

ARCHDIOCESE OF MIAMI POLICY AND PROCEDURAL GUIDELINES RELATING TO THE SCREENING OF CHURCH PERSONNEL

I. INTRODUCTION

The Archdiocese of Miami is committed to insure the safety and well being of our students, children, and youth; our elderly and aged; and our disabled. Each individual is created with a God-given dignity. Therefore, the Archdiocese condemns all forms of abuse or neglect of all people of all ages.

II. GLOSSARY OF TERMS

For the purposes of these policies:

A. “CHURCH PERSONNEL” shall mean all of the following:

- 1) **“CLERGY”**: shall mean all priests and deacons who have the habitual faculties of the Archdiocese and who shall be subject to background investigation in accord with the Archdiocesan Policy relating to clergy.
- 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 in which the obligation to withhold for payroll tax (FICA, Medicare and withholding) exists, whether part-time or full-time. This definition shall include all such persons whether employed by the Archdiocese, Parish, School, Early Childhood Center, Nursing Home, Group Home, or other Archdiocesan entity that is controlled by or operated by the Archbishop.
- 3) **“RELIGIOUS BROTHERS AND SISTERS”**: shall mean religious brothers and sisters who are regularly involved in ministry on behalf of an entity of the Archdiocese.
- 4) **“COVERED VOLUNTEER”**: shall mean any volunteer (adult person who donates their personal service) in any Archdiocesan activity, and who comes in contact with children while performing said services.
- 5) **“INDEPENDENT CONTRACTOR”**: shall mean any non-employed layperson hired or engaged to perform services on behalf of the Archdiocese including any Parish, School, Early Childhood Center, Nursing Home, Group Home or other Archdiocesan entity that is controlled by or operated by the Archbishop.

III. POLICY

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

- A. **BACKGROUND INVESTIGATION:** All Church Personnel shall allow an inquiry into their background to assess whether any reason exists that would suggest the person is not suitable for the position sought. Such background investigation may include, but shall not be limited to, a fingerprint screening through local (FDLE) or national (FBI/VECHS) law enforcement AND/OR family references.

- B. **SUPERVISOR RESPONSIBILITY:** The background investigation of Church Personnel shall be the responsibility of the Chancellor, Pastor, Administrator, or other person responsible for hiring or managing the Church Personnel subject to this policy.

- C. **USE:** Church Personnel who do not evidence or attest to good moral character, as determined by the Archdiocese will be excluded from employment/ministry as provided in Article V hereof.

- D. **RECORDS:** A record of all those fingerprinted will be retained in the Central Office for the Protection of Children and Vulnerable Adults (“Central Office”, refer to Article IV, Guidelines for Implementation), along with the identified criminal history, if any, and the Diocesan recommendation.

- E. **CLEARANCE PROCESS:** Once the background check process has been completed, the Central Office will notify the designated administrator in writing of all individuals who have cleared without restriction. When the completed FDLE or FBI/VECHS background check finds evidence of a conviction or other problem the designated administrator will be notified confidentially in writing. If an individual is cleared, the notification shall be kept on file at the parish, school, or ministry. Restriction or rejection notices shall be kept in a locked, confidential file. Any individual who is rejected or placed on restriction should be told by the designated administrator and given the reasons for the rejection or restriction. If the individual feels there is an error, or that he or she is being unfairly treated, he or she will be required to provide written documentation to the Central Office before the decision can be reconsidered.

- F. **LIMITATIONS ON USE:** The Diocese may not use the criminal records, juvenile records, or abuse registry information of a person obtained through this screening process for any purpose other than determining whether that individual meets the minimum standard for good moral character or is otherwise qualified for the position sought.

- G. **RENEWALS:** FBI/VECHS (Federal investigations) will require a new fingerprint card and completion of new form – VECHS Waiver Agreement and Statement. FDLE (State investigations) will not require a new fingerprint card if the Archdiocese has current fingerprint cards on record that are suitable for resubmission.

- H. **GRACE PERIOD:** For all existing employees or covered volunteers who are now required to have an FBI/VECHS check, and who have previously been checked only through the FDLE, the new form – VECHS Waiver Agreement and Statement and fingerprint cards must be submitted to the Central Office by the end of the five-year period from their last background investigation for employees and five-year period for volunteers and instructional personnel.

IV. GUIDELINES FOR IMPLEMENTATION

- A. **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, Nursing Homes, Group Homes, and other Archdiocesan 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 in regard to the implementation of background investigation of Church Personnel. Administrators shall conform to all applicable State and local laws, and shall preserve confidentiality to the fullest extent possible.

