

Policy and Procedures for Screening of Church Personnel

Introduction

The Diocese of Orlando is committed to doing everything in its power to ensure the safety of all those entrusted to its care, particularly children, the elderly, and the disabled. We believe that each individual is created in the image of God and must be treated with dignity and respect. Therefore, the Diocese of Orlando considers any abuse or neglect of any kind to be totally unacceptable and contrary to Christian principles.

All employees, priests, religious brothers and sisters, and covered volunteers in the Diocese of Orlando will be screened in accordance with this policy. Additional screening will be done for clergy and seminarians according to the policies of the Diocese.

I. Glossary of Terms

- 1. "Employee":** Any lay person who is employed by or engaged in ministry in any Diocesan entity, whether part-time or full-time, who is given payment for services rendered, and for whom the Diocesan entity is obligated to withhold payroll taxes (FICA, Medicare, and withholding). This definition does not include independent contractors, consultants, vendors or other persons who are not subject to the supervision of the Bishop of the Diocese and for whom no such duty to withhold payroll taxes exists.
- 2. "Covered Volunteer":** Any unpaid person engaged or involved in a Diocesan activity, or who is involved in a Diocesan ministry and has contact with children, young adults, mentally-challenged children or adults, or the elderly or disabled, whether in a hospital, nursing home, or residential setting, including pastoral visits and distribution of communion.
- 3. "Church Personnel":** For purposes of this policy only, Church Personnel includes all individuals who minister, work, or volunteer in any school, parish, or ministry of the Diocese whose compliance with this policy is sought. The term has no legal meaning or significance outside the scope of this policy and is not indicative of any employment or agency relationship.

II. Policy

In an effort to ensure the safety of those persons under the care of the Diocese, all Church Personnel will be required to submit a completed Criminal Background Check Form as well as a complete set of fingerprints so as to facilitate a criminal background investigation. Eligibility for employment, volunteer work, or ministry will be contingent and conditioned upon a satisfactory background

investigation. This background investigation will be updated every five (5) years, except for instructional personnel who are recertified by the State of Florida every five (5) years with an FBI check. This policy applies even if an individual has been cleared through an FBI/VECHS or FDLE check conducted by their employer or another entity.

III. Distribution of Policy and Procedures

A copy of this policy and the procedures for implementation will be distributed to all parishes and other Diocesan entities. All Pastors and designated administrators are to be familiar with this policy and with their respective responsibilities for screening Church Personnel.

IV. Types of Screening

- 1. FBI (VECHS):** All clergy, principals, instructional personnel, seminarians, school employees, directors of religious education, catechists, youth ministry directors and volunteers, religious brothers and sisters, coaches (whether paid or volunteer), music/choir directors, employees and volunteers of Bishop Grady Villas, counselors of children or vulnerable adults, Boy/Girl Scout Troop Leaders, independent contractors working as substitute teachers or temporary school office personnel, and child care center employees¹ and volunteers will be fingerprinted every five years through the FBI screening process (blue card). For all individuals, this policy supercedes other requirements of any federal or state policy.
- 2. FDLE:** All other Diocesan employees and covered volunteers will be background checked every five years through the FDLE (green card).

V. Procedures for Implementation

- 1. New Church Personnel:** Before beginning work or volunteer activities, the individual must complete the appropriate criminal background check form(s) and fingerprint card and receive approval from the Office of Fingerprinting. The forms must be completed at the time the individual is accepted for a position. All offers for any position are contingent upon approval from the Office of Fingerprinting. All new hires requiring FBI/VECHS checks (and other individuals in emergency cases or when approved by the Office of Fingerprinting) will be fingerprinted at the Chancery through the use of the Office of Fingerprinting's Digital Scanning Equipment. Every five years, these individuals will be required to be re-screened, according to the appropriate type of screening.

¹ By law, these individuals also will be cleared by the State's Department of Children and Families.

