

DIOCESE OF NEW ULM

Background Check Procedure Manual

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Background Check Procedure Manual

The purpose of this Manual is to help parishes and Catholic schools implement the Background Check Policy.

Background Check Coordinator—Local Safe Environment Coordinator (LSEC)

The Background Check Coordinator is the person at the parish or school level who is responsible for processing background checks for the parish and/or school, and is usually the Local Safe Environment Coordinator. This person's duties include:

- Overseeing that all applicable individuals fill out the background check forms required by the Background Check Procedures.
- Ensuring that background checks on all employees and applicable volunteers are recorded as processed as clear or complete as required under the Background Check Policy.
- Ensuring the confidentiality of all information gathered during the background check process.

Notes on Terms

When used in this Manual, the terms “diocesan,” “diocesan clergy,” “diocesan personnel,” “diocesan volunteers,” “parish,” “parish personnel,” “parish volunteer,” and “minor” are used in accordance with the definitions given for these terms in Appendix A of the Background Check Procedure Manual.

When used in this Manual, the term “background check” refers to the entire background check “package” performed on a person.

1. For employees, this includes the criminal background check, employment background check, and Minnesota Bureau of Criminal Apprehension (BCA) check for school employees, school coaches—both athletic and academic, both employed and volunteer, and for all parish janitorial staff that have building access.
2. For volunteers, this includes the criminal background check and the Minnesota BCA check for specific positions associated with Catholic schools and as required by Minnesota Statute.
3. For Diocesan employees, this includes the criminal background check, employment background check, and Minnesota BCA check.

Who Needs a Background Check?

The Background Check Policy, which is found in the Diocesan Policy Manual of the Diocese of New Ulm (Administrative Policy 13.3) and the “Policy, Codes and Forms” section of the diocesan Web site, requires background checks on individuals who work/minister for the church in certain capacities. **Anyone who wishes to work/minister in a position that requires a background check must go through the background check process. Refusal to do so prohibits the person from working/volunteering in that position.**

There are two categories of people who require background checks: employees and volunteers. Below is a description of each category.

To further assist in determining who require background checks, a Suggested List of Positions that Require Background Checks is provided in Appendix B of this section. **Note that this is only a suggested list.** It is not meant to be all-inclusive or to cover all situations which may occur at a parish/school. Remember that the goal is to process a background check on anyone who is unsupervised with children.

Please note that the Safe Environment Policy gives the Bishop’s Delegate in Matters Pertaining to Sexual Misconduct and the Safe Environment Coordinator the authority to require a new background checks on diocesan/parish/school employees or volunteers at any time or to require additional volunteers to be included in the background check process.

Employees

Employees: All employees working for a parish in the diocese, a Catholic school in the diocese, or directly for the diocese (pastoral center employee) or a (or diocesan entity) must have a background check, whether or not they are unsupervised with minors.

Substitutes: Substitute employees (such as substitute teachers) are employees as they receive a pay check and they must complete all requirements of the position/location.

Clergy: All clergy (bishops, priests and deacons) ministering in the Diocese of New Ulm are treated as employees for purposes of the Background Check Policy and therefore must have a background check. This includes clergy applying for incardination into the diocese. Visiting clergy are treated separately and not as employees (see section on Visiting Clerics and Religious).

Seminarians/Diaconate Program: All persons who apply for entrance into the seminary or permanent diaconate program must have a background check.

Religious Order Workers: All religious order members (priests, brothers or sisters) working for a parish, school, or diocesan entity are treated as employees for purposes of the Background Check Policy and must have a background check. Visiting religious order individuals are treated separately (see section on Visiting Clerics and Religious).

Volunteers

Volunteers: All adults who wish to volunteer in a position involving unsupervised contact with children under age 18 (minors) must have a background check.

Volunteers Serving on Councils and/or Committees: All adults serving on advisory groups of the parish, school, or diocese making policy or advocating for issues directly relating to youth and young children (minors) are required to have a volunteer background check. (Note: These individuals are noted as “supplemental” in the VIRTUS database as they have no other safe environment requirements when this is the only volunteer service relating to minors the individual is involved with.)

Volunteers Who Are Minors: **Volunteers who are minors cannot be given unmonitored access to children in a parish, school, or diocesan setting.** Any access these minors have to children must be directly supervised by a responsible adult who has had a background check and who has completed Safe Environment training as assigned. This means the adult must *always* be in the same room with the minor volunteer when he/she is around children.

Special Note on Visitors: A visitor is someone who comes to the parish, school, or diocese to attend an event. Examples include parents attending a school/RE event or having lunch with their child at school. A visitor is not required to have a background check. To be classified as a visitor, the person must have **no responsibility or authority**, either explicit or implicit. This means the visitor *cannot* help out in *any* way or be responsible for the children. The visitor must also *never* be left alone during a diocesan/parish/school related function or act in an official capacity with any child but their own. If this person is helping out with an event or is in any way responsible for children, then that person is a volunteer, not a visitor, and must follow the guidelines for the proper category.

Student Teachers: If the student teacher is given unsupervised oversight of students, the individual must meet all the requirements of a volunteer.

Visiting Clergy (and Mission Co-op Presenters)

Visiting Clergy and Mission Co-op Presenters: Visiting clergy do not typically need a background check processed by the diocese. A Letter of Good Standing, a testimonial statement from the bishop/superior, of the place of incardination/employment of the priest/deacon will be requested. The Letter of Good Standing is to confirm they have been cleared through a background check ran through their place of incardination. A specific cover form is used for this process as well as specific instructions for approval of clearance for providing a service within the diocese. [See page 20 for complete information and the associated form in the “Forms” Web page on the diocesan Web site.]

Speakers on Faith and Morals

Speakers on Faith and Morals: Any person invited to formally (publically) speak on a faith and morals topic must have appropriate approval from the Bishop. A specific Speaker Request form is used for this process as well as specific instructions for approval of clearance for providing a service within the diocese. [See page 21 for complete information and the associated form on the “Forms” Web page on the diocesan Web site.] While this is not a

part of the Safe Environment Background Check Procedures it is referenced here for bringing additional attention to this requirement.

Public School Employees

On occasion, public school employees will come into contact with children during the Catholic school day. Examples include public school employees who give band lessons to the students or provide counseling, Title program, or special education services, and public school employed or contracted bus drivers and bus driver service employees contracted with the public school. This situation is to be addressed in the Catholic school *Parent Handbook* written and dispersed by the school. Sample language to be used in the Catholic school parent handbook to inform parents of these situations is included as Appendix C. These individuals are not employees of the Catholic school or parish yet they are providing a necessary service. Local church and school leadership need to verify this language is retained in the handbook and not edited out by someone unaware of the reasoning for the information being included.