- B. **IMPLEMENTATION:**

- 1. **Clergy, Employees and Religious Brothers & Sisters:** For all Clergy, Employees and Religious Brothers and Sisters (“Religious”) a fingerprint screening is required and shall be implemented as follows:

- a. In addition to any employment references that may have been furnished, all Pastors, Administrators, Supervisors, Executive Directors or other persons supervising or accountable for employment within the Archdiocese are required to obtain from the prospective Religious or Employee a fully completed fingerprint card at the time of application together with an “Employee Affidavit of Good Moral Character” (a sample form is attached hereto as Appendix “B1”) and a signed Code of Conduct attached hereto as Appendix “B2”). The Chancellor shall obtain these documents for the Clergy.

To obtain a necessary supply of fingerprint cards, contact the **Central Office for Protection of Children and Vulnerable Adults** (“Central Office”), P.O. Box 612530 North Miami FL 33261-2530. The cards will be mailed to a designated Administrator at the Parish, School, Early Childhood Center, Nursing Home, Group Home, or other Archdiocesan entity. An instruction sheet will accompany the supply of cards.

Note: All Clergy, Religious Brothers & Sisters and Employees are required to undergo a criminal background investigation every five (5) years; all instructional personnel every five (5) years.

- b. Once completed, fingerprint cards shall be collected by the Administrator or Pastor of the Parish, School, Early Childhood Center, Nursing Home, Group Home, or other Archdiocesan entity who shall forward the same to the Central Office for use in conducting the criminal background investigation. The Fingerprint cards shall be forwarded along with a check payable to the Archdiocese of Miami for the required fee. Contact Central Office for information on current fee for corresponding screening.
- c. Any relevant results of the fingerprint screening will be communicated confidentially to the Chancellor, Pastor or Administrator for appropriate action in accordance with the criteria set forth in Article V of this Policy. In the event of any doubt with regard to appropriate action, the Archdiocesan Attorney shall be consulted.

NOTE: Schools will continue to send all necessary Certification materials for instructional personnel directly to the Department of Schools.

2. Covered Volunteers: Covered Volunteers as defined in this policy, shall undergo as a minimum, fingerprinting and a criminal background investigation. The policy shall be implemented as follows:

- a. Prior to service, a Volunteer Application (sample form appended hereto as Appendix “A”) should be completed and returned to the Pastor or Administrator who forwards a copy to Central Office.
- b. Federal criminal background investigations (Blue Fingerprint Card) are required for the following church personnel:
 - o Volunteers with unsupervised care of children; this includes all coaches, all CCD teachers and all youth ministers.
 - o Volunteers serving over 20 hrs per week with *access to children.

A minimum of a State criminal background investigation (Green Fingerprint Card) is required for the following church personnel:

- o All Volunteers with **supervised care of children.
- o All Volunteers serving 20 hrs or less per week with *access to children.

* Access to Children: in a school setting anyone on campus has access to children; in a parish setting anybody that comes into contact with children.

** Supervised care of children is defined as an individual that is overseen and in physical presence of an adult employee of the Archdiocese of Miami. Anyone else that does not meet the criteria mentioned above is considered unsupervised.

- c. Results of the criminal background investigations shall be communicated to the Pastor or Administrator. The Pastor or Administrator shall maintain a record of the criminal background investigation for a volunteer for so long as the individual remains engaged or involved in the ministry and five (5) years thereafter.
- d. It is the Pastor and/or Administrator who shall approve or reject the prospective Volunteers for service in accordance with the criteria established in Article IV.

3. **Independent Contractors:** Independent Contractors entrusted with unsupervised care of children, and those serving the Archdiocese more than 20 hours per week with access to children shall undergo a fingerprint screening. Fingerprint screening of Independent Contractors will be handled in the same manner as that of clergy, employees and religious brothers and sisters.

The Archdiocese of Miami requires that all contracts for Independent Contractors require the hiring agency to perform all criminal background investigations according to our policy; all Independent Contractors that do not come through an agency will comply with the requirements listed above

V. CRITERIA FOR EXCLUDING CHURCH PERSONNEL FROM SERVICE

Background checks involve a search of any criminal history in the State of Florida or nationwide if FBI/VECHS. If an applicant has a record, it is brought to the attention of the Central Office, which together with the Vicar General, Pastor or Administrator, based on the seriousness of the crime or incident, decides whether the applicant can work or volunteer for the Archdiocese. Failure to meet the minimum standards of good moral character or the reasonable job-related expectations of the Archdiocese will be sufficient for preclusion (or immediate termination) from employment, volunteer service, or ministry. In addition, individuals who misrepresent or fail to complete accurately their background information, including any criminal record or activity, will be denied employment or volunteer activity, or, if the inaccuracy or misrepresentation is subsequently discovered, the individual may be immediately terminated from employment, volunteer service or ministry.

