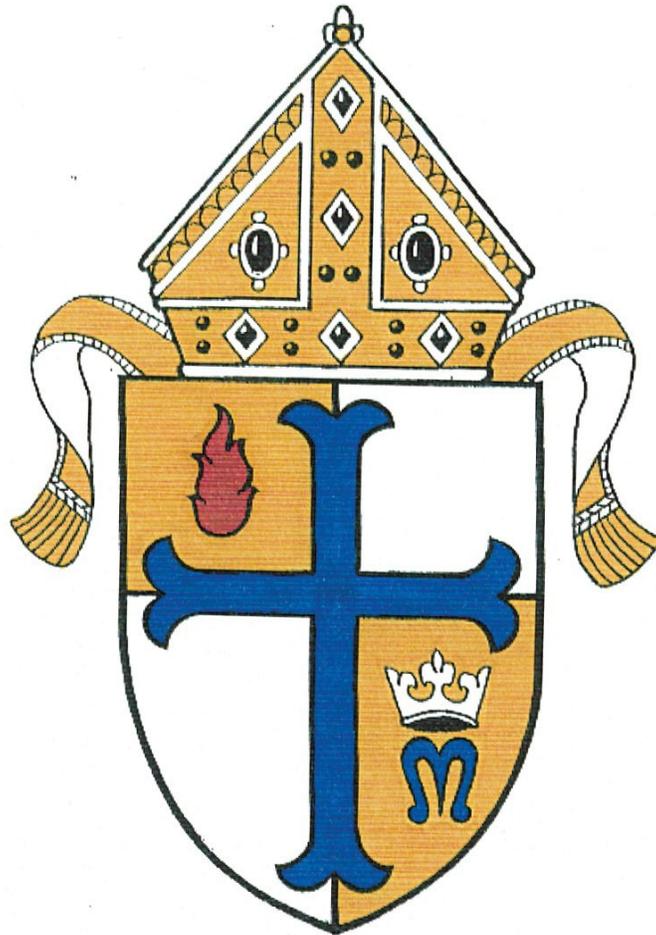


***ROMAN CATHOLIC DIOCESE OF
METUCHEN, NEW JERSEY***



***POLICY ON CRIMINAL HISTORY
BACKGROUND CHECKS***



At its June 2002 General Meeting, the full body of United States Catholic Bishops approved of the *Charter for the Protection of Children and Young People*. The *Charter* was finalized at the Bishops' November 2002 General Meeting. Article 13 of the *Charter* instructs each diocese to evaluate the background of all diocesan and parish personnel who have regular contact with minors. As part of its implementation of the *Charter* and in furtherance of its longstanding commitment to protect our children and youth, the Diocese of Metuchen adopts this *Policy On Criminal History Background Checks*.

The *Policy* mandates criminal history background checks for all priests, deacons and seminarians even if during the course of their ministry they have no contact with minors. It mandates criminal history background checks for all religious, employees, volunteers and third-party vendors who, during the course of their work or volunteer activity at any Diocesan entity, have direct contact with minors. This applies even to those who have one isolated contact with minors if that contact involves an overnight activity.

Background checks will be obtained through fingerprint analyses conducted by the New Jersey State Police and the Federal Bureau of Investigation. Fingerprints will be taken by a contracted State of N.J vendor, Sagem Morpho and submitted to the NJ State Police. The program will be overseen by the Diocese's Office of Child and Youth Protection, and coordinated on the local level by designated diocesan, parish or school representatives.

The *Policy* provides that persons who were convicted of, or pled guilty to, crimes and offenses involving sexual misconduct or physical violence will not be permitted to work with, or volunteer in the presence of, minors. Persons who were convicted of, or pled guilty to, lesser crimes and offenses cannot work with, or volunteer in the presence of, minors unless express permission is given by the Diocese after an investigation into the facts surrounding the conviction or plea. The same holds true for persons who were charged with committing a crime, but were not convicted or did not plead guilty.

The *Policy* establishes universal guidelines for hiring employees and recruiting volunteers, and for terminating the employment of persons who do not pass the criminal history background check.

The *Policy* is effective throughout the Diocese of Metuchen.