Additional Background Checks Required—Not Required by Safe Environment but for Other Reasons

Other Background Check Requirements

Entities will need to (or in some cases, want to) complete additional background checks other than those required by Safe Environment policy. The main examples are a credit check for those dealing with money or fiduciary responsibilities and a motor vehicle check for those driving as a part of their employment or as a part of their volunteer position. These individuals need to be given the appropriate forms for background check consent as given any employee or volunteer with the appropriate boxes checked at the bottom of the form. Additional boxes available are for a credit check and/or a motor vehicle check. Specific guidelines for these background checks are a part of the diocesan insurance group requirements and more information may be found in those applicable guidelines and policies.

The background check will be processed in the same manner as the safe environment required background checks. The individual record of the processed checks will be documented within the VIRTUS database. A processed background check for motor vehicle is noted as “clear” and a processed background check for a credit check is noted as “complete.”

If the individual is not working with minors and needs the background check processed for other reasons, the individual’s account will be coded as “supplemental.” The supplemental account label indicates the VIRTUS training, the policy acknowledgement receipt, and the ongoing VIRTUS online training are not required. This allows supplemental accounts/individuals to be tracked at the local level.

Other supplemental groups that often want to track a component that is associated with the VIRTUS database and safe environment requirements are the members of Catholic Order of Foresters and diocesan faithful participating with a mission trip that is not associated with a diocesan related entity or parish group. Numerous individuals, for example, participate with Catholic Heart Work Camp but not in connection with a diocesan parish or school group.

Components of Background Check

The Bishop's Delegate in Matters Pertaining to Sexual Misconduct and the diocesan Safe Environment Coordinator are responsible for maintaining a procedure manual to guide parishes/schools in obtaining releases for performing background checks, and to assist in the completion of the background check process. All questions concerning background check policies and procedures should be directed to them.

Criminal Background Check: The diocese has contracted with a specific background check company to perform criminal background checks. [See Appendix D for the various companies used and the years they were used.] The criminal background check has four components:

- *Widescreen:* This check searches over 200 million criminal records of multiple nationwide databases. This search also includes the *Wanted Persons Security Screen*.
- *County Criminal:* The nationwide databases are built through updates from the various county courthouses. Any offenses that have occurred since the county last sent in an update would not be in nationwide databases. For this reason, *Widescreen* is supplemented with a county courthouse check for counties an applicant has lived in.
- *Social Security Number Check:* Because databases searched by the background check company are referenced by a Social Security Number, a *Social Security Number Check* is processed to verify that the Social Security Number given by the person is in a valid range, and to ensure it actually belongs to that person. This search protects against identity theft.
- *Guardian National Sex Offender Search:* *Guardian* is the most comprehensive sex offender search available to the public. Over 500,000 registered sex offenders from 49 states (Hawaii does not permit a search), plus Washington, D.C. are searched via the US Department of Justice's National Sex Offender Public Registry.

BCA Check:

The following are required to have a background check processed through the Minnesota Bureau of Criminal Apprehension (BCA), pursuant to Minnesota Statute §123B.03:

- All employees at parishes with Catholic schools
- All employees at incorporated Catholic schools within the diocese
- All individuals (except enrolled student volunteers) who provide athletic coaching services or other extracurricular services to a Catholic school (paid or volunteer).

In addition, the diocese requires a BCA check for all custodial staff that has access to buildings regardless if the parish has a school.

- **Note** that the BCA diocesan requirement applies to **all employees at parishes with schools**, whether the employee is working for the school or not.

There are two allowances provided for within this MN statute:

- If the school hires a teacher who was initially licensed within the past twelve months, a BCA check is not required on this individual. This does not apply to license renewals, only the initial licensure.
- If an entity hires an employee who had a BCA check processed within the past twelve months, an additional BCA check is not required if the entity can obtain the written documentation verifying the results of the prior check and has no reason to believe circumstances have changed. A printed copy of the BCA check is to be on file with the diocese.

If a Catholic school hires an individual required to have a BCA pursuant to MN State Statute, and the BCA recorded as clear in the VIRTUS database is older than 12 months, a new BCA must be processed (MN State Statute requirement).

Catholic School Teacher Discipline Inquiry Check

For licensed Minnesota teachers only: the teacher disclosure form is to be a part of the application process. The wording for this disclosure statement can be found in Appendix E.

The Catholic school principal or his/her designee is to access the Minnesota Teacher Discipline Inquiry System to verify there has not been any action taken on the applicant's Minnesota teaching license prior to contractual agreement for a teaching position. The diocesan Safe Environment VIRTUS database is not currently tracking this required check. Catholic school principals are responsible for having documentation on file of the completion of this inquiry indicating a clear teacher license record of the newly employed Minnesota licensed teacher. Principals may find additional information regarding this requirement in Appendix E or in the Diocese of New Ulm School Administration Handbook.

Overview of Procedures

The background check forms are requested and completed at the parish/school level, and the completed requests are processed at the diocesan level.

The criminal background check is done through the contracted background check company using an online system. The results of these checks are sent to the diocesan Safe Environment Coordinator, who reviews these results. Any results with a record are further reviewed using the process identified within this Manual. The local safe environment coordinator is responsible to review the individual VIRTUS database account to know if the background check is completed and to verify the user account has been recorded as being found to be clear.

The following pages contain a detailed list of background check procedures.

The Fair Credit Reporting Act (FCRA) establishes strict guidelines that must be followed if an individual is to be treated negatively based on information obtained through a background check. If this situation occurs, the parish/school will receive guidance from the

Office of the Bishop's Delegate in Matters Pertaining to Sexual Misconduct through the diocesan Safe Environment Coordinator.

Background Check Forms

There are two forms which must be completed to process a background check. These forms are available online at www.dnu.org.

- **Investigative Consumer Report, Consumer Report Disclosure, and Consent Form:** This form accomplishes seven things:

1. The form identifies the screening company the Diocese of New Ulm will use.
2. The form identifies the investigative consumer reports and consumer reports information the reports may include.
3. The form explains the individual's right to receive a complete and accurate disclosure of the nature and scope of the investigation requested.
4. The form confirms the individual has received the Fair Credit Reporting Act information.
5. The form authorizes the Diocese of New Ulm to process a background check on the individual.
6. The form collects the individual information necessary to complete the background check.
7. The form informs the Diocese of New Ulm of the date the acknowledgement of receipt of New Ulm Diocesan Administration Policy 13 on Sexual Misconduct was signed by the individual.

