

ARCHDIOCESE OF MIAMI POLICY AND PROCEDURAL GUIDELINES RELATING TO THE SCREENING OF CHURCH PERSONNEL

I. INTRODUCTION

The Archdiocese of Miami is committed to insure the safety and well being of our students, children, and youth; our elderly and aged; and our disabled. Each individual is created with a God-given dignity. Therefore, the Archdiocese condemns all forms of abuse or neglect of all people of all ages.

II. GLOSSARY OF TERMS

For the purposes of these policies:

A. “CHURCH PERSONNEL” shall mean all of the following:

- 1) **“CLERGY”**: shall mean all priests and deacons who have the habitual faculties of the Archdiocese and who shall be subject to background investigation in accord with the Archdiocesan Policy relating to clergy.
- 2) **“EMPLOYEE”**: shall mean any lay individual who is employed by or engaged in ministry who is given payment for services (any form of compensation, whether monetary or otherwise) rendered in which the obligation to withhold for payroll tax (FICA, Medicare and withholding) exists, whether part-time or full-time. This definition shall include all such persons whether employed by the Archdiocese, Parish, School, Early Childhood Center, Nursing Home, Group Home, or other Archdiocesan entity that is controlled by or operated by the Archbishop.
- 3) **“RELIGIOUS BROTHERS AND SISTERS”**: shall mean religious brothers and sisters who are regularly involved in ministry on behalf of an entity of the Archdiocese.
- 4) **“COVERED VOLUNTEER”**: shall mean any volunteer (adult person who donates their personal service) in any Archdiocesan activity, and who comes in contact with children while performing said services.
- 5) **“INDEPENDENT CONTRACTOR”**: shall mean any non-employed layperson hired or engaged to perform services on behalf of the Archdiocese including any Parish, School, Early Childhood Center, Nursing Home, Group Home or other Archdiocesan entity that is controlled by or operated by the Archbishop.

III. POLICY

It shall be the policy of this Archdiocese that abuse or neglect of persons is totally unacceptable behavior by our church personnel. Any such conduct is to be considered by its very nature completely contrary to Christian morality and, therefore, cannot be justified in the employment or ministry of those serving within the Archdiocese. All Church Personnel within this Archdiocese must comply with all State and applicable local or federal laws regarding reporting incidents of actual or suspected abuse or neglect of persons, and with the screening provisions set forth herein.

- A. **BACKGROUND INVESTIGATION:** All Church Personnel shall allow an inquiry into their background to assess whether any reason exists that would suggest the person is not suitable for the position sought. Such background investigation may include, but shall not be limited to, a fingerprint screening through local (FDLE) or national (FBI/VECHS) law enforcement AND/OR family references.
- B. **SUPERVISOR RESPONSIBILITY:** The background investigation of Church Personnel shall be the responsibility of the Chancellor, Pastor, Administrator, or other person responsible for hiring or managing the Church Personnel subject to this policy.
- C. **USE:** Church Personnel who do not evidence or attest to good moral character, as determined by the Archdiocese will be excluded from employment/ministry as provided in Article V hereof.
- D. **RECORDS:** A record of all those fingerprinted will be retained in the Central Office for the Protection of Children and Vulnerable Adults ("Central Office", refer to Article IV, Guidelines for Implementation), along with the identified criminal history, if any, and the Diocesan recommendation.
- E. **CLEARANCE PROCESS:** Once the background check process has been completed, the Central Office will notify the 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 the designated administrator will be notified confidentially in writing. If an individual is cleared, the notification shall be kept on file at the parish, school, or ministry. Restriction or rejection notices shall be kept in a locked, confidential file. Any individual who is rejected or placed on restriction should be told by the 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 Central Office before the decision can be reconsidered.
- F. **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.

- G. **RENEWALS:** FBI/VECHS (Federal investigations) will require a new fingerprint card and completion of new form – VECHS Waiver Agreement and Statement. FDLE (State investigations) will not require a new fingerprint card if the Archdiocese has current fingerprint cards on record that are suitable for resubmission.

- H. **GRACE PERIOD:** For all existing employees or covered volunteers who are now required to have an FBI/VECHS check, and who have previously been checked only through the FDLE, the new form – VECHS Waiver Agreement and Statement and fingerprint cards must be submitted to the Central Office by the end of the five-year period from their last background investigation for employees and five-year period for volunteers and instructional personnel.

IV. GUIDELINES FOR IMPLEMENTATION

- A. **DISTRIBUTION OF POLICY AND STATE AND LOCAL LAWS:** A copy of this Policy shall be distributed and applied to all Parishes, Schools, Early Childhood Centers, Nursing Homes, Group Homes, and other Archdiocesan entities, and to all persons identified as Church Personnel in the Glossary of Terms and to all future Church Personnel. All administrators are to be familiar with these policies and their respective responsibilities in regard to the implementation of background investigation of Church Personnel. Administrators shall conform to all applicable State and local laws, and shall preserve confidentiality to the fullest extent possible.