All Church Personnel shall be expected to live a life of good moral character. If the Pastor, Administrator or other supervisor responsible for implementing this policy is not satisfied that this has been met, then the individual, whether in employment or as a volunteer, may be terminated. The decision regarding employment or ministry shall take into consideration the minimum requirements of a good moral life which are established by the teachings of the Roman Catholic Church and consistent with Florida Law.

Appendix "A" VOLUNTEER APPLICATION ARCHDIOCESE OF MIAMI

Dear Volunteer:

Thank you for offering your time and talent to our parish/school. Volunteers such as yourself are indispensable to our programs.

We know you understand the need to make appropriate inquiries of those to whom the care of our young people is entrusted within the Church. Please supply the information requested below and return this form to your Director of Religious Education, your Youth Minister, Principal, or Administrator.

PLEASE PRINT

Name _____ Social Security # _____

Address _____

Date of Birth _____ Work Phone _____ Home Phone _____

Driver's License No. _____ State _____

Parish _____

RELIGIOUS INFORMATION

Parish

Baptism	<input type="checkbox"/> Yes	<input type="checkbox"/> No	_____
First Communion	<input type="checkbox"/> Yes	<input type="checkbox"/> No	_____
Confirmation	<input type="checkbox"/> Yes	<input type="checkbox"/> No	_____

EDUCATION (Optional)

Elementary Completed	<input type="checkbox"/> Yes	<input type="checkbox"/> No
High School Completed	<input type="checkbox"/> Yes	<input type="checkbox"/> No
College	<input type="checkbox"/> Yes	<input type="checkbox"/> No
Graduate Work	<input type="checkbox"/> Yes	<input type="checkbox"/> No
Specialization _____		

DO YOU HAVE ANY HISTORY OF:

Alcohol or drug abuse	<input type="checkbox"/> Yes	<input type="checkbox"/> No
Mental Illness	<input type="checkbox"/> Yes	<input type="checkbox"/> No
Contagious Disease(s)	<input type="checkbox"/> Yes	<input type="checkbox"/> No

Problems with the Law

1. Have you ever been arrested? Yes No
 2. Have you ever been accused of child neglect or abuse? Yes No
 3. Has your driver's license ever been suspended or revoked? Yes No
- Probation Yes No

Please explain if any answer is "Yes": _____

BACKGROUND QUESTIONS

1. Has a criminal, civil or internal complaint to management or supervisors at places of employment/volunteering ever been filed against you which alleged sexual misconduct, harassment or child abuse by you, or your participation in or facilitation of such activities?

Yes No

If yes, explain. Please provide the date, nature, and place of the incident leading to the complaint; where the complaint was filed, disposition of the complaint; and identify by name & title, the person(s) who investigated the complaint and the person who adjudicated the complaint.

2. Do you presently serve, or have you ever served, as a volunteer for any organization, entity or group in which you had significant contact with children or other vulnerable populations (i.e. elderly, mentally or emotionally challenged, etc.)

Yes No

If yes, please provide the name, address and telephone number of the organization; period of volunteer service, supervisor's name; and briefly describe your activities and/or duties.

3. Have you ever terminated any employment or volunteer service or chosen not to renew or continue any employment or volunteer service or have you ever had employment/volunteer service terminated, or been subject to any disciplinary action against you for reasons relating to allegations of sexual misconduct or child abuse by you?

Yes No

If yes, please explain. Please include in your explanation the date, nature and place of the occurrence(s) or allegation(s); and the disposition of the matter(s). Also identify your employer and supervisor at the time by name, address and telephone number.

4. Have you ever been convicted of a crime (other than a minor traffic violation)?

Yes No

If yes, please explain. Please include in your explanation the date and place of any conviction, and the crime for which you were convicted.

5. Have you ever been reprimanded, investigated, or dismissed from a position for grounds that include or involve immoral conduct, unprofessional conduct, unethical conduct, harassment, including sexual harassment, unfitness for service, etc.?

Yes No

If yes, please explain incident, and provide name of supervisor, telephone numbers, dates, etc.

6. Have you ever been a defendant in a civil action for an intentional tort, including but not limited to, assault, false imprisonment, rape, etc.?

Yes No

PRIOR EXPERIENCE WORKING WITH CHILDREN/YOUTH (Please check those that apply)

Children (up to age 10)

Explain _____

Name, address and phone number of your Supervisor:

Youth (11-14) Explain _____

Name, address and phone number of your Supervisor:

Teens (15-18) Explain _____

Name, address and phone number of your Supervisor:

WHAT WOULD YOU SAY ARE YOUR STRONGEST GIFTS?

