

DIOCESE OF PENSACOLA-TALLAHASSEE

POLICY AND PROCEDURAL GUIDELINES RELATING TO SCREENING OF CHURCH PERSONNEL

I. INTRODUCTION

The Diocese of Pensacola-Tallahassee is committed to the safety and well being of those we serve. Each individual is created with a God-given dignity. Therefore, the diocese condemns all forms of abuse or neglect of all people of all ages.

II. GLOSSARY OF TERMS

For the purposes of these policies:

"Church Personnel" shall mean all of the following:

- 1) **"Clergy"** - shall mean all priests and deacons who have faculties of the diocese.
- 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, whether part-time or full-time. This definition shall include all such persons whether employed by the Diocese, Parish, School, Early Childhood Center, Catholic Charities, or any other diocesan entity that is controlled by or operated by the Bishop.
- 3) **"Religious Brothers and Sisters"** - shall mean religious brothers and sisters who are regularly involved in ministry at an entity controlled by or operated by the Diocese.
- 4) **"Seminarians"** - shall mean those men enrolled in a seminary who are officially sponsored by the Diocese.
- 5) **"Covered Volunteer"** - shall mean any unpaid person entrusted with the care or supervision of children or vulnerable adult who is engaged or involved in any Diocesan institution or parish activity, and who is entrusted with the care or supervision of children or vulnerable adults. Individuals serving on any school advisory committee and any organized group that meets on Diocesan property shall also be considered a "Covered Volunteer". These include but not limited to the following groups: Knight of Columbus, Boy Scouts, Cub Scouts, Girl Scouts, St. Vincent De Paul, DCCW, any Lady's or Men's group that meet on Diocesan property on a regular basis.

III. POLICY

It shall be the policy of this Diocese 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 Diocese. All Church Personnel within this Diocese must comply with all State and applicable local or federal laws which require reporting incidents of actual or suspected abuse or neglect of persons, with the screening provisions set forth herein.

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, Catholic Charities and all other Diocesan 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 with regard to the implementation of background screening of Church Personnel. Administrators shall conform to all applicable State and local laws, and shall preserve confidentiality to the fullest extent possible.

State licensed and regulated facilities: Some Diocesan facilities are licensed or otherwise regulated by the State and may, in some circumstances, be governed by additional requirements; in those circumstances only the State can grant an exemption of an individual's Criminal Background Check at those facilities.

Office of Safe Environment (OSE): The Office of Safe Environment is part of the Human Resource Department. There are specific requirements an individual must comply with in order to be employed or volunteer within the Diocese of Pensacola-Tallahassee. The requirements are determined by the position for which they will be employed or volunteer. Contact the OSE or Human Resource for questions or concerns.

IV. Guidelines for Implementation

A. All Church Personnel: Must complete a **Level 2 Criminal Background Search (CBS)** and complete the required **safe environment courses**. Check with a supervisor for which courses must be completed. These two requirements must be completed **and** approved before an individual is hired or begins volunteering for ministry.

A Level 2 CBS includes:

1. A statewide criminal and juvenile records check through the Florida Department of Law Enforcement, and
2. Federal criminal records check through the Federal Bureau of Investigations.
3. A check of the Florida Crime Information Center for warrants and domestic violence injunctions/protection orders, deported felons, missing persons, probation/supervision release status, career criminal offender and the National Sexual predators and Offender's registry list

The Live scan method of fingerprint collection can and should be used whenever practical, in

addition to those circumstances in which it is required for certain groups of personnel. Ex: Preschool and School Employees.

The following may also apply to a potential employee or volunteer and must be completed and approved if these will be part of their job/ministry position;