TABLE OF CONTENTS

Section	Page
A. Introduction	1
B. Effective Date Of The Policy	1
C. Controlling Effect Of The Policy	1
D. Definitions	1
E. Individuals Covered By The Policy	3
F. Process for Reviewing All Prospective Employees and Volunteers	5
G. Role of the Criminal History Background Check Coordinator	6
H. Role of the Program Administrator	7
I. Compliance With the Federal Fair Credit Reporting Act	8
J. Results Of The Criminal History Background Check	9
K. Follow-Up Criminal History Background Checks	11
L. Compliance With The Policy	11
M. Inquiries Regarding The Policy	11
N. Implementation Of The Policy	11
O. Amendments To The Policy	12
P. Cost of Implementing The Policy	12
Appendix A	Consent Form for Criminal History Background Check
Appendix B	Pre-Adverse Action Disclosure and Notice
Appendix C	Adverse Action Notice



THE ROMAN CATHOLIC DIOCESE OF METUCHEN, NJ

POLICY ON CRIMINAL HISTORY BACKGROUND CHECKS

A. Introduction

This document contains the policy of the Roman Catholic Diocese of Metuchen, New Jersey and its parishes, schools and all other related entities mandating criminal history background checks for all priests, deacons, and seminarians; certain diocesan religious, employees, and volunteers; and third-party vendors.

B. Effective Date Of The Policy

This Policy is effective as of October 1, 2007.

C. Controlling Effect Of The Policy

This Policy shall be a part of, and shall supercede, the terms of any agreement, contract, understanding, or the like which the Diocese has entered into, or in the future will enter into, with any person or entity.

D. Definitions

For purposes of this Policy, the following definitions apply:

1. “*Covered Person*” means any person subject to this Policy.

2. “*Criminal history background check*” shall include a fingerprint submission to the New Jersey State Police in all cases *except for* those falling within the guidelines of Section N of this Policy.
3. “*Deacon*” means any person ordained a Catholic deacon and ministering within the Diocese.
4. “*Diocese*”, “*Diocesan*”, and “*Diocesan entities*” mean the Roman Catholic Diocese of Metuchen, New Jersey and all of its parishes, schools, or other related entities, *except for* Saint Peter’s University Hospital, the diocesan hospital which shall conduct criminal history background checks as required by applicable federal, state and local laws as well as applicable healthcare regulations *and except for* Catholic Charities, the diocesan social service agency which shall conduct criminal history background checks as required by applicable federal, state and local laws.
5. “*Direct contact*” means physically being in the presence of another person.
6. “*Employee*” means any person who is employed by any Diocesan entity.
7. “*Minor*” means any person under the age of eighteen or as, at some date subsequent to the enactment of this Policy, the term “*minor*” shall be defined under the criminal law of the State of New Jersey.
8. “*Policy*” means this Policy On Criminal History Background Checks.
9. “*Priest*” means any person ordained a Catholic priest and (a) ministering within the Diocese or (b) applying to minister within the Diocese.
10. “*Program Administrator*” means the NJ State Police, Volunteer Review Operation (VRO) and State of New Jersey contracted vendor, Sagem Morpho Company, to assist in performing criminal history background checks of Covered Persons. The Diocese has designated this program as the Diocese program to conduct Criminal History evaluations for employees/volunteers.
11. “*Religious*” means any person belonging to a religious institute and (a) ministering within the Diocese or (b) applying to minister within the Diocese.
12. “*Seminarian*” means any person who is studying for ordination into the priesthood under the sponsorship of the Diocese.
13. “*Third-Party Vendor*” means any person or entity, other than an employee or volunteer, who is engaged to perform services of any nature for any

Diocesan entity *regardless of whether the person or entity is to receive compensation for those services.*

14. “*Volunteer*” means any person who, without compensation, performs services for any Diocesan entity.

E. Individuals Covered By The Policy

Criminal history background checks are required of the following persons, *regardless of when they became associated with the Diocese and regardless of whether prior criminal history background checks were conducted on them.*

1. Criminal history background checks will be conducted on *employees of Diocesan schools* pursuant to the background check program (“Program”) administered by, and under guidelines issued by, the New Jersey State Department of Education (“Department”).
 - a. In the event that (a) the Department ceases to conduct the Program or (b) the Department does not mandate criminal history background checks of school employees, *then* criminal history background checks will be conducted on each Diocesan school employee in accordance with this Policy *if* the employee would otherwise be required to submit to a background check under Section E, paragraph 3(a) below.
 - b. In the event that a particular Diocesan school employee is not subject to a criminal history background check under federal, New Jersey State or local law, *then* a criminal history background check will be conducted on that employee in accordance with this Policy *if* the employee would otherwise be required to submit to a background check under Section E, paragraph 3(a) below.
2. Criminal history background checks will be conducted in accordance with this Policy on *all Diocesan priests, seminarians, and deacons whether or not, during the course of their professional duties, they have contact with a minor.*
3. a. Criminal history background checks will be conducted in accordance with this Policy on *all religious and all Diocesan employees and volunteers* who, during the course of their employment or volunteer activity:

- i.. will have direct contact with a minor on an ongoing basis (*i.e.*, on more than one occasion); *or*
 - ii.. will have direct contact with a minor on one occasion involving an overnight activity.
 - b. By way of illustration, *but in no way limiting the group of individuals covered by this Policy*, the following religious, employees, and/or volunteers must undergo a criminal history background check:
 - i. parish catechetical leaders and staff *including, but not limited to*, directors of religious education and coordinators of religious education;
 - ii. directors and staff of youth ministry programs;
 - iii. directors of children's and youth choirs;
 - iv. adult scout leaders;
 - v. summer camp personnel;
 - vi. maintenance staff;
 - vii. religious education teachers; *and*
 - viii. chaperones for group or individual activities.
- 4. Any Diocesan priest, deacon, seminarian, religious, employee, or volunteer who refuses to have a criminal history background check performed on himself or herself in accordance with this Policy, including paragraphs 1, 2, or 3 of this section E, is not permitted to provide services of any nature to the Diocese or any Diocesan entity.
- 5. a. Criminal history background checks will be conducted in accordance with this Policy on *all third-party vendors* whose work or service at any Diocesan entity calls for them:
 - i. to have direct contact with a minor on an ongoing basis (*i.e.*, on more than one occasion); *or*
 - ii. to have direct contact with a minor on one occasion involving an overnight activity.
- b. For purposes of this paragraph 5, the Diocesan entity must either:

- i. conduct a criminal history background check in accordance with this Policy; *or*
 - ii. obtain from the third-party vendor an affidavit, executed in accordance with New Jersey State law, setting forth that he or she has never been charged with, been convicted of, or pled guilty to a crime; *or*, if he or she has been charged with, been convicted of, or pled guilty to a crime, setting forth the nature of the crime, the date the actual or alleged crime occurred, and the disposition of the matter. In all cases, the affidavit must set forth that the third-party vendor will submit to a criminal history background check in accordance with this Policy if asked to do so by the Diocese. The Diocese's Office of Child and Youth Protection will provide each Diocesan entity with a form of affidavit to use in all such cases.
- c. Any third-party vendor who, despite the request of the Diocese to do so, refuses to have a criminal history background check performed on himself or herself *or* who fails to provide a Diocesan entity with the affidavit set forth in paragraph 5(b) above, is not permitted to provide services of any nature to any Diocesan entity.
 - d. Once a criminal history background check is performed on a third-party vendor or an affidavit is provided to the Diocesan entity in accordance with paragraph 5(b) above, the third-party vendor cannot provide services to the Diocesan entity unless and until he or she satisfies the requirements of Section J, below.

F. Process For Reviewing All Prospective Employees And Volunteers

When hiring an employee or engaging a volunteer (whether that person is a priest, deacon, religious, or layperson), all Diocesan entities, *at a minimum*, must do the following:

- 1. Receive, review and analyze the applicant's / volunteer's employment history and criminal history, if any;
- 2. Examine the professional credentials of the prospective employee and, where pertinent to the volunteer activity, those of the volunteer;

3. Review all personal and professional references pertaining to the prospective employee and, where pertinent to the volunteer activity, those of the volunteer; *and*
4. Obtain a criminal history background check on the prospective employee or volunteer *in accordance with the terms of this Policy*.

The Diocese's Office of Child and Youth Protection will provide all Diocesan entities with appropriate application forms for employees and volunteers. No other forms are to be utilized.