There is one version of this form and it can be used for both employees and volunteers. A checkbox towards the bottom of the form is for specifying if the check is for an employee or a volunteer. The completed form must include the entire Social Security number.

The Investigative Consumer Report, Consumer Report Disclosure and Consent Form must be completed, processed, and an indication of a clear or complete status reported back to the entity prior to the individual beginning employment or prior to beginning to volunteer. These forms may be sent (via fax and US mail) to the diocese or once a VIRTUS integration system is in place they will be processed online without paper forms required.

Effect of Previous Background Checks

Diocesan: A returning employee or volunteer who has had a criminal background check processed through the Diocese of New Ulm within the past five years may need to have another criminal background check if their position has changed. Contact the diocesan Safe Environment Coordinator for the specific requirements. Regardless, the diocese/parish/school can elect to do one if deemed necessary.

If a new employee has previously had a criminal background check processed through the diocese as a volunteer, a BCA check (if applicable) and an "employee" background check will need to be processed to satisfy the requirements of the Background Check Policy.

Other Sources: A background check which an individual had processed through another agency does not always meet the requirements set forth by the diocesan Background Check Policy. The individual may submit the non-diocesan processed background check to the diocesan Safe Environment Coordinator for review if it was processed within the past 12 months. If it is not adequate, a new background check processed through the diocese is required.

Repeating Background Checks

Once a background check has been processed on clergy or candidates for ordination, subsequent checks will be processed every five (5) years.

Prior to 2016, the diocese/parish/school did not require updating or reprocessing the background checks on existing employees or volunteers. Beginning with the fiscal year ending June 30, 2017, incremental implementation of processing rechecks on a seven-year basis began for employees and volunteers. The seven-year recheck cycle is to be fully in effect by March 31, 2021. Additional rechecks can be processed at the discretion of the supervisor with consultation of the diocesan Safe Environment Coordinator. Also, repeat background checks may be requested at the discretion of the Bishop's Delegate in Matters Pertaining to Sexual Misconduct or the diocesan Safe Environment Coordinator for an individual pastoral leader, diocesan/parish/school employee or volunteer. The consent form used allows for ongoing authorization for the procurement of consumer reports at any time during continuous employment or active participation as a volunteer.

Monetary Responsibility

The diocese covers the cost for all background checks of incardinated clerics, pastoral leaders, and diocesan employees. The diocese also covers the costs for applicable volunteers directly involved with the diocese.

The respective parish/school is responsible for the cost of diocesan required background checks on its employees and volunteers.

There is one exception: Minnesota Statute §123B.03 mandates payment procedures for the BCA background check and an individual may be responsible for the cost of the statute required BCA check. Statute specifics are attached as Appendix F.

Security of Information

The background check procedure gives the diocese access to information which is highly confidential. The diocese/parish/school must establish procedures to safeguard it, i.e., completed forms should not be left on a desk or unlocked overnight, etc. Those who see/handle the information are to be limited to one or two individuals.

Criminal background checks are processed by a diocesan selected background check company, which offers a Web-based background check search. The diocese has limited the background check company database access to two individuals who are authorized to order background checks and obtain the results. Access to the sensitive information collected is limited to a select number of individuals on a "need to know" basis. Any information stored is located at the diocese in a locked file cabinet. Any information retrieved from the background check company and/or VIRTUS online is with a minimum of a 128-bit

encryption, and the diocese has passed an on-site inspection. As mandated by the *Charter*, the information will be maintained indefinitely.

The VIRTUS database system will provide the parish/school a list of employees and volunteers who have had a background check processed. These files will have limited access. Only the pastoral leader/principal, the local safe environment coordinator and perhaps one or two other people will be given access to these files. Social Security Numbers may not be kept by the parishes/schools for Safe Environment purposes. (Obviously, this information is required for payroll and other legal purposes.) The diocese maintains a file of all employee and applicable volunteers background check release forms and results.

If compromise of personal identifying information occurs, the diocese will comply with all state and federal laws. This includes immediate notification to the local police department of the potential risk of identity theft. Additionally, the major credit bureaus will be notified to facilitate customer assistance that those affected will be recommended to file fraud alerts. The individuals affected will be notified as soon as it is confirmed that a breach has occurred.

The decision to notify is determined by the nature of the compromise, the type of information taken, the likelihood of misuse, and the potential damage arising from the misuse. The timing of the notification will be determined after consultation with law enforcement officials so as not to impede their investigation. A contact person within the diocese will be designated for releasing information, including the latest information on the breach, the diocese's response, and how individuals should respond.

The notice will:

- describe clearly what the diocese knows about the compromise. It will include how it happened; what information was taken, and, if known, how the thieves have used the information; and what actions have already been taken to remedy the situation. It will also be explained how to reach the contact person. Law enforcement will be consulted on exactly what information to include so the notice does not hamper the investigation.
- explain what responses may be appropriate for the type of information taken. For example, individuals whose Social Security Numbers have been stolen should contact the credit bureaus to ask that fraud alerts be placed on their credit reports.
- include current information about identity theft. The Federal Trade Commission's (FTC) Web site at www.consumer.gov/idtheft has information to help individuals guard against and deal with identity theft.
- provide contact information for the law enforcement officer working on the case (as well as the case report number, if applicable) for victims to use. Identity theft victims often can provide important information to law enforcement. Victims should request a copy of the police report and make copies for creditors who have accepted unauthorized charges. The police report is important evidence that can help absolve a victim of fraudulent debts.

- encourage those who discover that their information has been misused to file a complaint with the FTC at www.consumer.gov/idtheft or at 1-877-ID-THEFT (1-877-438-4338). Information entered into the Identity Theft Data Clearinghouse, the FTC's database, is made available to law enforcement.

Use of Information

The Diocese of New Ulm understands that its employees and volunteers care how information about them is used and shared. We appreciate their trust. The diocese will protect their privacy and only use information gathered from a consumer reports for compliance with its Safe Environment program as mandated by the United States Conference of Catholic Bishops in the revised *Charter for the Protection of Youth and Young Adults*, and in compliance with diocesan policies, state and federal law.