1. **Motor Vehicle Report (MVR):** If an employee/volunteer will be driving on behalf of the Diocese for their position a MVR must come back approved from the OSE before they may drive. The MVR check, if approved, is good for two years from date approved. Driver must be at least 21 years of age to driver a diocesan vehicle and at least 25 to drive with children and youth in the vehicle. They must possess a valid driver's license, vehicle registration and required insurance coverage.
 2. **Credit Report:** If an employee/volunteer will be handling money or credit cards a **Credit Check Request form** must be signed, completed, processed and approved. Credit check will be completed once and may be periodically processed at the request of the Pastor, Principal, or Administrator.
- B.** Non-employees under the age of 18 do not need to be screened for criminal history. Why? It is because these non-employees under the age of 18 are not allowed to have unsupervised access to children, youth or vulnerable adults. This includes youth ministers, coaches, mentors, scout leaders, babysitters, etc. These individuals who may assist with children, youth or vulnerable adults must be supervised by a volunteer or employee who has completed the required safe environment course or courses and has completed a CBS and been approved.
- C.** If a volunteer applies for an employment position within the diocese that volunteer must be rescreened with a Level 2 Criminal Background Search before the individual may be hired.
- D.** If there has been a break in employment the individual must be rescreened before applying for any other paid position within the diocese. A volunteer may serve as long as their background check on file is within 5 years and was approved in this Diocese.
- E.** In the event of an overnight function that requires an adult to be present as chaperone or a tag-a-long parent/guardian, all adults must have a current Level 2 Criminal Background Search, have completed the two required safe environment courses and be approved to be in attendance by the Pastor, Principal, Youth Director or Superintendent of Schools.
- F.** Issues relating to the CBS and clearance of clergy will be referred directly to the Chancellor, as the provisions of universal or particular canon law may be relevant. Please note that no CBS shall be required of priests who are granted temporary faculties of not more than thirty days.

Safe Environment Required Course/Courses: All employees and volunteers are required to complete safe environment courses established by the Diocese of Pensacola-Tallahassee. Individuals should contact their supervisor for confirmation on any course requirements unique

to their position.

Implementation:

1. **Church Personnel:** A Level 2 CBS is required and shall be implemented as follows:

- a. All Pastors, Administrators, Supervisors, Executive Directors or other persons supervising or accountable for employment or sign-up volunteers within the Diocese are required to have prospective “Church Personnel” undergo a CBS. Prospective employees/volunteers will not be officially hired/signed-up until after they have been cleared with a Level 2 CBS and have completed the required safe environment courses for the position for which they have applied. Existing employees/volunteers must reprocess their background screening with a Level 2 CBS when reaching their 5 year anniversary of their hire date/sign-up with the Diocese.
- b. The approval or non-approval of the CBS will be communicated confidentially to the responsible Supervisor. If an adverse employment decision is made to disqualify a person for employment/volunteering, the provisions of law will be followed, including but not limited to the notices required by the Fair Credit Reporting Act.
- c. The background investigation and recertification with a safe environment course shall be updated at least every 5 years from last completion.

2. **Independent Contractors / Contractual Personnel (Jessica Lunsford Act Requirements):**

The policy of the diocese is to comply with the terms of the *Jessica Lunsford Act* in order to provide an added measure of safety and protection in school and parish environments. The Act states that contractual personnel who are permitted access to school grounds when students are present, or who have direct contact with students must meet Level 2 requirements as described in Section 1012.32, Florida Statute.

Independent contractors / contractual personnel shall include any vendor, individual or entity (or sub-contractor thereof) who has been retained by a school, parish or diocesan entity to perform work or services in or around any parish or diocesan school, or on the campus of any parish or diocesan entity while school or religious education classes are in session, or while there is an event on-going, the focus of which is children or youth. Prior to working on any parish or diocesan property, the contractor or sub-contractor must certify in writing to the OSE, that all of his/her onsite employees or personnel have the required Level 2 CBS. An approved vendors list will be accessible to all sites within the Diocesan website.

The Diocese of Pensacola-Tallahassee does not accept background screening reports from any federal agency, state agency or private information vendor regardless of the screening organization and regardless of the position that an individual currently holds or may have held in the past – NO EXCEPTIONS. Fingerprints contained in the FBI database can be used only for the purpose intended and are federal-statute specific. This means that the sharing of criminal history reports between entities is not allowed without the approval of the Florida Department of Law Enforcement and the individual being checked.

Criminal Background Search Communications:

1. The results of the CBS shall be communicated confidentially to the responsible Supervisor.
2. On occasion, the CBS shows a criminal record, but is not definitive as to the charge and/or the disposition. Additional information will need to be obtained to determine if a person is disqualified. The burden of obtaining the additional information is on the Church Personnel. Such additional information must be provided to the OSE for review. If the review process concludes that the person is disqualified, the responsible Supervisor will be notified.
3. Employees and volunteers may be shown their own criminal record. A copy may also be provided, however, individuals must be cautioned the record may not be used for any other purpose. Individuals are not allowed to provide a copy of the record to any other organization. A copy may be obtained by contacting the OSE.