G. Role Of The Criminal History Background Check Coordinator

1. All Diocesan entities shall designate one individual (the "*Criminal History Background Check Coordinator*") within that entity who, on an ongoing basis, will be responsible for
 - a. identifying Covered Persons;
 - b. creating a master list of all Covered Persons which shall contain their name, home address, e-mail address (if available), date of birth, home phone number, diocesan title or position (*e.g.*, parish employee, parish volunteer), social security number (if voluntarily given by the Covered Person) and any other information required by the Program Administrator; *and*
 - c. *along with the Program Administrator, ensuring that this policy is carried out by the Diocesan Entity*
2. Each and every Diocesan entity shall provide the Diocese's Office of Child and Youth Protection and the Program Administrator with written notification of the identity of its Criminal History Background Check Coordinator. Updated written notification must be provided as necessary.
3. The Criminal History Background Check Coordinator shall identify individuals requiring background evaluations and supply necessary paperwork with instruction to persons for their fingerprinting scheduling.
4. The Criminal History Background Check Coordinator and Parish/School Administrators shall establish Covered Persons were fingerprinted before permission is granted for services to parish/school.
 - a. If a Covered Person does not get fingerprinted and approved by the established Parish/School deadline, he or she cannot engage in any activity during which he or she will have direct contact with a

minor, and will only be permitted to engage in such activity if he or she is thereafter fingerprinted and is approved by Program Administrator as per Diocese Policy.

5. The Criminal History Background Check Coordinator shall call upon the Diocese's Office of Child and Youth Protection and/or the Program Administrator if assistance is needed.
6. On an ongoing basis and as Covered Persons are identified and criminal history background checks are performed on them, the Criminal History Background Check Coordinator shall provide to the Diocese's Office of Child and Youth Protection whatever written assurance that office may require to ensure that this Policy is being implemented.
7. The Criminal History Background Check Coordinator shall disclose the results of any background check to the chief administrator of the appropriate Diocesan entity (*e.g.*, pastor) and to the subject of the background check. The Criminal History Background Check Coordinator shall *not* disclose the results of any background check to persons who have no legitimate and legal purpose for obtaining those results. Any questions regarding the release of the results shall be directed to the Diocese's Vicar General, Moderator of the Curia *and* to the Office of Child & Youth Protection. At all times and without exception, the results will be maintained and disseminated in accordance with applicable law.

H. Role Of The Program Administrator

The Program Administrator will perform the following functions in the criminal history background check process:

1. The Program Administrator will handle all administrative processing of fingerprinting session *including* distributing fingerprints, checking the identification of Covered Persons, verifying the accuracy and completeness of the information provided when registering, notification of refingerprinting needs. A thirty (30) day refingerprinting deadline is given. Failure to meet deadline requires additional new fees for processing.
2. The Program Administrator will electronically transmit the fingerprint's to the New Jersey State Police.
3. The New Jersey State Police will conduct a background check on those Covered Persons who were fingerprinted. This process will include a review of any and all records of convictions received from the Federal Bureau of Investigation.

4. The New Jersey State Police will notify the Diocese of Metuchen Office of Child & Youth Protection of the results of the criminal history background check.
5. The Diocese Office of Child & Youth Protection will forward the results of the criminal history background check to the appropriate Criminal History Background Check Coordinator, who shall *not* disclose the results of any background check to persons who have no legitimate and legal purpose for obtaining those results. At all times and without exception, the results will be maintained and disseminated in accordance with applicable law.
6. The Background Coordinators will maintain a roster of Covered Persons and the results of the background checks at parish or school at a secured site or locked cabinet.
7. The Background Coordinators will maintain all records generated by the background check process for future rechecking of backgrounds in a secured site or locked cabinet.

I. Compliance With The Federal Fair Credit Reporting Act

1. The Program Administrator shall ensure that all criminal history background checks performed on Covered Persons comply with federal, state and local law, including the Federal Fair Credit Reporting Act, 15 U.S.C. § 1981, *et. al* (“FCRA”).
2. The Criminal History Background Check Coordinator and the Program Administrator shall ensure that each Covered Person is informed of the Diocesan policy to perform criminal history background checks on all Covered Persons.
3. The Background Coordinator shall obtain written authorization to conduct a criminal history background check from the Covered Person before actually submitting the individual for a background check. That written authorization should be in substantially the same form as the Consent Form attached hereto as *Appendix A*.
4. The appropriate Diocesan entity, through its chief administrator (*e.g.*, pastor, school principal) or its Criminal History Background Check Coordinator, shall provide each Covered Person with (a) a copy of any adverse results of their criminal history background check and (b) written notice of their legal rights which should be in substantially the same form as the *Pre-Adverse Action Disclosure and Notice* attached hereto as *Appendix B*.