2. **Current Church Personnel:** Every five years, these individuals will be required to be re-screened, according to the appropriate type of screening (see paragraph 7 below for instructional personnel at Diocesan schools).
3. **General Fingerprinting Procedure:** Fingerprints may be taken by a trained or certified employee or volunteer, or through the Office of Fingerprinting. In addition, law enforcement officials may administer the fingerprint process, provided that it is done in the presence of an authorized Diocesan employee.
4. **Third Party Vendors:** No third party vendors can be used by any Diocesan entity for the purpose of background checks and/or clearance. All fingerprinting and background checks must be processed through the Office of Fingerprinting for all Diocesan entities.
5. **Policy and Procedure Adherence:** Church Personnel shall follow any procedures distributed by the Office of Fingerprinting for completion of the background check forms and/or fingerprint cards. Careful attention to detail is required to ensure accurate and timely processing.
6. **Collection and Processing of Information:** The designated person in each Diocesan entity will forward to the Office of Fingerprinting a completed criminal background check form and/or VECHS waiver form, and a complete set of fingerprints. A check payable to the Diocese of Orlando must be forwarded by the entity when the cards and forms are submitted. The Office of Fingerprinting will periodically issue notices on the costs of the different background check processes. If you have any doubts about the amount of the check, contact the Office of Fingerprinting.
7. **Special Procedures for Schools:** Schools will continue to send the fingerprint cards and other necessary background materials for instructional personnel directly to the Office of Schools. However, the Office of Schools will need to forward the necessary form, fingerprint card, and fee for their employees and covered volunteers to the Office of Fingerprinting. Instructional personnel certified through the State of Florida will be re-screened every five years pursuant to the State's certification process (this will include a renewed FBI/VECHS check). All other school employees will be re-screened every five years. The State of Florida certification approval and the related screening results for instructional personnel will be reviewed by the Office of Fingerprinting.
8. **Records:** A record of all those fingerprinted will be retained in the Chancery, along with the identified criminal history, if any, and the Diocesan recommendation.

9. **Clearance Process:** Once the background check process has been completed, the Office of Fingerprinting will notify the parish, school, or designated administrator, in writing, of all individuals who have cleared without restriction. When the completed FDLE or FBI/VECHS background check finds evidence of a conviction or other problem, it is called a "Hit," and the pastor, principal, or designated administrator will be notified confidentially, in writing, regarding the results of the background check and the decision to deny employment or volunteer activity, or restrict an individual's employment or volunteer activity. If an individual is cleared, the notification shall be kept on file at the parish, school, or administry. Restriction or rejection notices shall be kept in a locked, confidential file, in alphabetical order. When an administrator or pastor is replaced, their replacement shall review the confidential file to ensure that they are aware of any restrictions on a volunteer's or employee's activities. In addition, he or she shall verify, in writing, to the Office of Fingerprinting that such a review has been completed. Any individual who is rejected or placed on restriction should be told by the pastor, principal, or designated administrator, and given the reasons for the rejection or restriction. If the individual feels there is an error, or that he or she is being unfairly treated, he or she will be required to provide written documentation to the Office of Fingerprinting before the decision can be reconsidered.
10. **Limitations on Use:** The Diocese may not use the criminal records, juvenile records, or abuse registry information of a person obtained through this screening process for any purpose other than determining whether that individual meets the minimum standard for good moral character or is otherwise qualified for the position sought.
11. **Renewals:** FBI/VECHS will require a new fingerprint card and completion of new forms. FDLE will require completion of a new form, but a new fingerprint card will not be required.

VI. **Criteria for Excluding an Individual from Service**

Background checks involve a search of any criminal history in the State of Florida (or nationwide if FBI/VECHS). When a "Hit" is received, it is brought to the attention of the Office of Fingerprinting, which, based on the seriousness of the crime or incident, decides whether the applicant can work or volunteer for the Diocese. More often than not, the person is permitted to work or volunteer, but with certain restrictions. For example, if a person has had a DUI or reckless driving conviction, he/she is not permitted to drive on behalf of the parish or school. Serious crimes, especially those involving violence or sexual abuse, will result in the applicant not being permitted to work or volunteer for the Diocese. Persons who have a criminal conviction related to the responsibilities of the position the individual will assume (e.g., a bookkeeper applicant convicted of forgery or embezzlement; a bus driver convicted of DUI or reckless driving), may

be excluded from employment, volunteer service, or ministry. Failure to meet the minimum standards of good moral character or the reasonable job-related expectations of the Diocese will be sufficient for preclusion (or immediate termination) from employment, volunteer service, or ministry. In addition, individuals who misrepresent or fail to complete accurately their background information, including any criminal record or activity, will be denied employment or volunteer activity, or, if the inaccuracy or misrepresentation is subsequently discovered, the individual may be immediately terminated from employment, volunteer service, or ministry.

VII. Policy and Procedures Must be Strictly Followed

No one, other than a representative of the Office of Fingerprinting, has the authority to modify or allow any deviation from the Policy and Procedures set forth above. Any modification or deviation must be approved in writing. To ensure compliance, spot audits conducted by the Office of Fingerprinting may occur. Church Personnel who fail to follow the Policy and Procedures of the Diocese will be subject to discipline, up to and including termination of employment, removal from ministry, or cessation of volunteer activity.

VIII. Conflicts with Other Policies and Procedures of the Diocese

If there is a conflict between the Policy and Procedures set forth above and any other Policy and Procedure of the Diocese, the Policy and Procedures for Screening of Church Personnel shall prevail.