Criteria for Excluding Church Personnel from Service: All Church Personnel shall meet and attest to good moral character. See Appendix "A". Any person who has been found guilty of, entered a plea of guilty, or entered a plea of nullo contendere for any offense listed on Appendix "B" hereto, shall be disqualified from employment/ministry. The individual may apply for an appeal to the OSE. (See Appeal Procedures) Unless prohibited by law, an exemption from disqualification may be granted. In order for an exemption to be granted by the Diocese, the Church Personnel must demonstrate by clear and convincing evidence that he/she should not be disqualified from employment / ministry.

Appeal Procedures in Cases of Disqualification because of a Prohibited Offense: A person seeking an exemption has the burden of setting forth sufficient evidence of rehabilitation including, but not limited to:

- a. the circumstances surrounding the criminal incident for which the exemption is sought;
- b. the time period that has elapsed since the incident;
- c. the nature of the harm caused to the victim, if applicable; and
- d. the personal history of the Church Personnel since the incident, or any other evidence or circumstances indicating that the employee/volunteer will not present a danger if continued employment/ ministry is allowed.

Evidence of rehabilitation from a prohibited offense will consist of written explanations and supporting / corroborating statements from the Church Personnel being considered for clearance, and from other persons who may be knowledgeable of the incident(s) under consideration such as, for example, law enforcement officials, court officials or attorneys. Evidence of rehabilitation may also include any documentary evidence which might be relevant to the matter.

When the Church Personnel concerned seeks to appeal a decision, an Appeal Application must be completed and sent to the OSE. The Chancellor will review the Appeal Application. The approval or non-approval of an exemption by the Chancellor will be considered final. If

the appeal process is in favor of the applicant, the final decision to hire or allow in ministry, still requires an approval from the entity's pastor, principal, or site administrator.

Cost and Payments: Initially the costs associated with Church Personnel to complete all requirements before they can begin employment or volunteering will be covered by the Diocese. However, the Diocese will invoice the individual sites who sent the applicant to be screened. It will be up to the individual Diocesan site to recover these fees if it is their policy to do so. Some do recover the cost and some do not. This fee will cover all of the following: Level 2 CBS, safe environment courses, MVR for driving and/or Credit Report.

Appendix "A"– Affidavit of Good Moral Character

As an applicant for employment with, an employee of, a volunteer for, or an applicant to volunteer with The Diocese of Pensacola-Tallahassee, I affirm and attest under penalty of perjury that I meet the moral character requirements for employment, as required by the Florida Statutes and rules, in that:

I have not been arrested with disposition pending or found guilty of, regardless of adjudication, or entered a plea of nolo contendere or guilty to or have been adjudicated delinquent and the record has not been sealed or expunged for, any offense prohibited under any of the following provisions of the Florida Statutes or under any similar statute of another jurisdiction for any of the offenses listed below:

Relating to

Section 393.135 sexual misconduct with certain developmentally disabled clients and reporting of such sexual misconduct

Section 394.4593 sexual misconduct with certain mental health patients and reporting of such sexual misconduct

Section 415.111 adult abuse, neglect, or exploitation of aged persons or disabled adults or failure to report of such abuse

Section 741.28 criminal offenses that constitute domestic violence, whether committed in Florida or another jurisdiction

Section 782.04 murder

Section 782.07 manslaughter, aggravated manslaughter of an elderly person or disabled adult, or aggravated manslaughter of a child

Section 782.071 vehicular homicide

Section 782.09 killing an unborn quick child by injury to the mother

Chapter 784 assault, battery, and culpable negligence, if the offense was a felony

Section 784.011 assault, if the victim of offense was a minor

Section 784.03 battery, if the victim of offense was a minor

Section 787.01 kidnapping

Section 787.02 false imprisonment

Section 787.025 luring or enticing a child

Section 787.04(2) taking, enticing, or removing a child beyond the state limits with criminal intent pending custody proceeding

Section 787.04(3) carrying a child beyond the state lines with criminal intent to avoid producing a child at a custody hearing or delivering the child to the designated person

Section 790.115(1) exhibiting firearms or weapons within 1,000 feet of a school

Section 790.115(2) (b) possessing an electric weapon or device, destructive device, or other weapon on school property

Section 794.011 sexual battery

Former Section 794.041 prohibited acts of persons in familial or custodial authority