Information received during the background check process should never be revealed to anyone. This includes information on the Investigative Consumer Report forms, as well as information from the results themselves. If anything negative is revealed during the background check process, the diocese will determine whether that information is relevant to the person's work/service/ministry with the parish/school. If the diocese determines that something is relevant, the appropriate supervisor will be informed. If the information is not relevant, then there is no reason for anyone else to know about it. People have a right to their privacy. The exception to this rule is the individual being checked. If a background check is processed on an individual, that individual has the right to view the report.

Breaches of confidentiality require a report to be filed with the background check company, and depending on the circumstances, possibly the Federal Trade Commission.

Disposal of Information

While the diocese is bound by the *Charter* requirement to keep all collected background check information indefinitely, the diocese and its parishes/schools are still liable under The Disposal Rule of the Federal Trade Commission. The Disposal Rule requires appropriate measures to be taken when disposing of sensitive information derived from consumer reports to protect from unauthorized access to or use of the information.

The Disposal Rule requires the diocese and its parishes/schools to properly dispose of collected information concerning consumer reports, i.e., requests for background checks, background check results, etc., by either cross-shredding or by burning the documents so that the documents may not be read or reconstructed. Additionally, all electronic files or media must be destroyed or erased so that the files/media may not be read or reconstructed. Further, due diligence is required if an outside contractor is hired to dispose of the documents. This would include reviewing an independent audit of the disposal company's operations and its compliance with The Disposal Rule; obtaining information about the disposal company from several references; requiring that the disposal company be certified by a recognized trade association; and reviewing and evaluation the disposal company's information security policies or procedures.

Social Security Numbers

The diocesan selected background check company accesses a wide variety of databases when performing a background check. Because some of these databases are indexed by a Social Security Number (SSN), it is necessary to collect a person's SSN to perform the check. This can be a problem because some people are reluctant to give out their SSN because of fears about identity theft.

The diocese recognizes the very real threat of identity theft and appreciates the concerns of people who are trying to protect themselves from this crime. The diocese also has an obligation to create a safe environment for the young people who are given into our care. A vital part of creating this safe environment is performing background checks on the people who will come into contact with children while they are in our care, and a SSN is needed to do this. Therefore, we need to strive to achieve our goal - creating a safe environment through background checks - without causing harm to the people we are checking.

This is why the security measures detailed elsewhere in this Manual are vitally important. The parish/school must securely store all information obtained during the background check process, and access to this information must be limited to only one or two individuals. By following these procedures we can show our employees and volunteers that we are doing everything in our power to protect them, so that they can feel safe and secure in their decision to entrust this vital information to us.

If an employee or volunteer does not want to write their SSN on the Investigative Consumer Report forms, that person can instead verbally provide it in person or on the telephone to the diocesan Safe Environment Coordinator.

One thing to point out to individuals is that the background check can actually help prevent identity theft. One component of the background check process is a *Social Security Number Check*. The diocesan selected background check company contacts one of the three major credit check companies to confirm that the SSN provided by the individual *actually* belongs to that individual and is in a valid range. If someone else is using the individual's SSN, this is usually detected during the background check, and the individual will be notified of this discrepancy. This has happened several times in the diocese.

Occasionally the *Social Security Number Check* will report a discrepancy for the individual's Social Security Number. There are three possible reasons for this discrepancy:

- a. The Social Security Number is not found.
- b. The Social Security Number is shown as registered to someone else.
- c. The Social Security Number is shown as registered to more than one person.

If any of these situations occur, the diocesan Safe Environment Coordinator will request that the Background Check Coordinator personally verify the individual's SSN. To do this, the individual will need to show their original Social Security card to the Background Check Coordinator. The Background Check Coordinator will then make direct contact with the Diocese Safe Environment Coordinator acknowledging he/she has reviewed the original Social Security Card of the individual and has validated that the Social Security Number in question matches the card, and that this individual's driver's license or other state issued identification has the same name. Alternately, the individual may come to the Diocesan Pastoral Center for this procedure.

Undocumented Persons

There is a growing need for Spanish speaking volunteers throughout the Diocese of New Ulm. The diocese understands that undocumented persons wanting to become involved at their parish/school is a difficult situation for all involved. While the Catholic Church is universal, the particular church of the Diocese of New Ulm is subject to civil state and federal law as well. Undocumented persons are always welcome to participate in the public liturgical aspects of the faith at their parish/school, but there is a limitation on their involvement beyond the liturgical. Please contact the diocesan Safe Environment Coordinator for more information on this matter.

If an undocumented person would like to volunteer, they need the assistance of their pastoral leader and the approval of the diocese. If the pastoral leader is able and willing to act as a personal reference for the individual because the individual is *personally known well for at least five (5) years*, the pastoral leader is to submit the following to the diocesan Safe Environment Coordinator:

1. A completed biographical form.
2. A signed letter of reference or recommendation indicating why in the opinion of the pastoral leader, the potential volunteer poses no risk of harm to others and that they are taking responsibility for the individual. Caveats may be placed on the volunteering – i.e., I recommend this person but would like a trial period, but would not place in an unsupervised position for two months, *et cetera*. This must be submitted on parish/school letterhead.
3. A signed letter from the volunteer in English or Spanish stating their background and the following:

“I hereby certify the Diocese of New Ulm, a non-profit organization pursuant to 501(c)(3) of the Internal Revenue Service, and any of its parishes, schools, agencies, or institutions, whether or not separately incorporated, to request information concerning my background and share that information among themselves.

I hereby certify that I have not been convicted under the laws of Minnesota, or any other state of the United States, or the laws of any other jurisdiction, of committing, attempting to commit, or conspiracy to commit, any crime, whether a felony or a misdemeanor, in the areas of juvenile prostitution or pimping, obscenity, child pornography, sexual assault, sexual abuse, child exploitation, the controlled substance act, a crime of violence, or any other crime where the victim was under the age of eighteen at the time of the offense.

I hereby acknowledge that I have been notified of the Safe Environment Policy and the Code of Conduct for the Diocese of New Ulm, and that I agree to conduct myself in accordance with those documents. **I also acknowledge** that I am fully aware of the consequences of any non-compliance.

I understand that any false statement or certification herein will be grounds for immediate termination.”

4. Three character references who are unrelated to the prospective volunteer who:

- a. have known the prospective volunteer well for at least five (5) years; and
- b. can attest to the truthfulness, good character and suitability of the volunteer to work with children, vulnerable adults and others on behalf of the church.

