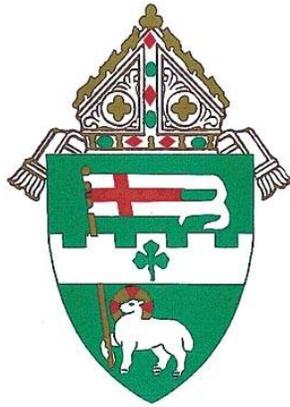


CRIMINAL HISTORY BACKGROUND CHECK DISQUALIFICATION POLICY



RC Diocese of Paterson

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www.rcdop.org

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I. Charter for the Protection of Children and Young People

In 2002, the United States Conference of Catholic Bishops issued the Charter for the Protection of Children and Young People (“Charter”). Article 13 of the Charter provides as follows:

Diocese/eparchies will evaluate the background of all diocesan/eparchial and parish personnel who have regular contact with minors. Specifically they will utilize the resources of law enforcement and other community agencies. In addition, they will employ adequate screening and evaluative techniques in deciding the fitness of candidates for ordination (cf. National Conference of Catholic Bishops, Program of Priestly Formation, 1993, no. 513).

II. Scope of this Policy

This policy sets forth the criteria for disqualification of all adult employees and volunteers (eighteen (18) years of age and older) from working with children, youth and/or vulnerable adults when a criminal history background check results in a criminal conviction.

In addition, this policy sets forth the procedures to be followed within the Diocese of Paterson regarding any situation in which a criminal history background check for an individual results in negative information and, specifically, whether or not the individual will be permitted to interact with children, youth and/or vulnerable adults.

III. Applicability of this Policy

As outlined in the Safe Environment Policy for the Diocese of Paterson, it shall be the policy of the Diocese of Paterson that all persons over the age of eighteen (18) who have regular, recurring contact with children, youth and/or vulnerable adults, and who are ministering, working or volunteering in its parishes, schools, agencies and affiliated organizations/institutions, shall be required to:

1. Undergo a criminal history background check as outlined in this policy;
2. Attend child abuse awareness/prevention programs as outlined in this policy;
3. Read, acknowledge and follow the Diocese’s “Code of Conduct”.

This applies to all **employees and volunteers – lay people, religious, candidates for ordination, seminarians, deacons and priests.**

Anyone who was previously active in a ministry and who wishes to return, if absent for more than three (3) years, will be required to have a new background check completed, attend the child abuse awareness/prevention programs and re-acknowledge the Code of Conduct.

All questions regarding the applicability of this Policy, or interpretation of any provisions of this Policy, must be referred to the Diocesan General Counsel or Child Protection Office for resolution.

IV. Results of Criminal History Background Checks

A. Eligible Individuals

“**ELIGIBLE**” means only that the individual is not disqualified from working with children, youth and/or vulnerable adults as a result of the criminal history background check and that the individual in charge of hiring employees or selecting volunteers may consider the individual.

B. Disqualifying Offenses – NOT ELIGIBLE

Certain types of offenses conclusively disqualify a candidate. If there is a conviction for any of the following types of offenses, the individual is NOT ELIGIBLE for employment or volunteering in a position which places him or her in contact with children, youth and/or vulnerable adults:

1. Sexual Offenses;
2. Offenses against a child, including, but not limited to, sexual abuse, abuse, neglect, abandonment and cruelty;
3. Endangering the welfare of a child or an incompetent or mentally incapacitated person;
4. Offenses involving the manufacture, transportation, or distribution of a controlled dangerous substance or drug paraphernalia;
5. Offenses involving the use of force against a person or property, including, but not limited to, robbery, aggravated assault, stalking, kidnapping, arson, manslaughter and murder;
6. Luring, enticing a child into a motor vehicle, structure or isolated area;
7. Any of the following types of offenses if the conviction (or guilty plea) occurred within the last ten (10) years:
 - a. Resisting arrest;
 - b. Offenses involving the possession or use of a controlled dangerous substance or drug paraphernalia;
 - c. Offenses involving firearms or other weapons;
 - d. Recklessly endangering another person;
 - e. Offenses involving the threat of force against a person or property;
 - f. Terroristic threats;
 - g. Criminal restraint;
 - h. Causing or risking widespread injury or damage;
 - i. Criminal mischief;
 - j. Burglary;
 - k. Threats and other improper influence;
 - l. Escape;
 - m. Assault;
 - n. Battery.

Even if a conviction (or guilty plea) to any of the foregoing offenses occurred longer than ten (10) years ago, the Diocese reserves the right to disqualify a candidate depending

upon the severity and/or the magnitude of the offense and the circumstances surrounding the same. Such disqualification decisions will be made on a case by case basis.

8. Conspiracy to commit or an attempt to commit any of the crimes listed in Nos. 1 through 7 above.

V. Procedures when there is a Conviction:

1. All criminal histories are provided to the Diocesan Office of Child and Youth Protection from the Background Checks Vendor. If a disposition or further information is required, the Diocesan Child Protection Office will request it from the Internet Background Vendor.
2. The Office of Child and Youth Protection contacts the location where the individual applied and sends an “Adverse Action” letter to the candidate notifying him/her of the record, his/her disqualification and his/her right to dispute the disqualification.
3. All convictions of all non-school personnel and volunteers will be reviewed by Diocesan General Counsel. Eligibility will be determined by:
 - Nature and gravity of the criminal offense;
 - The time that has passed since the conviction and /or completion of sentence; and
 - The nature of the position held or sought.

Additionally, the Diocese will provide an opportunity for an “**Individualized Assessment**” for individuals excluded by the screening process in order to determine whether the facts as applied are applicable to working with minors, youth and/or vulnerable adults and are not otherwise inconsistent with the Diocesan Child Protection Program.

VI. The Individualized Assessment will consist of:

1. A notice to the individual that he or she has been disqualified because of a criminal Conviction;
2. An opportunity for the individual to demonstrate that the disqualification should not be applicable because of his or her particular circumstances, for example:
 - a. When the individual has information that he or she was not identified correctly in the criminal record or that the record is otherwise inaccurate. This must be proven by the background check vendor;
 - b. The facts and circumstances surrounding the offense or conduct;
 - c. The number of offenses for which the individual was convicted;
 - d. Rehabilitation efforts, such as training and education;

- e. Employment and character references and any other information regarding fitness for the particular position;
 - f. Whether the individual is bonded under a federal, state or local bonding program.
3. The Diocese's consideration as to whether additional information provided by the individual warrants an exception to the disqualification and demonstrates that the facts as applied are not relevant to working with children, youth and/or vulnerable adults and are not otherwise inconsistent with the Diocesan Child Protection Program.

If it is determined that the individual is ELIGIBLE, the Director for the Diocesan Office of Child and Youth Protection will inform the Pastor, Principal or individual in charge of the location that the candidate is eligible.

The Director for the Diocesan Office of Child and Youth Protection will notify the Pastor, Principal or individual in charge who requested the criminal background check that a candidate is **NOT ELIGIBLE** to work or volunteer with children, youth and/or vulnerable adults in the following circumstances:

- a. If a conviction was found and the individual does not wish to pursue the matter or does not submit the required information to the Office of the General Counsel.
- b. If his or her criminal record reveals a conviction for a disqualifying offense.
- c. If the Diocesan General Counsel determines the individual is not eligible.