Section 794.05 unlawful sexual activity with certain minors

Chapter 796 prostitution

Section 798.02 lewd and lascivious behavior

Chapter 800 lewdness and indecent exposure

Section 806.01 arson

Section 810.02 burglary

Section 810.14 voyeurism, if the offense is a felony

Section 810.145 video voyeurism, if the offense is a felony

Chapter 812 theft and/or robbery and related crimes, if a felony offense

Section 817.563 fraudulent sale of controlled substances, if the offense was a felony

Section 825.102 abuse, aggravated abuse, or neglect of an elderly person or disabled adult

Section 825.1025 lewd or lascivious offenses committed upon or in the presence of an elderly person or disabled adult

Section 825.103 exploitation of disabled adults or elderly persons, if the offense was a felony
Section 826.04 incest
Section 827.03 child abuse, aggravated child abuse, or neglect of a child
Section 827.04 contributing to the delinquency or dependency of a child
Former Section 827.05 negligent treatment of children
Section 827.071 sexual performance by a child
Section 843.01 resisting arrest with violence
Section 843.025 depriving a law enforcement, correctional, or correctional probation officer means of protection or communication
Section 843.12 aiding in an escape
Section 843.13 aiding in the escape of juvenile inmates in correctional institution
Chapter 847 obscene literature
Section 874.05(1) encouraging or recruiting another to join a criminal gang
Chapter 893 drug abuse prevention and control only if the offense was a felony or if any other person involved in the offense was a minor
Section 916.1075 sexual misconduct with certain forensic clients and reporting of such sexual conduct
Section 944.35(3) inflicting cruel or inhuman treatment on an inmate resulting in great bodily harm
Section 944.40 escape
Section 944.46 harboring, concealing, or aiding an escaped prisoner
Section 944.47 introduction of contraband into a correctional facility
Section 985.701 sexual misconduct in juvenile justice programs
Section 985.711 contraband introduced into detention facilities

I also affirm that I have not been designated as a sexual predator pursuant to s. 775.21; a career offender pursuant to s. 775.261; or a sexual offender pursuant to s. 943.0435, unless the requirement to register as a sexual offender has been removed pursuant to s. 943.04354.

I understand that I must acknowledge the existence of any applicable criminal record relating to the above lists of offenses including those under any similar statute of another jurisdiction, regardless of whether or not those records have been sealed or expunged.

Further, I understand that, while employed or volunteering with any Diocesan site in any position that requires background screening as a condition of employment, I must immediately notify my supervisor/employer of any arrest and any changes in my criminal record involving any of the above listed provisions of Florida Statutes or similar statutes of another jurisdiction whether a misdemeanor or felony. This notice must be made within one business day of such arrest or charge. Failure to do so could be grounds for termination.

Appendix “B” - List of Disqualifying Offenses.

Prohibited Misdemeanor or Felony Offenses	Statute	Origin
Sexual misconduct with certain developmentally disabled clients and reporting of such conduct	Sec. 393.135	435.04 1012.31
Sexual misconduct with certain mental health patients and reporting of such misconduct	Sec. 394.4593	435.04 1012.315
Medicaid provider fraud	Sec. 409.920	408.809
Adult abuse, neglect or exploitation of aged persons or disabled adults	Sec. 415.111	435.04 1012.315
Domestic violence	Sec.741.28	435.04
Murder	Sec.782.04	435.04 1012.315
Manslaughter, aggravated manslaughter of an elderly person or disabled adult, or aggravated manslaughter of a child	Sec. 782.07	435.04 1012.315
Vehicular Homicide	Sec. 782.071	435.04
Killing of an unborn quick child by injury to the mother	Sec. 782.09	435.04
Assault, if the victim of the offense was a minor	Sec. 784.011	435.04
Battery, if the victim was a minor	Sec. 784.03	435.04 1012.315
Kidnapping	Sec. 787.01	435.04 1012.315