This information will be reviewed by the Bishop's Delegate in Matters Pertaining to Sexual Misconduct, the diocesan Safe Environment Coordinator, and the Director of Hispanic Ministry. A decision will be made in consultation with the diocesan attorney. This decision will be communicated to the pastoral leader by the diocesan Safe Environment Coordinator.

If the individual is approved as a volunteer, the following conditions apply:

- The individual is on "probation" for the period of time needed to complete two consecutive supervised sessions.
- The pastoral leader, after conferring with both the individual and the supervising volunteer(s), provides a signed and dated written evaluation. The original evaluation is sent to the diocesan Safe Environment Coordinator. A copy is kept in the individual's personnel file in the parish/school.

The written evaluation details the above requirements and their recommendation to have the individual continue, or not, as a volunteer with the parish/school.

Procedures for Performing a Background Check Employees and Volunteers

A. Notice of Background Check Policy

Applicants for employment or individuals willing to volunteer shall be provided with notice of the Background Check Policy (New Ulm Diocese Administration Policy 13.3) and practice of processing background investigations before an applicant is hired and before the volunteer begins serving. All offers of employment as well as the ability to volunteer are contingent on receipt of an acceptable background check. New employees are not permitted to begin employment and new volunteers are not permitted to begin volunteering until a background check is processed and clearance approval given. This is done in compliance with Diocesan Administration Policy 13.3, and through the Investigative Consumer Report *Disclosure* and *Consent* form.

B. Summary of Rights and Disclosure and Consent Forms

If the individual registers through the VIRTUS integrated registration process this step is handled electronically.

The prospective employee or volunteer is given the “Summary of Your Rights Under the Fair Credit Reporting Act” and completes the Investigative Consumer Report, Consumer Report *Disclosure* and Consent form given to him/her by the Local Safe Environment Coordinator. For security concerns, it is recommended the applicant complete the forms in the presence of the Local Safe Environment Coordinator or through the VIRTUS integrated registration process—See VIRTUS registration informational sheet.

C. Submission of Forms

If the individual registers through the VIRTUS integrated registration process this step is handled electronically.

Submit the forms by US Mail to: Diocesan Safe Environment Coordinator, 1421 6th Street North, New Ulm, MN 56073; or by fax: 507-354-0268. If the forms are faxed for immediate processing, it is still necessary to mail the original signed form. It is not necessary to keep a copy of the submitted forms. If the forms are lost or misplaced, a second set of forms must be completed and submitted, as an original signature, and not a photocopy, is required. If a copy is made, it must be destroyed – cross-shredded or burned – once you have received notification from the diocese that the check has been processed.

If a criminal background check is not necessary because one is already on file, the diocesan Safe Environment Coordinator will send you an e-mail permitting the employee to begin work or the volunteer to begin service. If the potential employee or volunteer has informed you they have had background checks completed for a different church related entity in the diocese, call the diocesan Safe Environment office for a determination on what checks may be required.

The diocese will only accept the official background check forms found at www.dnu.org. Any other form will be returned without being processed and will result in delays. The forms will be returned if there is no SSN or if there are blanks.

D. Processing of background checks

If the individual registers through the VIRTUS integrated registration process this step is automatically completed by the background check company.

Upon receipt of properly completed Consent forms, the diocesan Safe Environment Coordinator will process the potential employee information into the diocesan selected background check company database.

All potential/current employees and volunteers will undergo the following investigations:

- *Widescreen*
- *Guardian*
- *Social Security Check*
- *County Criminal*
- *BCA (if required)*

Prospective employees and volunteers also undergo additional searches depending on the position for which they are applying or intend to be of service.

Employee Examples:

For example, a credit check for those filling bookkeeper, business manager, finance manager, accounting, stewardship, development, school administrator and other positions which have access to diocese/parish/school funds. Department of motor vehicle records will be reviewed for any position that requires the operation of a motor vehicle for job-related purposes.

The parish/school must inform the diocese that these additional checks are required. This may be done by checking the appropriate boxes on the background check release form or by the applicant in responding to specific questions as a part of the VIRTUS integrated registration process.

E. Background Check Company Response and Reporting

Once the information is entered online to the background check company (either by the diocese or through the VIRTUS integrated registration process), the completed background report is normally available within 24 hours or less on most searches.

The local safe environment coordinator may review the VIRTUS individual account to see if the background check is complete and to confirm it is clear—it is important to review both complete and clear. If the background check cannot be noted as clear the pastor/principal/supervisor will be contacted by the Diocesan Safe Environment Coordinator. There are a variety of reasons why notification may need to be made—do not make any assumptions as to why contact is being made. It does not automatically indicate an incident (record) of concern has been found.

Other steps that each parish/school should follow in making hiring decisions:

- Contact all former employers listed. This is important even with jobs the applicant had many years ago. Find out if the applicant is eligible for rehire with their former employer. Ask this question every time, as the answer/response will speak volumes about the applicant. Previous parishes should also be contacted.
- Look for inconsistencies when reviewing the dates of employment. A gap in the applicant's work record could mean that the applicant is trying to hide a former employer who might give the applicant a poor reference.
- Try to determine why the applicant left each of their previous jobs and why the applicant is considering leaving their current employer.
- Ask former employers about the applicant's interactions with co-workers, management and customers. Also discuss the applicant's strengths, weaknesses and achievements.
- If you determine that an applicant has moved frequently, consider contacting prior landlords or prior churches/schools they volunteered at to see what reasons for relocating other parties may be aware.

Procedures for Visiting Clerics and for Faith and Morals Speaker Approval

Priests/Deacons/Lay Catholic faith speakers from other dioceses are welcome in the New Ulm Diocese, whether for a single event (i.e., to witness the marriage of a friend or relative; give a presentation) or a lengthy substitution. Prior to beginning ministry or presenting, they must be given permission by the Bishop of New Ulm. The visiting priest/deacon/religious is requested to make his/her request for permission as soon as possible but preferably at least one month prior to the first date the individual will be providing a service or ministry in the diocese. Speakers who are being considered to give a presentation on faith and morals on church property are to be approved prior to the invitation being extended. Catholic parishes and schools cannot promote or sponsor a speaker unless he or she (or the group) is approved, even if the presentation is not being given on church property. (Preliminary contacts, checking availability, etc. are allowed.)

