



## DIOCESE OF VENICE IN FLORIDA

### *Human Resources Department*

## **POLICY AND PROCEDURAL GUIDELINES RELATING TO SCREENING OF LAY EMPLOYEES, VOLUNTEERS AND RELIGIOUS BROTHERS AND SISTERS**

### **I. INTRODUCTION**

The Diocese of Venice treasures the Church's legacy of concern and compassionate care of children, the elderly and persons with disabilities. Each person, as a child of God, is to be treated with respect and dignity. Abuse or neglect of persons is totally unacceptable, particularly by diocesan employees, religious brothers and sisters, and volunteers. It is contrary not only to the terms of employment, but to our Christian principles.

As a pastoral response to the complex and far reaching problems of abuse, the Diocese of Venice promulgates the following guidelines in order to preserve the well being of all persons entrusted to her care. All employees, covered volunteers and religious brothers and sisters of the Diocese of Venice must comply with federal, state and local laws regarding incidents of actual or suspected abuse or neglect of persons, and with the screening guidelines contained herein.

### **II. GLOSSARY OF TERMS**

A. "Administrator" - any Pastor/Parish Administrator, principal, youth minister, chancery department supervisor, DRE, etc. who is responsible for hiring or supervising employees, volunteers and religious brothers and sisters.

B. "Employee" - for purposes of this policy, any adult lay person who is employed or engaged in ministry through a diocesan agency or parish (not separately incorporated) for whose services payment is made and for whom the Diocesan entity is obligated to withhold payroll taxes. (FICA, Medicare, and withholding). Independent contractors or consultants who perform services on diocesan property and have an ongoing relationship with a Diocesan entity may be subject to criminal background screening requirements when they have unsupervised access to children or when they enter upon any diocesan school campus.

C. "Covered Volunteer" - for purposes of this policy, any unpaid adult person engaged or involved in a diocesan activity in which he/she is entrusted with the care and supervision of children or allowed unsupervised access to children or vulnerable adults (e.g. when screened personnel not present).

D. "Religious brothers and sisters" shall mean those persons (except priests) who belong to a religious community who engage in ministry on behalf of a diocesan entity.

### **III. POLICY**

In an effort to ensure the safety of those persons under the care of the Diocese, all employees, covered volunteers and religious brothers and sisters must be electronically fingerprinted pursuant to the instructions listed under this same topic under Fingerprinting. Eligibility for employment/volunteer work/ministry will be contingent and conditioned upon a satisfactory background investigation. A reasonable effort shall be made to update the criminal history background information every five (5) years.

A guilty conviction, plea of nolo contendere or adjudication withheld in a criminal offense other than a minor traffic violation (DUI is not a minor traffic violation) may result in dismissal or denial of employment/volunteer work/ministry. Failure to meet the level 2 screening standards as defined by Florida Law (see F.S. 435.04), will result in exclusion from employment/volunteer work/ministry, except as specifically authorized by the Chancellor.

#### **IV. DISTRIBUTION OF POLICY AND GUIDELINES**

A copy of this Policy and the guidelines for implementation shall be distributed and applied to all diocesan parishes, schools, and other diocesan entities. All Administrators are to be familiar with these policies and their respective responsibilities in regard to the implementation of employee/volunteer/religious screening.

#### **V. INVESTIGATION PROCEDURES:**

- A. Church personnel must be electronically fingerprinted prior to the offer of any employment.
- B. Types of Criminal Background Screening: There is now only one type of criminal background screening, electronic fingerprinting through the Florida Department of Law Enforcement (FDLE) and the FBI. The diocese will accept results from another qualified FDLE/FBI licensing agency, (e.g. Department of Health, Department of Children and Families, etc.) rather than through the Diocese of Venice provided the individual was fingerprinted within the past six months, the fingerprints were cleared through the FDLE and FBI and proof of same is provided directly from the screening entity.
- D. Refusal to Participate: Refusal to participate in the background screening process will result in automatic disqualification from employment/volunteer work.

#### **VI. CRIMINAL HISTORY INFORMATION**

- A. Communication of criminal history:  
The results of the criminal history screening will be communicated confidentially to the Administrator or his designee with recommended action. All such communications will be electronic and all diocesan entities should print clearances and maintain them in a safe, locked location.
- B. Missing Disposition/incomplete criminal history:  
The Human Resource Department will advise the Administrator when disposition information is missing from a criminal record. It is the responsibility of the person being screened, upon notice, to obtain and supply within 30 days, the missing disposition information. Failure to supply missing information or to show reasonable efforts to obtain such information shall result in automatic disqualification from employment/volunteer work/ministry.

#### **VII. CRITERIA FOR EXCLUDING CHURCH PERSONNEL FROM SERVICE**

All employees, covered volunteers and religious brothers and sisters shall meet the level 2 screening standards of Florida Statute 435.04. Any person not meeting screening standards must be excluded from employment, ministry or volunteer service with the church, except as outlined in Article VIII. In addition, if the offense(s) identified are not disqualifying, but the Administrator or Diocese is not satisfied with the results of the background screening, the person may be precluded or terminated from employment/volunteer service/ministry. This decision shall take into consideration the nature of the criminal offense, the teachings of the Catholic church, as well as other matters relevant to the employment or ministry of the person.

## **VIII. APPEAL**

An employee, covered volunteer or religious brother or sister has the right to obtain a copy of his/her criminal history record by contacting the Diocese of Venice Human Resource Department and to challenge the accuracy of any information contained in such report as well as obtain a determination as to the validity of such challenge before a final determination regarding the person is made by the Diocese.

If the information is accurate, but the employee disputes the exclusion from employment/volunteer work, he/she should speak with the Pastor/Administrator of the parish/school/diocesan entity. If the Pastor/Administrator is able to act as a personal reference for the individual (knows well) the Pastor/Administrator should submit to the Human Resource Department the following:

1. A letter of reference or recommendation indicating why in the opinion of the Pastor/Administrator, this employee poses no risk of harm to others.
2. A letter of explanation from the employee regarding the circumstances surrounding the offense, any reports or court documents pertaining to the disqualifying offense and an explanation of how he/she has changed.
3. Three character references who are unrelated to the prospective employee/volunteer who 1) have known the employee/volunteer well for at least five years; 2) attesting to the truthfulness, good character and suitability of the employee/volunteer to work with children, vulnerable adults or others on behalf of the church.

This information will then be forwarded with a statement from the Human Resource Department for the Chancellor to review. The Chancellor's decision in regard to the appeal is final.

## **X. RECORD KEEPING**

A. Central Record: Records shall be maintained in the Human Resource Department of all church personnel and others as they are fingerprinted by inputting pertinent information into the LOGOS Dashboard database to which diocesan entities shall have access for their own parish or school.

B. Employment Related Use of Record: The Diocese will not use the criminal records, juvenile records or abuse registry information of a person obtained hereunder for any purpose other than determining if that person meets the minimum standards for good moral character or is otherwise qualified for the position.

C. Retention: Criminal history information is to be retained seven years from the date the employee or volunteer discontinues service in the Diocese. Clergy information is permanently retained in the Office of the Chancellor.