

# Archdiocese of San Antonio

## Policy on Criminal Background Checks

As part of the Archdiocese of San Antonio's pledge to protect children and create a safe environment, a program of **Criminal Background Checks ("CBC")** began in September 2003. The following policy has resulted from the CBC program and shall be implemented to the fullest extent reasonably possible:

### **Who shall be screened?**

- 1.1** All clergy and employees must be screened regardless of the type of work they perform. Volunteers of the Archdiocese of San Antonio who directly minister, work or volunteer with minors and/or vulnerable persons ("Designated volunteers") must also be screened.
- 1.2** Any person who does not submit to a required CBC will not be permitted to minister, work, or volunteer.

### **When are they screened?**

- 2.1** All clergy, employees and Designated Volunteers will be screened when they present themselves to minister, work, or volunteer. No clergy, employee or Designated Volunteer may begin until their supervisor has received written clearance.
- 2.2** All existing clergy, employees and Designated Volunteers will be screened every three years based on the date of their first screening.

### **How will a Criminal Background Check be obtained and used?**

- 3.1** An outside CBC screening service will be used and the results obtained shall be provided to the Criminal Background Review Committee ("Committee") for evaluation. Databases or documents from any law enforcement, criminal or civil justice or public service agency may be searched.
- 3.2** Information over 10 years old will generally not be used. However, in some circumstances, (i.e., cases involving sexual misconduct, crimes against persons, severe offenses, a pattern of behavior, etc.) the Committee will review and/or act on such information.
- 3.3** Dishonest answers and/or failure to disclose information by an applicant may result in automatic denial of employee or volunteer status.

**3.4** Any information gained through the CBC process can be used to determine if the individual is eligible for the position for which he/she applied or for service as a volunteer in a particular ministry including without limitation, reports of conviction, arrest, indictment, charge, probation, deferred adjudication, pre-trial diversion, etc. Results will be kept confidential to the extent required by law.

### **What action may be taken as a result of a criminal record?**

**4.1** Any person who has been involved in a sexual misconduct crime will be immediately notified that he/she shall not minister, work or volunteer within the Archdiocese of San Antonio. An employee will be terminated, a volunteer will be dismissed, or an applicant will not be hired.

**4.2** The criminal record of an individual involved in any other type of crime will be evaluated by the Committee.

**4.3** The Committee shall make a determination on each individual case based on the results of the CBCs.

**4.4** In certain circumstances, an individual may be given the opportunity to appear before a panel of Committee members for an Informational Hearing in order to provide additional information.

**4.5** Limitations (i.e., no driving or transporting, no handling of money, etc.) may be placed on ministry, employment or volunteerism.

**4.6** Any person dissatisfied with the decision of the Informational Hearing Panel may file a written request for an Administrative Review. The Committee reserves the right to determine whether an Administrative Review Hearing will be held.

### **Who is the Criminal Background Review Committee and their role?**

**5.1** The Committee shall be appointed by the Archbishop or his designee.

**5.2** The Committee will serve for the purpose of reviewing CBCs

- \* to decide clearance status, limitations and/or make individual recommendations;
- \* to conduct Informational Hearings; and/or
- \* to conduct Administrative Review Hearings.

**5.3** The Committee shall strive to continuously update policies and procedures appropriate to the Archdiocese of San Antonio and in conjunction with revisions of the U.S.C.C.B. policies and procedures.

## **File Maintenance/Training**

**6.1** Records of all CBCs are maintained by the Human Resources Office. Outcomes of all CBCs may be provided to the individual, pastor, supervisor, or those on a need-to-know basis.

**6.2** Training concerning the CBC process will be offered for parishes, schools, and other Archdiocesan entities.

## **Contracted/ Non-Archdiocesan Entities**

**7.1** Employees of contracted/non-archdiocesan entities who have regular, direct contact with minors and/or vulnerable persons in the course of rendering services to the Archdiocese must be screened by their respective employer.

**7.2** Contracted/non-archdiocesan entities must provide verification of CBCs prior to the time a contract is initiated or renewed.