5. In each and every case where, based in whole or in part on the results of a criminal history background check, a Covered Person is (a) denied employment, (b) terminated from employment, or (c) denied the opportunity to volunteer, the appropriate Diocesan entity, through its chief administrator (*e.g.*, pastor, school principal) or its Criminal History Background Check Coordinator, shall provide the applicant or employee with an *Adverse Action Notice*, which document should be in substantially the same form as the document attached hereto as *Appendix C*.
6. Copies of the Consent Form, Pre-Adverse Action Disclosure and Notice, and Adverse Action Notice, tailored for specific situations (*i.e.*, where a person applies for a job or wishes to volunteer), along with proper application forms for employees and volunteers, will be distributed to all Diocesan entities by the Diocese's Office of Child and Youth Protection.

J. Results Of The Criminal History Background Check

1. If a criminal history background check reveals that in any legal proceeding, under the laws of the jurisdiction in which the proceeding was held, a Covered Person has been convicted of, or pled guilty to, committing
 - a. *a crime against a child*, including but not limited to child abuse,
 - i. The term *child abuse* includes any act constituting the offense of endangering the welfare of a child including, but not limited to, sexual conduct which would impair or debauch the morals of the child; the offense of photographing or filming a child engaged in a prohibited sexual act; the offense of knowing possession or viewing of child pornography; the offense of luring or enticing a child; the offense of lewdness where the offense involves a victim who at the time of the offense was a minor; and the offense of abandoning or neglecting a child.
 - b. *sexual assault and aggravated sexual assault*,
 - c. *criminal sexual contact and aggravated criminal sexual contact*,
 - d. *murder*,
 - e. *stalking*,

- f. *kidnapping and related offenses* including criminal restraint, false imprisonment, interference with custody, criminal coercion, or enticing a child into a motor vehicle, structure or an isolated area;
- g. *arson, or causing or risking widespread personal injury or property damage,*
- h. *terrorist threats or activity,*
- i. *any offense involving criminal sexual misconduct,*
- j. *any offense demonstrating a propensity for violent behavior, or*
- k. *any attempt or conspiracy to commit any of the above crimes or offenses,*

that Covered Person will not be permitted to work with, or volunteer in the presence of, a minor.

2. If a Covered Person was charged with committing any of the crimes or offenses set forth in Section J, paragraph 1 above, but was not convicted of or did not plead guilty to the crime or offense, the Covered Person cannot work with, or volunteer in the presence of, a minor *unless and until* written permission to do so is given to the Covered Person and the appropriate Diocesan entity *by both the Director of the Diocese's Office of Child and Youth Protection and the Diocese's Vicar General, Moderator of the Curia.*
3. If a Covered Person has been charged with, convicted of, or pled guilty to committing a criminal offense *other than* those offenses set forth in Section I, paragraph 1 above, the Covered Person may not work with, or volunteer in the presence of, a minor *unless and until* written permission to do so is given to the Covered Person and the appropriate Diocesan entity *by both the Director of the Diocese's Office of Child and Youth Protection and the Diocese's Vicar General, Moderator of the Curia.*
4. In deciding whether to grant the written permission to a Covered Person under Section I, paragraphs 2 and 3 above, the Director of the Diocese's Office of Child and Youth Protection and the Diocese's Vicar General, Moderator of the Curia shall, *at a minimum,* consider the following factors:
 - a. the nature and seriousness of the alleged offense;
 - b. the circumstances under which the alleged offense occurred;

- c. the date of the alleged offense;
 - d. the age of the Covered Person at the time the alleged offense was supposedly committed;
 - e. whether the alleged offense was an isolated or repeated incident;
 - f. any social conditions which may have contributed to the commission of the alleged offense; *and*
 - g. any evidence of rehabilitation.
5. This section does not diminish in any way the Diocese's lawful right to refuse to permit any person (a) to work with, or volunteer in the presence of, a minor or (b) to work or volunteer at any Diocesan entity even if during the course of such work or volunteer activity, that person will not have direct contact with a minor.

K. Follow-up Criminal History Background Checks

Covered Persons are required to undergo subsequent criminal history background checks every three (3) years, which will be conducted through the New Jersey State Police.

L. Compliance With The Policy

The Director of the Diocese's Office of Child and Youth Protection will monitor compliance with this Policy. All Diocesan entities are required to cooperate with the Director's audit of their performance.

