BACKGROUND CHECK UPDATES

All criminal history background checks must be updated every three (3) years.

In October of each year, parishes, schools, and each department of the Diocese and each other entity affiliated with the Diocese that deals with minors must review its list of employees and volunteers who are required to have criminal history background checks. Anyone who completed a criminal history background check more than three years prior must have an updated check. For example, in October, 2005, updated criminal history background checks must be performed on anyone who completed a check prior to September 30, 2002 and is still working or volunteering with minors.

All criminal history background check updates will be performed through a Consumer Reporting Agency designated by the Diocesan OCYP.

C. CRIMINAL HISTORY BACKGROUND CHECKS PERFORMED THROUGH THE DIOCESE

If a person undergoes a criminal history background check through the Diocese for one entity associated with the Diocese and then seeks to work or volunteer at another entity associated with the Diocese, that person need not undergo a second criminal history background check. For example, if an individual has been cleared to work as a teacher in a parish school and then wishes to volunteer with the youth group at another parish, the second parish does not have to perform an additional criminal history background check.

D. CRIMINAL HISTORY BACKGROUND CHECKS PERFORMED BY OTHERS

1. All employees and volunteers of the Diocese, parishes, schools, and other entities affiliated with any of these who are required to have a criminal history background check under this Policy, must have the check and updates done through the Diocese. Checks performed by organizations unrelated to the Diocese are generally not acceptable to qualify a person to work or volunteer. For example, if a potential volunteer has undergone a criminal history background check for his or her job, that person will still have to undergo a criminal history background check as required by this Policy. Exceptions to this rule are very rare and may be made only by the Diocesan OCYP and only if there is sufficient proof that a criminal history background check was performed and that it was the same as the check that is required under this Policy.
2. As noted above, this Policy applies to all activities sponsored, promoted or organized by a parish or diocesan entity, or any entity affiliated with them, wherever they occur, and to all activities that are permitted to occur on parish, or diocesan property, even if the activity is organized by an outside party. When an outside organization conducts a program, the adults

involved in that activity must undergo a criminal history background check.

For employees and volunteers of the outside organization, the criminal history background check may be performed by the outside organization if the organization performs criminal history background checks sufficiently similar to the checks required by this Policy. The outside organization must submit a description of the criminal history background check it has performed and copies of the clearance documents received for each of the adults to be involved in the activity. The Diocesan OCYP must be consulted to determine if the procedure is sufficient. In some cases, the checks may be able to be processed through the Diocesan OCYP and that office should be consulted if the organization wishes to do this.

V. ORGANIZATIONAL RESPONSIBILITIES

A. DESIGNATION OF A SAFE ENVIRONMENT COORDINATOR

1. Each parish, school, and other entity affiliated with the Diocese that deals with minors must designate a Safe Environment Coordinator.
2. The head of each department within the Diocese and Catholic Charities, Diocese of Camden, Inc. and its related entities shall report to the Diocesan OCYP whether or not the department has any activities such that employees or volunteers have regular contact with minors. If so, the department shall provide a general description of the activities, including frequency and an estimate of the number of employees and volunteers involved and shall designate a Safe Environment Coordinator.

B. RESPONSIBILITY FOR IMPLEMENTATION OF THE POLICY

1. The Safe Environment Coordinator will coordinate and facilitate the criminal history background checks.
2. The Pastor or Administrator, the Principal, or the person in charge of the location will ensure that all employees and volunteers who have regular contact with minors have successfully completed a criminal history background check and that the check is updated every three years.

C. DUTIES OF THE SAFE ENVIRONMENT COORDINATOR

The Safe Environment Coordinator shall:

1. Compile and maintain a list of all employees and volunteers who have regular contact with minors and update the list as necessary.
2. Coordinate and facilitate the criminal history background checks for all such employees and volunteers.

3. Monitor the results of the criminal history background checks to make sure all are completed.
4. Submit all information requested in the annual audit conducted by the Diocesan OCYP and respond to all other inquiries from and prepare reports requested by the Diocesan OCYP.
5. Sign a Confidentiality Agreement (Exhibit A) and submit it to the Director of the Diocesan OCYP.