*Note: In the exercise of some ministries, as in a visiting priest/deacon witnessing a marriage, the pastor **must also** give his delegation in addition to obtaining the Bishop's permission. Permission for simple con-celebration can be given at the discretion of the pastor.*

Procedure for Visiting Cleric—Sacramental and Procedure for Mission Co-op Speakers (Clerics, Religious, and Laity)

A request for the approval of permission for a visiting cleric to minister in the diocese is to be made to the diocesan Safe Environment Coordinator as indicated in the introductory paragraph. The approval request form is available online at www.dnu.org and in the forms section of the diocesan Safe Environment Web pages. The diocesan Safe Environment Coordinator makes the initial review of the request, followed by the Bishop's Delegate in Matters Pertaining to Sexual Misconduct, with final approval given by the Bishop. This procedure is not applicable for visiting cardinals and bishops in communion with the Holy See.

1. The visiting cleric or the entity sponsoring the visiting cleric or mission work/efforts presenter is to complete the Approval Request Form for Visiting Clerics and Mission Coop Presenters.
2. A Letter of Good Standing, a testimonial statement, from the bishop/superior of the place of incardination or the organization is to be attached to the Request Form.
3. Mail, fax, or email to the Diocesan Safe Environment Coordinator. Contact information is available at the www.dnu.org Web site.
4. The individual is expected to review the diocesan Safe Environment Policy 13 and Code of Conduct for the Protection of Children and Young People, available online at www.dnu.org.
5. A list of requests along with the accompanying documentation will be reviewed by the diocesan Safe Environment Coordinator, the Bishop's Delegate in Matters Pertaining to Sexual Misconduct, and then submitted to the Bishop for his review.
6. Permission to minister and/or speak on mission work/efforts will be offered or denied, with email notification or a telephone call to the hosting diocesan office/AFC/parish.

Approval for ministry in the Diocese of New Ulm will be for a specified period of time, to be determined in the communication giving approval—typically twelve months or as indicated on letter of good standing.

Procedure for Presentation on Matters of Faith and Morals

This procedure is referenced within this manual for added notification of expectations.

The request for the approval of a speaker for presentations on matters of faith and morals should follow Diocesan Administration Policy, General 2 (adopted September 13, 2016). The policy and the approval request form is available online at www.dnu.org on the Safe Environment Policy and Forms Page. The diocesan speaker review team makes the initial review of the request with final recommendation review by the Bishop. If the speaker is presenting to minors the safe environment office may make additional document requests as noted on the back side of the Speaker Approval Form.

1. The speaker (workshop presenter), or the entity sponsoring the speaker, is to complete the Speaker Approval Form. Attestations and required forms are listed on the backside of the form.
2. If the speaker will be presenting largely to a group of minors, with the potential to be unsupervised with minors, the following steps are to be completed:
 - a) A Letter of Good Standing, a testimonial statement, from the bishop/superior/pastor/ employer of the place of employment of the presenter is to be attached to the Speaker Approval Form.
 - b) The speaker is required to review the diocesan Safe Environment Policy 13 and Code of Conduct for the Protection of Children and Young People, available online at www.dnu.org. The acknowledgement, Form A, of the Policy and Code of Conduct is to be signed and attached to the Speaker Approval Form.
3. If the speaker will be presenting to an adult audience with no unsupervised contact with minors as a part of the presentation, items included as a part of number “2 (b)” above are not generally required of religious and lay speakers but are at the discretion of the Bishop and/or his delegate. The sponsoring entity will be notified as to any additional requirements other than those listed on the back side of the Speaker Approval Form.
4. Mail, fax, or email the Speaker Approval Form along with the applicable required documents to the Diocese of New Ulm, Office of the Bishop, Attn: Speaker Request, 1421 6th Street North, New Ulm, 56073. Contact information is available at the www.dnu.org Web site.
5. Permission to Speak on Faith and Morals topics in the Diocese will be offered or denied, with notification to the hosting diocesan office/parish/school.

Approval for speaking in the Diocese of New Ulm will be for a specified period of time, to be determined in the communication giving approval.

Background Check – NON-UNITED STATES (FOREIGN)

The Catholic Diocese of New Ulm performs domestic (United States) background checks on all individuals seeking employment and volunteers interacting with minors. Some individuals, however, have lived outside of the US for a portion of their lives. The diocese would like to ensure that it has received all pertinent background information about a prospective applicant prior to making its decision to employ or affiliate with him/her. This section also concerns laity coming to the diocese for missionary appeals and/or other missionary purposes.

If an individual has lived in a country other than the United States for at least six (6) consecutive months during their life, they must present with their application for employment a current Police Certificate from every place where they have lived for six (6) consecutive months or more since the age of sixteen (16) years of age. Police Certificates covering the first fifteen years of their life are not necessary.

To obtain a current Police Certificate, please contact the local police in the applicable town or country. Should you have any difficulty in obtaining any Police Certificate, please contact the diocesan Safe Environment Coordinator and they will offer assistance to the extent possible.

Some countries do not issue police certificates. Anytime it is not possible to obtain such a record, an affidavit of character from the applicant's supervisor is required, along with three letters of personal reference from non-relatives, and a letter from the sponsoring office/parish/school supervisor, taking responsibility for the actions of the individual while they are in the diocese. This required information is to be submitted to the diocesan Safe Environment Coordinator for review at least one (1) month in advance.

Results of the Background Check

Confidentiality

The information gained by the Diocese of New Ulm in connection with a background check and other screening will be used solely for determining whether the individual is otherwise qualified for the employment or volunteering position or opportunity sought.

Any and all recommended follow-up to a background check and other screening will be communicated confidentially to the appropriate supervisor (pastoral leader/principal/supervisor) of the diocese/parish/school or entity.

The person contacted will keep the results of the screening in **strict confidence** and will not disclose the specific contents to any person other than the applicant and those individuals directly involved in evaluating/supervising the individual.

Acceptable Results

If the background check report is returned with acceptable findings, the applicable parish/school will be able to review the results on the individual's VIRTUS account, and the applicant may begin employment/ volunteering.

Questionable Results

If the background check report is returned and it contains items of concern, the report may be reviewed by the following individuals: the Bishop's Delegate in Matters Pertaining to Sexual Misconduct, the diocesan Safe Environment Coordinator, the diocesan Finance Director, the Bishop of the Diocese of New Ulm, the Review Board for Sexual Misconduct and/or the Corporate Board of the Diocese of New Ulm.

Disqualifying Crimes and Conduct

Pursuant to Diocesan Policy 13.4, the Diocese of New Ulm is adopting Minnesota Statute 245C.15, Disqualifying Crimes or Conduct, as the standard for evaluating background checks. An individual who has an offense listed under this statute appear on their background check will be subject to automatic review, as explained below.