M. Inquiries Regarding The Policy

Inquiries regarding the implementation of this Policy should be directed to the Director of the Diocese's Office of Child and Youth Protection, P.O. Box 191, Metuchen, New Jersey 08840, telephone number 732-562-2413.

N. Implementation Of The Policy

- 1. This Policy is to be implemented with regard to all Covered Persons now and in the future, *except for* any person who, because of a persistent physical infirmity or extenuating circumstances, cannot be fingerprinted.
- 2. Requests for exemption from this Policy must be made in writing and directed to the Director of the Diocese's Office of Child and Youth Protection.

3. A Covered Person is not exempt from this Policy *unless and until both the Director of the Diocese's Office of Child and Youth Protection and the Diocese's Vicar General, Moderator of the Curia* agree to the exemption.
4. Any Covered Person exempt from this Policy in accordance with this Section N shall not have direct contact with minors during the course of their work or volunteer activity for any Diocesan entity unless and until (a) they submit to a criminal history background check not involving fingerprinting, (b) the results of that background check are made available to the Director of the Diocese's Office of Child and Youth Protection, and (c) they receive written permission to engage in such work or volunteer activity from *both the Director of the Diocese's Office of Child and Youth Protection and the Diocese's Vicar General, Moderator of the Curia*. In deciding whether to grant such permission, the Director and the General Secretary must follow the guidelines set forth in Section J of this Policy.

O. Amendments To The Policy

1. This Policy may only be amended or modified in any way with the consent of the Bishop of Metuchen, the Diocese's Vicar General and Moderator of the Curia, and the Director of the Diocese's Office of Child and Youth Protection.
2. Any and all amendments or modifications to this Policy must be in writing and communicated to all Diocesan entities, Criminal History Background Check Coordinators, and the Program Administrator.

P. Cost Of Implementing The Policy

1. Any and all costs associated with conducting criminal history background checks on Diocesan priests, deacons, and seminarians will be borne by the Diocese of Metuchen.
2. Any and all costs (excluding missed appointment fees) associated with conducting criminal history background checks on all other Covered Persons shall be borne by the individual Diocesan entity where the Covered Person ministers, works, or volunteers. For example, each parish will bear the cost of having criminal history background checks performed on all parish employees, parish volunteers, and third-party vendors working at the parish.
 - a. Notwithstanding the terms of this paragraph 2, at their sole discretion, chief administrators of Diocesan entities (*e.g.*, pastors, school principals) may ask any Covered Person to bear the cost of having a criminal history background check performed on himself or herself.

APPENDIX A

Consent Form for a Criminal History Background Investigation

Your willingness to share your faith, gifts and skills is appreciated. Providing safe and secure programs for our members is of utmost importance to us. The information gathered in this Volunteer Application and the criminal history background investigation requirement is designed to help us provide the highest quality Catholic programs for the people of our community. We appreciate your willingness to cooperate with and consent to this necessary procedure.

Please review the following information carefully and sign below where indicated.

I, [_____] certify and declare under penalty of perjury under State and
(Name of Volunteer Applicant)

Federal Law that the information contained in my Volunteer Application submitted to the Diocese of Metuchen (the “**DIOCESE**”) is complete, true and accurate. I understand that falsification or omission of any requested information may result in immediate termination of my volunteer position or activities.

I understand that as part of my volunteer application process and as part of my volunteer activities, a criminal background investigation may be performed on me. In consideration of the **DIOCESE**’s review of my application to volunteer and/or my continuing volunteer activities, I now consent to and allow the **DIOCESE**, or its authorized agents bearing this release or copy of this release, to perform a criminal and personal background and reference investigation on me. I also authorize them to contact any references, past and current employers, church, youth organizations, agencies where volunteer service have been completed, and any individual or organization which might be relevant to my desired volunteer position. Such individuals and organizations are authorized to release such information as may be requested by Diocesan/Parish personnel. I understand that this investigative report may include any or all of the following:

- Employment Verification, Education Verification, Credentials Verification
- Personal Identity Verifications, Past Employment Verification, Reference Checks
- Civil Case Records, Motor Vehicle Records
- Criminal History Records including fingerprint submissions to the New Jersey State Police and the Federal Bureau of Investigation

I authorize all persons and organizations, including law enforcement agencies and Courts that may have information concerning this background investigation, to disclose such

information to the **DIOCESE** or its authorized agents. I hereby release the **DIOCESE**, its authorized agents, and all persons and organizations providing information from all claims and liabilities of any nature in connection with this investigation. I hereby further authorize that a photocopy of this authorization may be considered as valid as the original.