D. CONFIDENTIALITY

All documents related to criminal history background checks must be maintained in a confidential manner and stored in a locked cabinet. Such information may be accessed and reviewed as needed only by the Safe Environment Coordinator, the Pastor/Administrator, Principal, or other institutional head as the case may be, the Diocesan OCYP, the diocesan attorneys, and in the case of schools, the Diocesan Catholic Schools Office. Access to information stored on a computer must be similarly limited and the information protected from disclosure to unauthorized individuals. The Diocesan OCYP and the diocesan attorneys must be consulted before information may be disclosed to anyone else. Notwithstanding the confidentiality protections, an individual may review documents relating to himself or herself and shall be given copies of those documents upon request.

VI. PROCEDURE FOR INITIAL CRIMINAL HISTORY BACKGROUND CHECKS (FINGERPRINTING)

A. FINGERPRINTING FOR SCHOOL EMPLOYEES:

The procedure for school employees is unchanged. Fingerprinting and criminal history background checks will continue to be performed according to the procedures of the New Jersey Department of Education. Information concerning these procedures is available from the Diocesan OCYP.

B. FINGERPRINTING FOR NON-SCHOOL EMPLOYEES AND ALL VOLUNTEERS:

These individuals are also fingerprinted according to procedures determined by the State for employees and volunteers of Nonprofit Youth Serving Organizations.

1. The employee/volunteer must complete and sign the Disclosure and Release Form (Exhibit B) which is to be provided to the Office of Child and Youth Protection by the local safe environment coordinator.
2. The Safe Environment Coordinator will provide instructions to the employee/volunteer regarding the background check procedure, including providing copies of forms to be completed, explaining how to make an appointment at a fingerprinting facility, what to bring to the appointment, policies regarding canceling or changing appointments, the cost of the

background check, and acceptable methods of payment. Specific instructions are available from the Diocesan OCYP.

3. Generally, employees should pay for their own criminal history background checks and the parish, school or other entity should reimburse volunteers.
4. After being fingerprinted, the individual must bring the receipt and completed form(s) to the Safe Environment Coordinator. The Safe Environment Coordinator will send copies of both to the Diocesan OCYP.
5. The New Jersey State Police and the Federal Bureau of Investigation will perform a criminal history background check and the New Jersey State Police will report to the Diocesan OCYP, stating either that there have not been any convictions or that a conviction has been found. Details of the individual's criminal record will not be provided.
6. If there are no convictions, the individual is ELIGIBLE for consideration to work or volunteer with minors.
7. If the New Jersey State Police report that there is a conviction and the individual still wishes to be considered for employment or volunteer activity, that individual must request a full report from the New Jersey State Police, which will identify the nature of the conviction(s), and must submit a copy of that report to the Diocesan OCYP for evaluation.
8. The procedure for situations where a conviction is discovered is addressed below.

C. PROCEDURE FOR CRIMINAL HISTORY BACKGROUND CHECK UPDATES

1. The employee/volunteer must complete and sign the Disclosure and Release Form (Exhibit B).
2. The Safe Environment Coordinator will submit the individual's information to the Consumer Reporting Agency designated by the Diocesan OCYP. Specific instructions are available from the Diocesan OCYP.
3. The Consumer Reporting Agency will provide a report to the Diocesan OCYP which states whether or not there is a discrepancy in the person's record ("Update Report"). This may or may not relate to a conviction.
4. For each individual with a discrepancy, the Consumer Reporting Agency will provide a full Update Report to the Diocesan OCYP for evaluation.
5. If there are no convictions, the Diocesan OCYP will notify the Safe Environment Coordinator who requested the criminal history background check that the individual remains ELIGIBLE to work or volunteer with minors.

6. If there is a record of a conviction, the Diocesan OCYP will notify the individual and provide the individual with: (1) a copy of the USIS report; and (2) a written description of the rights of the consumer under the Fair Credit Reporting Act.
7. The procedure for situations where a conviction is discovered is addressed below.

VII. RESULTS OF CRIMINAL HISTORY BACKGROUND CHECKS

A. ELIGIBLE INDIVIDUALS

“ELIGIBLE” means only that the individual is not disqualified from working with minors as a result of the criminal history background check and the person in charge of hiring employees or selecting volunteers may consider the individual. The fact that the individual is “ELIGIBLE” does not mean that the individual must or should be hired or allowed to volunteer. The criminal history background check is only one part of the overall evaluation that will necessarily be made by the person in charge of the location.