If a background check reveals that a person has had any of the offenses listed in this statute, and the automatic review lends itself to disqualification, the diocese will send a pre-adverse action notice to the person.

The presence of a "red flag" (offense) does not always result in automatic rejection, especially if the individual has admitted to the offense. In establishing the criteria for evaluating criminal history, motor vehicle or credit bureau record checks, other factors which are taken into account when evaluating an offense include:

- nature and seriousness of the offense;
- circumstances under which the offense occurred;
- if the individual was **convicted** of the offense;
- age of the individual at the time of the offense;
- societal conditions that may have contributed to the nature of the offense;

- probability that the individual will repeat offense;
- individual's commitment to rehabilitation;
- the setting - will other adults be present during the contact (the opportunity for abuse is increased if no one else is present; and
- the monitoring and supervision of the individual in the desired role/position.

When evaluating the offense(s), the following will be factored into the decision:

- Crimes which occurred within the past year or two are a more reliable indicator of an individual's qualification status for work/service/ministry than crimes that occurred several years ago. This is particularly true if the only crimes listed in the record happened several years ago with no recent offenses. However, this does not apply to any exploitive offenses (a non-exhaustive list is below under automatic pre-adverse action) which constitute an unacceptable level of risk extending throughout an individual's life.
- Societal conditions may have contributed to the nature of the conduct. For example, in some neighborhoods, becoming a gang member may be due to pressure exerted by the gang or to a perceived threat or harm that not joining a gang would create. While societal conditions should not serve to excuse illegal behavior, the context in which the illegal behavior occurred may be considered as a mitigating factor.
- Criminal history records that document a continuing pattern of repeated criminal offenses provide justification to believe that the individual represents a high risk for future criminal conduct. Also, some forms of criminal sexual conduct, such as child molestation, have a high probability of repetition. Individuals with a high risk for continuing criminal behavior will not be permitted to work with minors.
- Determination of whether the crime is relevant to the expected duties to be performed on an individual basis, i.e., a conviction for embezzlement would not necessarily disqualify an individual not working with finances.
- Steps the applicant has taken toward rehabilitation may be considered. Words of remorse alone are not sufficient evidence of an individual's commitment. Tangible evidence of the individual's desire to lead a law-abiding life, such as progress in rehabilitation programs or making restitution to victims, will be requested.

Automatic pre-adverse action will be taken if any of the following offenses show in a background check result:

- Sexual abuse of a minor; Incest; Sexual assault; Sexual exploitation of a minor; Child abuse or neglect; Sexual conduct with a minor; Molestation of a child; Possession of child pornography; Prostitution; Disorderly house; Indecent exposure; Child endangerment;
- Rape; Criminal sexual penetration; Criminal sexual contact; Indecent exposure; Crimes involving adult or vulnerable adult sexual abuse; Other related sexual offenses;
- Felony offenses involving contributing to the delinquency of a minor; Commercial sexual exploitation of a minor;
- Harassment; Stalking;
- A dangerous crime against children as defined in MN statute 245C.14;
- Crimes involving adult neglect or financial exploitation;
- Extortion; Forgery; Embezzlement; Credit card fraud; Receiving stolen property;

- First or second degree murder; Voluntary manslaughter; Homicide;
- Felony offenses involving sale, distribution, trafficking or transportation of, offer to sell, transport or distribute or conspiracy to sell, transport or distribute marijuana, dangerous or narcotic drugs; Felony offenses involving the possession or use of marijuana or dangerous drugs; Misdemeanor offenses involving the possession or use of marijuana or dangerous drugs; Exploitation of minors involving drug offenses;
- Kidnapping; Abduction; False imprisonment;
- Assault or aggravated assault; Aggravated battery;
- Arson;
- Burglary in the first degree; Burglary in the second or third degree; Aggravated or armed robbery; Robbery; Larceny;
- Acts or attempts of terrorism; Terrorist threats;
- Drive-by shooting;
- Aiding and abetting; attempt or conspiracy to commit any of the above.

The FCRA prohibits the following items from being reported on a consumer report:

- Bankruptcies after ten (10) years;
- Civil suits, civil judgments, and record of arrest, from date of entry, after seven (7) years; paid tax liens after seven (7) years;
- Accounts placed for collection after seven (7) years; and
- Any other negative information (**except criminal convictions which are indefinite in most states**) after seven (7) years.

If the above prohibited items are accidentally on a report, the items will be disregarded and cannot be used for adverse action. Note: a bankruptcy is a public record. However, the diocese cannot discriminate against an individual because they have filed for bankruptcy.

A **pre-adverse action notice** informs the individual that he/she will not be permitted to work/serve/minister because of the offense(s), is given a copy of the results, their rights, and the credit report, and describes the procedure the person can follow to appeal this decision. The person then has five (5) business days to file an appeal with the diocese. If an appeal is filed, diocese will review all relevant data and will make a ruling on the person's status. If the ruling is favorable, the individual may begin employment/service/ministry in the diocese. If the appeal is denied, or if the person does not appeal, the diocese will then send the person an **adverse action notice** stating that he/she will not be allowed to work/serve/minister in any position involving contact with minors or vulnerable adults or other duties/responsibilities related to his/her convictions. A letter will also be sent to the pastoral leader/supervisor informing him/her of this decision.

Only the diocese has the right to prohibit someone from work/service/ministry on the basis of a background check. If the diocese determines that someone is eligible for employment/service/ministry (in other words, if an acceptable background check is received for that individual), the parish/school cannot refuse that person on the basis of information contained in the background check. Of course, the parish/school still has the right to refuse someone for reasons not related to the background check.

The individual is entitled to their privacy. If someone is prohibited from work/service/ministry, the parish/school will necessarily have to inform certain staff of this decision. But it is not necessary to tell people the reason for this prohibition ("so –and-so can't teach

Religious Education because she/he was convicted of . . ."). Doing so is a violation of that person's privacy.

If an individual comes to the parish/school office, or to another supervisor concerning a pre-adverse action or a post-adverse action, the individual is to be referred to the diocesan Safe Environment Coordinator. The individual will be reminded that it is their responsibility to have the record corrected and to provide written verification if they believe it is false. When the written verification is received by the diocese from the reporting agency, their status will be reevaluated. Until that time, there is no choice but to reject the individual.

Other Disqualifying Conduct

Failure to complete the screening process results in automatic disqualification.

An individual will be denied employment/volunteering or dismissed from current employment/volunteering if he/she has made a false statement of any material fact or attempted any deception or fraud in any part of the background screening process.