PLEASE DESCRIBE IN YOUR OWN WORDS WHAT PROMPTED YOU TO VOLUNTEER YOUR SERVICES WITH THIS PROGRAM.

The information that I have provided may be verified, if necessary, by contacting persons or organizations named in this application, or by contacting any person or organization that may have information concerning me.

I authorize the Archdiocese of Miami, its employees and agents, to make inquiries, including criminal history, employment history and driving history. I hereby release and agree to hold harmless from liability any person(s) or organization, who, in good faith, provides information to complete a background investigation. I also agree to release and hold harmless the local parish, school, or other diocesan institution, the Archdiocese of Miami, the Archbishop, and the officers, employees and volunteers thereof from any present or future claim of any kind resulting from any alleged liability for conducting a background investigation which may include, but not limited to, criminal courts, state and county and national repositories of criminal records.

Under the penalties of perjury, I declare that I have read the foregoing, and the facts alleged are true to the best of my knowledge and belief.

Volunteer's Printed Name _____

Volunteer's Signature _____ Date _____

Volunteer Code of Conduct

I also declare that I have read the Volunteer Code of Conduct and have been given a copy for reference. Based on this code, I promise that,

As a volunteer, I will:

- Treat everyone with respect, loyalty, patience, integrity, courtesy, dignity, and consideration.
- Avoid situations where I am alone with children and/or youth at Church activities.
- Use positive reinforcement rather than criticism, competition, or comparison when working with children and/or youth.
- Refuse to accept expensive gifts from children and/or youth or their parents without prior written approval from the pastor or administrator.
- Refrain from giving expensive gifts to children and/or youth without prior written approval from the parents or guardian and the pastor or administrator.
- Report suspected abuse to the pastor, administrator, or appropriate supervisor and the abuse hotline – 1 800-96ABUSE. I understand that failure to report suspected abuse to civil authorities is, according to the law, a misdemeanor.
- Cooperate fully in any investigation of abuse of children and/or youth.

As a volunteer, I will not:

- Smoke or use tobacco products in the presence of children and/or youth.
- Use, possess, or be under the influence of alcohol at any time while volunteering.
- Use, possess, or be under the influence of illegal drugs at any time.
- Pose any health risk to children and/or youth (i.e., no fevers or other contagious situations).
- Strike, spank, shake, or slap children and/or youth.
- Humiliate, ridicule, threaten, or degrade children and/or youth.
- Touch a child and/or youth in a sexual or other inappropriate manner.
- Use any discipline that frightens or humiliates children and/or youth.
- Use profanity in the presence of children and/or youth.

I understand that any action inconsistent with the Volunteer Code of Conduct or failure to take action mandated by the Code of Conduct may result in my removal as a volunteer with children and/or youth.

Volunteer's Printed Name _____

Signature of Volunteer _____

Signature of Pastor/Administrator _____

Date: _____

VOLUNTEER DRIVER QUESTIONNAIRE

NAME _____

ADDRESS _____

CITY _____ STATE _____ ZIP _____

INSURANCE CARRIER _____

ADDRESS _____

CITY _____ STATE _____ ZIP _____

POLICY NUMBER _____ (attach copy of
declaration page)

VEHICLE _____ TYPE _____ YEAR _____

PLEASE CHECK CONDITION OF VEHICLE: ()GOOD ()FAIR ()POOR TYPE OF
LICENSE _____

OWNER'S SIGNATURE

DATE

Appendix "B1"
EMPLOYEE AFFIDAVIT OF GOOD MORAL CHARACTER
ARCHDIOCESE OF MIAMI

I, _____, a prospective or current employee, hereby attest, under penalty of perjury, to meeting the requirements for employment, that I am of good moral character, and that I have not been found guilty of, regardless of adjudication, or entered a plea of nolo contendere or guilty to, any offense (or attempt or conspiracy there under) prohibited under any of the following provisions of the Florida Statutes or under any similar statute of a similar jurisdiction. I also attest that I do not have a delinquency record that is similar to any of these offenses.