B. DISQUALIFYING OFFENSES – NOT ELIGIBLE

CERTAIN TYPES OF OFFENSES CONCLUSIVELY DISQUALIFY A CANDIDATE. IF THERE IS A CONVICTION FOR ANY OF THE FOLLOWING TYPES OF OFFENSES, THE PERSON IS NOT ELIGIBLE AND MAY NOT BE EMPLOYED OR VOLUNTEER IN A POSITION WHICH PLACES HIM OR HER IN CONTACT WITH MINORS:

1. Sexual offenses
2. Offenses against a child, including, but not limited to, sexual abuse, abuse, neglect, abandonment, and cruelty
3. Endangering the welfare of a child or an incompetent or mentally incapacitated person
4. Offenses involving the manufacture, transportation, or distribution, of a controlled dangerous substance or drug paraphernalia
5. Offenses involving the use of force against a person or property, including, but not limited to, robbery, aggravated assault, stalking, kidnapping, arson, manslaughter, and murder
6. Luring, enticing a child into a motor vehicle, structure, or isolated area
7. Any of the following types of offenses if the conviction (or guilty plea) occurred within the last ten (10) years.
 - resisting arrest

- offenses involving the possession or use of a controlled dangerous substance or drug paraphernalia
 - offenses involving firearms or other weapons
 - recklessly endangering another person
 - offenses involving the threat of force against a person or property
 - terroristic threats
 - criminal restraint
 - causing or risking widespread injury or damage
 - criminal mischief
 - burglary
 - threats and other improper influence
 - escape
8. Conspiracy to commit or an attempt to commit any of the crimes listed in Nos. 1 through 7 above.

C. OTHER OFFENSES

1. Convictions for offenses not listed in Section B may or may not result in disqualification, depending upon an evaluation of the particular circumstances. If either the New Jersey State Police report or an Update Report identifies a conviction for an offense other than those listed in Section B, and the individual still wishes to be considered for the job or a volunteer position, the individual must provide a copy of his or her criminal record and a written explanation of the circumstances surrounding any conviction to the Diocesan OCYP. If the New Jersey State Police or an Update Report identifies an arrest or a charge, but does not include the disposition, the individual must provide court records or other documentation of the disposition. The individual may submit any other information he or she wishes to have considered.
2. The matter will be referred to a Safe Environment Committee for evaluation. The Committee shall consist of the Director of the Diocesan OCYP, the Chancellor or the Chancellor's designee, and three to five additional people appointed by the Bishop of Camden, including at least one female parent of a minor and one male parent of a minor. The Bishop may establish a standing committee for these purposes or assemble *ad hoc* committees as the need arises. A diocesan attorney shall be present at all meetings and deliberations of the Committee, but will not have a vote.
3. The Committee shall consider the information provided by the New Jersey State Police and/or an Update Report, information provided by the individual, and information provided by the person in charge of the location where the individual wishes to work or volunteer. The Committee may consider other information that is available to it.
4. The Committee will endeavor to reach a consensus on whether the individual is ELIGIBLE or NOT ELIGIBLE to work or volunteer with

minors. In the absence of a consensus, the decision will be made by majority vote.

5. If the Committee determines the person is **NOT ELIGIBLE**, the Director of the Diocesan OCYP shall so notify the Safe Environment Coordinator.
6. If the Committee determines the person is **ELIGIBLE**, the Director of the Diocesan OCYP will inform the Pastor, Principal, or person in charge of the location that the individual is **ELIGIBLE** for consideration and shall provide a written explanation of the information obtained by and considered by the Committee in making the decision.
7. If a person is determined to be **ELIGIBLE**, the Pastor, Principal, or person in charge of the location will make the final decision whether or not to allow the person to work or volunteer with minors.

D. NOT ELIGIBLE

The Diocesan OCYP will notify the Safe Environment Coordinator who requested the criminal history background check that an individual is **NOT ELIGIBLE** to work or volunteer with minors in the following circumstances:

1. If the New Jersey State Police and/or an Update Report identify a conviction was found and the individual does not wish to pursue the matter and/or does not submit the required information to the Diocesan OCYP.
2. If the individual obtains a copy of his or her record and supplies it to the Diocesan OCYP and that record reveals a conviction for a disqualifying offense (VII. B).
3. If the Safe Environment Committee determines that the individual is not eligible (VII. C).