I understand that a reference that the DIOCESE considers unsatisfactory shall be grounds both for rejecting my Employment Application and, if I have already begun my employment, I acknowledge that I may be terminated. I waive any right that I may have to inspect any information, which is received by or provided to the DIOCESE or one of its Parishes or Schools as part of the background and reference check, investigation, or record check referred to above. I waived this right the understanding that only I can apply directly to the New Jersey State Police, and receive from them, a full text of my criminal history and that the Diocese or Parish will only have access to a letter from the State Police indicating with out explanation whether or not I'm recommended to work with minors.

I understand that the Diocese of Metuchen and Parish have a "ZERO TOLERANCE FOR ABUSE" policy and that they take all allegations of abuse seriously. I further understand that they will cooperate fully with the authorities to investigate all claims of abuse. A claim of abuse of any child or any adult, including any person who id elderly or has physical or mental limitations, are grounds for immediate termination of my service and may be the basis for criminal prosecution.

Signature of Volunteer Applicant

Date

Printed Name

_____ Date of Birth

_____ Social Security Number (optional)

_____ Driver's license number and State of issue (optional)

APPENDIX B

PRE-ADVERSE ACTION DISCLOSURE AND NOTICE

TO: (Applicant for Employment)
FROM: (Criminal History Background Check Coordinator)
CC:
DATE: (Current Date)
SUBJECT: Pre-Adverse Action Disclosure

In accordance with the Diocese of Metuchen's *Policy on Criminal History Background Checks*, any and all individuals who apply for employment or to volunteer at the Diocese of Metuchen or any of its parishes or schools (collectively, "Diocese") for positions that entail direct contact with minors are required to provide written consent to perform a pre-employment criminal history background check ("Background Check") and to obtain a report ("Report") summarizing the results of the Background Check.

The Diocese reserves the right (a) to use the information contained in the Report to determine your fitness to be employed or to volunteer and (b) in its sole discretion, to deny your employment or the right to volunteer based upon the content of the Report.

The results of the criminal history background check performed on you were negative.

In compliance with both federal and state law, please find attached a copy of the Report provided to the Diocese summarizing your Background Check, and a Notice of Legal Rights to the Report.

If you have any questions about this or any other matter related to your application, please contact Mr. Lawrence Nagle, the Director of the Diocese's Office of Child and Youth Protection, telephone 732-562-2413.

APPENDIX C

ADVERSE ACTION NOTICE

TO: (Applicant for Employment)
FROM: (Criminal History Background Check Coordinator)
CC:
DATE: (Current Date)
SUBJECT: Adverse Action Disclosure

As we previously informed you, in accordance with the Diocese of Metuchen's *Policy on Criminal History Background Checks*, any and all individuals who apply to the Diocese or to any of its parishes or schools (collectively "Diocese") for paid or volunteer positions, which involve direct contact with a minor, are asked to consent to having a criminal history background check performed on them.

You previously consented to having a criminal history background check performed on you and were apprised that the Diocese would receive a report summarizing the contents of the background check ("Report"). You were also advised that the Diocese specifically reserved the right (a) to use the information contained in the Report to determine your fitness to be employed or to volunteer and (b) in its sole discretion, to deny your employment or the right to volunteer based upon the content of the Report.

In compliance with both federal and state law, you are hereby informed that the Diocese has decided against offering you employment or continuing your employment and that decision was based in whole or in part on the content of the Report.

As a result, you have the following legal rights related to this decision:

1. The Diocese and its entities are registered with the NJ State Police Volunteer Review Operation (VRO). Your criminal history background check was performed by the New Jersey State Police ("State Police") and the Federal Bureau of Investigation ("FBI").
2. The State Police and the FBI did not participate in the decision related to your employment application or termination.

3. You have the right to dispute the accuracy or completeness of the Report. If you wish to do so, you should contact the New Jersey State Police, State Bureau of Criminal Identification, VRO Program, P.O. Box 7068, West Trenton NJ 08628 and submit a completed Criminal History Record Information Release Form to obtain your official criminal history in accordance with State Police policy. The required form can be obtained from your Parish/School Background Coordinator.

If you have any questions about this or any other matter related to your application, please contact Mr. Lawrence Nagle, the Director of the Diocese of Child and Youth Protection, telephone 732-526-2413.