

CRIMINAL RECORDS ON BACKGROUND CHECKS POLICY AND PROCEDURES

effective September 20, 2017



Diocese of Gary
dcgary.org

PURPOSE

This policy is intended to set forth the standard for criminal background checks of current employees, new applicants for employment or volunteers with the Diocese of Gary.

APPLICATION

This policy applies to:

- All lay employees, Priests, Deacons of the Diocese of Gary and its agencies including Catholic Charities
- New applicants for employment with the diocese and volunteers within the Diocese of Gary

CONFIDENTIAL INFORMATION

The information in a criminal background check is confidential and only those persons with a need to know may be given the information. Great care must be taken to ensure privacy for the applicant.

POLICY

All new applicants for employment or volunteers with the Diocese of Gary must complete a criminal background check. Some positions require additional items. It is the responsibility of the supervisor to ensure that all applicable requirements are met.

If an offer of employment is made prior to completion of the criminal background check (this is not recommended), the offer must contain the statement: "This offer is contingent on the verification of credentials and other information required by diocesan policies and any applicable state laws including the successful completion of a criminal background check.

Criminal background checks must be completed prior to the start of employment or the start of volunteer service. If the criminal background check search finds any reportable issues, the diocesan Safe Environment Coordinator will notify the location pastor and designated contact for their review. No offer of employment may be finalized with an applicant who has reportable issues on a criminal background check without consultation with the diocesan Director of Human Resources and the diocesan Safe Environment Coordinator.

PROCEDURE

All current employees, applicants for employment and volunteers must complete a background check with the contracted provider, Selection.com every 5 years. Selection.com sources several criminal searches using many databases. Any criminal record that is found through the criminal background process or any other means should be reviewed by the pastor and designated contact. The criminal record will include up to date information including level of charge, e.g., felony or misdemeanor and disposition, i.e. guilty, not guilty any sentence.

NATIONAL SEX OFFENDER PUBLIC REGISTRY (NSOPR)

A person on this registry is listed as a sexual or violent offender on one of the registries in the fifty United States or its territories. The person, in most cases, has been convicted of sexually- violent offenses against adults and/or children, certain sexual contact, or other related crimes against victims who are minors. In this diocese, we will not employ an applicant who appears on this registry in any position or allow the person to volunteer with children.

Additionally, if the pastor or designated contact becomes aware of a parishioner or school parent who is on the NSOPR, some action is needed. Once notified, the pastor or designated contact should determine the steps necessary, if any, to serve the spiritual and pastoral needs of the individual while maintaining a safe environment for all members of the community. If

appropriate, an agreement or understanding may be reached as to where, when, and how the

person may be present at the parish/school. A written summary of any agreement or understanding should be kept on file and the diocesan Director of Human Resources should be notified of the situation. Also, a person on the NSOPR should not serve in leadership positions in the parish or school, this includes but is not limited to parish pastoral council, school board, or HASA positions.

The pastor and designated contact will use the chart included at the end of this policy titled Criminal Records and Eligibility for Service, Use of this chart is necessary for consistency in creating a safe environment for minors and vulnerable adults. No deviation from the information in this chart is permitted for any applicant considered for employment or for a volunteer position, if an applicant's criminal history contains convictions not found on the chart, the diocesan Safe Environment Coordinator will provide guidance.

The chart divides criminal information into categories of similar offenses. Attached to each category is a Period of ineligibility. For some categories, the period of ineligibility is a mandatory required norm by the Diocese. For the categories with a required norm, some allow for an appeal of ineligibility to the Vicar General of the Diocese. A few lesser offenses do not require a period of ineligibility, but a recommended period is listed. As part of the appeal process, the Vicar General will consult with the diocesan Director of Human Resources, the diocesan Safe Environment Coordinator, and the diocesan Director of Schools (in the case of a school applicant) prior to making a final decision.

In situations in which the applicant has a prescribed period of ineligibility, but the pastor or his delegate would like to appeal to the Vicar General, a meeting with the

applicant is necessary. The pastor or his delegate must meet with the applicant to learn the issues related to the criminal record. After hearing the details, if the pastor or his designated contact is still interested in appealing, he must contact the Vicar General and present the case.

In the case in which the time of ineligibility listed in the chart has passed for a criminal conviction, the pastor or his delegate should still meet with the applicant if the person is being considered for a position. Time since a conviction is only one factor in this issue. Other key factors include a sense of remorse, admission of guilt, and personal growth since the event. The pastor or his delegate should have a personal conversation with the individual to learn the details of the criminal record. The conversation should include a discussion about how the applicant is dealing with the issue in his/her life now. For example, if an individual had a drug possession charge and it is now past the period of ineligibility for that conviction, the pastor, if he wants to consider the applicant, should have a meeting with the person to ascertain the person's suitability for service in the diocese.

SAMPLE QUESTIONS:

- How long ago did this occur?
- Did the circumstance involve minors?
- Did the person enroll in and successfully complete any remedial therapy or counseling program?
- How long has it been since the person has engaged in such illegal activity?
- How is the person dealing with this in his/her life?
- How will the person model good character for minors?

DOCUMENTATION

Documentation of the conversation and the outcome must be kept on file in the parish or school. A form is attached for use. If the pastor was not involved in the conversation, he should be notified of the outcome to make a final decision.

Whenever a decision is made to deny employment or volunteer service based upon the information in the criminal background check, the diocesan Director of Human Resources must be informed so that she can send the adverse actions letters to the applicant. These letters are mandated by the Fair Credit Reporting Act and are sent to the applicant by the diocesan Director of Human Resources on behalf of the Diocese.

The contracted provider conducts quarterly rescreening. For any additional information found during rescreening, the diocesan Safe Environment Coordinator will contact the pastor and designated contact to inform them of the results and to offer assistance for appropriate follow-up.