False imprisonment	Sec. 787.02	435.04 1012.315
Luring or enticing a child	Sec. 787.025	435.04 1012.315
Taking, enticing, or removing a child beyond the state limits with criminal intent pending custody proceedings	Sec. 787.04(2)	435.04 1012.315
Carrying a child beyond the state lines with criminal intent to avoid producing a child at a custody hearing or delivering the child to the designated person	Sec. 787.04(3)	435.04 1012.315
Exhibiting firearms or weapons within 1,000 feet of a school, or other weapon on school property	Sec. 790.115(1)	435.04 1012.315
Possessing an electric weapon or device, destructive device	Sec. 790.115(2)(B)	435.04 1012.315
Sexual battery	Sec. 794.011	435.04 1012.315
Prohibited acts of persons in familial or custodial authority	Sec. 794.041	435.04 1012.315
Unlawful sexual activity with certain minors	Sec. 794.05	435.04 1012.315
Prostitution	Sec. 796	435.04
Lewd and lascivious behavior	Sec. 798.02	435.04 1012.315
Lewdness and indecent exposure	Sec. 800	435.04 1012.315
Arson	Sec. 806.01	435.04 1012.315
Burglary	Sec. 810.02	435.04
Fraudulent acts through mail, wire, radio, electromagnetic, photo electronic, or photo optical systems	Sec. 817.034	408.809
False and fraudulent insurance claims	Sec. 817.234	408.809

Patient brokering	Sec. 817.505	408.809
Criminal use of personal identification information	Sec. 817.568	408.809
Obtaining a credit card through fraudulent means	Sec. 817.60	408.809
Abuse, aggravated abuse, or neglect of an elderly person or disabled adult	Sec. 825.102	435.04 1012.315
Lewd or lascivious offenses committed upon or in the presence of an elderly person or disabled adult	Sec. 825.1025	435.04 1012.315
Incest	Sec. 826.04	435.04 1012.315
Child abuse, aggravated child abuse, or neglect of a child	Sec. 827.03	435.04 1012.315
Contributing to the delinquency or dependency of a child	Sec. 827.04	435.04 1012.315
Negligent treatment of children	Sec. 827.05	435.04
Sexual performance by a child	Sec. 827.071	435.04 1012.315
Forgery	Sec. 831.01	408.809
Uttering forged instruments	Sec. 831.02	408.809
Forging bank bills, checks, drafts or promissory notes	Sec. 831.07	408.809
Uttering forged bank bills, checks, drafts or promissory notes	Sec. 831.09	408.809
Fraud in obtaining medicinal drugs	Sec. 831.30	408.809
Resisting arrest with violence	Sec. 843.01	435.04 1012.315
Depriving a law enforcement, correctional, or probation office means of protection or communication	Sec. 843.025	435.04
Aiding in an escape	Sec. 843.12	435.04
Aiding in the escape of juvenile inmates in correctional institutions	Sec. 843.13	435.04

Obscene literature	Sec. 847	435.04 1012.315
Encouraging or recruiting another to join in a criminal gang	Sec. 874.05	435.04 1012.315
Drug abuse prevention and control if another person involved was a minor (Sale, Possession, Distribution)	Sec. 893	435.04
Sexual misconduct with certain forensic clients and reporting of such sexual misconduct	Sec. 916.1075	435.04 1012.315
Inflicting cruel or inhuman treatment on an inmate resulting in great bodily harm	Sec. 944.35(3)	435.04
Escape	Sec. 944.40	435.04
Harboring, concealing, or aiding an escaped prisoner	Sec. 944.46	435.04
		435.04
Introduction of contraband into a correctional facility	Sec. 944.47	1012.315
		435.04
Sexual misconduct in juvenile justice programs	Sec. 985.701	1012.315
Introduction, removal, possession of contraband at juvenile detention facility or commitment program	Sec. 985.711	435.04 1012.315
Additional Prohibited Felony Offenses	Statute	Origin
Assault, battery and culpable negligence	Ch. 784	435.04 1012.315*
		435.04
Female genital mutilation	Sec. 794.08	1012.315
		435.04
Voyeurism	Sec. 810.14	1012.315
		435.04
Video Voyeurism	Sec. 810.145	1012.315
		435.04
Theft, robbery and related crimes	Ch. 812	1012.315
		435.04
Fraudulent sale of controlled substances	Sec. 817.563	1012.315
		435.04
Fraudulent use of credit cards	Sec. 817.61	1012.315

Exploitation of an elderly person or disabled adult	Sec. 825.103	435.04 1012.315
Sale, manufacture, delivery or possession with the intent to sell, manufacture or deliver any counterfeit controlled substance	Sec. 831.31	408.809
Drug abuse, prevention and control (Sale, Possession or Distribution) if no minor was involved	Sec. 893	435.04 1012.315

***Limited to Sections 784.021, 784.045 and 784.075**