- B. **IMPLEMENTATION:**

- 1. **Clergy, Employees and Religious Brothers & Sisters:** For all Clergy, Employees and Religious Brothers and Sisters (“Religious”) a fingerprint screening is required and shall be implemented as follows:

- a. In addition to any employment references that may have been furnished, all Pastors, Administrators, Supervisors, Executive Directors or other persons supervising or accountable for employment within the Archdiocese are required to obtain from the prospective Religious or Employee a fully completed fingerprint card at the time of application together with an “Employee Affidavit of Good Moral Character” (a sample form is attached hereto as Appendix “B1”) and a signed Code of Conduct attached hereto as Appendix “B2”). The Chancellor shall obtain these documents for the Clergy.

To obtain a necessary supply of fingerprint cards, contact the **Central Office for Protection of Children and Vulnerable Adults** (“Central Office”), P.O. Box 612530 North Miami FL 33261-2530. The cards will be mailed to a designated Administrator at the Parish, School, Early Childhood Center, Nursing Home, Group Home, or other Archdiocesan entity. An instruction sheet will accompany the supply of cards.

Note: All Clergy, Religious Brothers & Sisters and Employees are required to undergo a criminal background investigation every five (5) years; all instructional personnel every five (5) years.

- b. Once completed, fingerprint cards shall be collected by the Administrator or Pastor of the Parish, School, Early Childhood Center, Nursing Home, Group Home, or other Archdiocesan entity who shall forward the same to the Central Office for use in conducting the criminal background investigation. The Fingerprint cards shall be forwarded along with a check payable to the Archdiocese of Miami for the required fee. Contact Central Office for information on current fee for corresponding screening.
- c. Any relevant results of the fingerprint screening will be communicated confidentially to the Chancellor, Pastor or Administrator for appropriate action in accordance with the criteria set forth in Article V of this Policy. In the event of any doubt with regard to appropriate action, the Archdiocesan Attorney shall be consulted.

NOTE: Schools will continue to send all necessary Certification materials for instructional personnel directly to the Department of Schools.

2. Covered Volunteers: Covered Volunteers as defined in this policy, shall undergo as a minimum, fingerprinting and a criminal background investigation. The policy shall be implemented as follows:

- a. Prior to service, a Volunteer Application (sample form appended hereto as Appendix “A”) should be completed and returned to the Pastor or Administrator who forwards a copy to Central Office.
- b. Federal criminal background investigations (Blue Fingerprint Card) are required for the following church personnel:
 - o Volunteers with unsupervised care of children; this includes all coaches, all CCD teachers and all youth ministers.
 - o Volunteers serving over 20 hrs per week with *access to children.

A minimum of a State criminal background investigation (Green Fingerprint Card) is required for the following church personnel:

- o All Volunteers with **supervised care of children.
- o All Volunteers serving 20 hrs or less per week with *access to children.

* Access to Children: in a school setting anyone on campus has access to children; in a parish setting anybody that comes into contact with children.

** Supervised care of children is defined as an individual that is overseen and in physical presence of an adult employee of the Archdiocese of Miami. Anyone else that does not meet the criteria mentioned above is considered unsupervised.

- c. Results of the criminal background investigations shall be communicated to the Pastor or Administrator. The Pastor or Administrator shall maintain a record of the criminal background investigation for a volunteer for so long as the individual remains engaged or involved in the ministry and five (5) years thereafter.
- d. It is the Pastor and/or Administrator who shall approve or reject the prospective Volunteers for service in accordance with the criteria established in Article IV.

3. **Independent Contractors:** Independent Contractors entrusted with unsupervised care of children, and those serving the Archdiocese more than 20 hours per week with access to children shall undergo a fingerprint screening. Fingerprint screening of Independent Contractors will be handled in the same manner as that of clergy, employees and religious brothers and sisters.

The Archdiocese of Miami requires that all contracts for Independent Contractors require the hiring agency to perform all criminal background investigations according to our policy; all Independent Contractors that do not come through an agency will comply with the requirements listed above

V. CRITERIA FOR EXCLUDING CHURCH PERSONNEL FROM SERVICE

Background checks involve a search of any criminal history in the State of Florida or nationwide if FBI/VECHS. If an applicant has a record, it is brought to the attention of the Central Office, which together with the Vicar General, Pastor or Administrator, based on the seriousness of the crime or incident, decides whether the applicant can work or volunteer for the Archdiocese. Failure to meet the minimum standards of good moral character or the reasonable job-related expectations of the Archdiocese 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.

All Church Personnel shall be expected to live a life of good moral character. If the Pastor, Administrator or other supervisor responsible for implementing this policy is not satisfied that this has been met, then the individual, whether in employment or as a volunteer, may be terminated. The decision regarding employment or ministry shall take into consideration the minimum requirements of a good moral life which are established by the teachings of the Roman Catholic Church and consistent with Florida Law.