1. Sections 782.04, 782.07, 782.071 and 782.09, relating to murder, manslaughter, aggravated manslaughter of an elderly person or disabled adult, or aggravated manslaughter of a child, vehicular homicide, or killing of an unborn child by injury to the mother;
2. Sections 784.021 and 784.045, relating to aggravated battery or aggravated assault, or simple battery or assault of a minor;
Sections 787.01, 787.02 and 787.04, relating to kidnapping, false imprisonment or removing minors from the state or concealing minors contrary to court order;
3. Section 794.011, relating to sexual battery;
4. Chapter 796, relating to prostitution;
5. Section 798.02 and Chapter 800, relating to lewd and lascivious behavior and indecent exposure;
6. Section 806.01, relating to arson;
7. Section 826.04, relating to incest;
8. Sections 827.03, 827.04, 827.05, and 827.07, relating to child abuse, aggravated child abuse, neglect of a child, negligent treatment of children, contributing to the delinquency or dependency of a child, and sexual performance by a child;
9. Chapter 847, relating to obscene literature;
10. Section 415.111, relating to adult abuse, neglect or exploitation of aged persons or disabled adults;
Chapter 893, relating to drug abuse prevention and control, only if the offense was a felony or if any other person involved in the offense was a minor;
11. Section 817.563, relating to fraudulent sale of controlled substances, only if the offense was a felony;
12. Chapter 776, relating to forcible felony;
13. Section 784.011, relating to assault, if the victim of the offense was a minor;
14. Section 784.03, relating to battery, if the victim of the offense was a minor;
15. Former s. 794.041, relating to prohibited acts of persons in familial or custodial authority;
16. Sections 825.102, 825.1025, and 825.103 relating to abuse, aggravated abuse, or neglect of an elderly person or disabled adult, lewd or lascivious offenses committed upon or in the presence of an elderly person or disabled adult and exploitation of an elderly person or disabled adult, if the offense was a felony;
17. Chapter 812, relating to theft, robbery, and related crimes, if the offense is a felony;

I understand that I must acknowledge the existence of any records relating to the foregoing list of offenses regardless of whether those records have been sealed or expunged. I also understand that I am also obligated to notify my employer of any possible disqualifying offenses that may occur while employed in a position subject to the screening requirements.

I further attest that:

I have not been judicially determined to have committed abuse, neglect, or exploitation against a child as defined in section 39.01 nor has there been a confirmed report of abuse, neglect or exploitation as defined in



Appendix "B2"

STANDARD CODE OF CONDUCT

All clergy, employees and independent contractors of the Archdiocese of Miami in their professional roles are committed to uphold the following code of conduct which covers activities in which they are working with minors or vulnerable persons.

1. To be conscious of the unique power which an adult holds due to the trust placed in them by way of service to minors and vulnerable persons.
2. To assume the full burden of responsibility for setting and maintaining clear and appropriate physical and emotional boundaries with minors or vulnerable persons.
3. To be proactive in identifying minors and/or vulnerable persons who may be vulnerable or at risk of unhealthy relationships and to assist them in developing their sense of self-worth and avoiding emotional manipulation.
4. To avoid any covert or overt sexual behavior with minors or vulnerable persons. This includes seductive speech or gestures as well as physical contact that sexually abuses, exploits, or harasses a person.
5. Never to initiate sexual behavior with a minor or vulnerable person and to refuse it even when the other invites it.
6. To show prudent discretion in the expressions of affections used with minors and vulnerable persons. This includes refusing expensive gifts from minors and vulnerable adults and refraining from giving expensive gifts to minors and vulnerable adults.
7. Not to strike, spank, shake and avoid forms of touch which could be construed as sexual with minors or vulnerable persons.
8. To assure that a meeting space with a minor or vulnerable person has visual access.
9. Never to lock the room when only one adult is present with minors or vulnerable persons except when, for reasons of safety, the administration has directed this to be done.
10. Not to drive alone with minors or vulnerable persons unless there is a verified authorization from the guardians to transport them.

11. Not to share a bedroom with minors or vulnerable persons.
12. Never to provide minors or vulnerable persons with alcohol or with videos, reading or graphic materials that are inappropriately sexual in nature.
13. Not to consume alcohol products, use tobacco products or profanity nor be under the influence of illegal drugs or alcohol when engaged in ministry to minors or vulnerable persons.
14. Not to engage in a personal sexual relationship with anyone over the internet.
15. To understand that it is an adult's responsibility under the law of the State of Florida to report to the Department of Children and Families (1-800-96ABUSE) any situation where there is good reason to believe that a minor or vulnerable person has been a victim of sexual or physical abuse. The Principal, Program Director or Clergy will be informed of this by the reporter prior to making the report.
16. To comply with the ratio of adults to minors required by the institution or department under which my program operates.
17. Immediately to report suspected violations of this Code of Conduct to the Principal, Program Director or Clergy. If the suspected violator is the Principal, Program Director or Clergy the report should be made to the Vicar General (1-305-762-1222).

I agree to follow this code of conduct in my relationship with minors or vulnerable adults.

Printed Name

Signature

Institution

Date