Automatic disqualification will take place if the individual was terminated from a paid or volunteer position caused by misconduct or allegation of misconduct with a child. This applies even if the individual was never convicted of a crime or criminal conduct. This constitutes an unacceptable high risk for repeat behavior.

Change of Supervisor

It does happen that the supervisor (pastoral leader/principal) who was notified of a background check concern(s), and/or adverse action, no longer holds the position, and a new supervisor is in place. In order to inform the new supervisor, the diocesan Safe Environment Coordinator will keep a database of individuals who have been disqualified, the original supervisor notified, and will inform the new supervisor(s) at the applicable location(s) of the individual. As has happened with the transfer of pastors and the hiring of new supervisors, individuals who have been denied employment or a volunteer opportunity may attempt employment or volunteering with a new supervisor who is unaware of the previous situation. This database and procedure is to eliminate the occurrence of this possibility.

Social Security Numbers

Occasionally the *Social Security Number Check* will report a discrepancy for an individual's Social Security Number. There are three possible reasons for this discrepancy:

- a. The Social Security Number is not found.
- b. The Social Security Number is shown as registered to someone else.
- c. The Social Security Number is shown as registered to more than one person.

If any of these situations occur that cause an added level of concern, the diocesan Safe Environment office will request that the local Background Check Coordinator personally verify the individual's Social Security Number. To do this, the individual will need to show their original Social Security Card to the Background Check Coordinator. The Background Check Coordinator will then make direct contact with the Diocese Safe Environment Coordinator acknowledging he/she has reviewed the original Social Security Card of the individual and has validated that the Social Security Number in question matches the card,

and that this individual's driver's license or other state issued identification has the same name. Alternately, the individual may come to the Diocesan Pastoral Center for this procedure.

It is also possible that a repeat background check may be recommended at the discretion of the diocesan Safe Environment Coordinator.

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Appendices

A: Glossary of Terms

B: List of Positions That Require Background Checks

C: Record of Background Check Companies Used by the Diocese of New Ulm

D: Sample Catholic School Parent Handbook Language

E: Minnesota Teacher Discipline Inquiry Statement for Applicants and Information on Teacher Discipline Inquiry System

F: Minnesota Statute: Payment of the BCA background check

APPENDIX A

Glossary of Terms

Diocesan: For the purposes of Safe Environment, the word “diocesan” includes all entities operating under the auspices of the Diocese of New Ulm, a diocesan corporation pursuant to Minnesota Statute 315.16.

Diocesan clergy (clerics): Clergy are the ordained ministers of the Catholic Church, including bishops, priests, transitional deacons, and permanent deacons.

Employee: For the purposes of Safe Environment, an “employee” is an individual hired by the diocese/parish/school for a wage or fixed payment in exchange for agreed upon services and these services are not provided as part of an independent business. The term “employee” refers to anyone compensated monetarily for the diocese or a parish/school, whether full-time, part-time, substitute, seasonal, or any other possible delineation. Pastoral leaders, seminarians, those enrolled in the permanent diaconate program, and religious are considered as “employees” for Safe Environment purposes.

Parish: For the purposes of Safe Environment, the word “parish” includes all independent entities classified as non-profit parish corporations pursuant to Minnesota Statute 317A. Each parish corporation has its own Board of Directors and corporate officers pursuant to Minnesota law. In addition to the operation of a parish as defined above, a parish corporation may operate a parish school. Also, parishes may be grouped as an area faith community and records may be maintained as such if the pastor so desires.

Minor: The term “minor” for Safe Environment refers to a person under eighteen (18) years of age. The terms “child,” “youth,” and “young person” also refer to a person under eighteen (18) years of age, unless otherwise specifically noted.

Supervisor: A supervisor is a person to whom an individual is directly responsible, such as the pastor for parish employees and volunteers, the school principal for school employees and volunteers, or the program director for those who are employed by or volunteer in that program.

Volunteer: A volunteer is someone who has been asked or entrusted by the diocese, parish, or school to teach, supervise, chaperone, drive, or assume other duties without monetary compensation while being unsupervised with minors in or out of the diocese.

APPENDIX B

List of Positions that Require Background Checks (NOT EXHAUSTIVE)

Employees:

All diocesan/parish/school employees, including paid substitutes;
All clergy, religious, seminarians, and those enrolled in diaconate formation program.

Note: Employed minors are only required to have a MN BCA and then if continue to be employed a National check at the age of 18. Birthdates are monitored by the Diocese and Local Safe Environment Coordinators are notified.

Volunteers:

In several parishes/schools some of the positions listed here as volunteer are paid staff and, therefore, are considered an employee.

Any diocesan/parish/school volunteers;
Director of religious education (DRE)/coordinators;
RE teachers/catechists;
Teacher aides (school or RE);
Classroom helpers (school or RE);
Participants in foster grandparent program;
Coaches/assistant coaches;
Playground/lunchroom/bus/library monitors;
Parish nurses;
Anyone involved with an after-school or daycare program;
Drivers;
Chaperones;
Anyone working with a youth choir/band;
Anyone working with a youth group;
Anyone working with kids to put on a program or pageant;
Liturgical trainers of children;
Maintenance workers/custodians; *
Office staff;
Ministers to the homebound; *
Hospital/nursing home visitors; *
Parish sponsored missionary trip adult participants;
Parish/School/Diocesan Advisory Committee Members dealing with issues or policies directly related to youth or young children (minors).

* Background checks are required if the person may *potentially* have unmonitored access to children and young people.

APPENDIX C

Record of Background Check Companies used by The Diocese of New Ulm

**(Acceptable Background Check on File for Employees and Volunteers Unless
Inactivated and then Reactivated After January 2011)**

MINNESOTA BUREAU OF CRIMINAL APPREHENSION - BCA

Pre-August 2007 – Processed on all Pastoral Leaders and employees

2007-Present – Processed on all Pastoral Leaders, School Teachers, Employees whose location is connected with a Catholic School, and all Coaches whether paid or volunteer.

MIND YOUR BUSINESS – MYB

2003-2007 – Processed on all Volunteers

USIS COMMERCIAL SERVICES [HireRight]

August 2007-

January 2011 – Processed on all new Employees and Volunteers

INTEGRATED SCREENING PARTNERS - ISP

January 2011 – Processed on all new Employees and Volunteers

[Columns on the VIRTUS Master Report will be combined to indicate Employee Search and Volunteer Search, without a company name - other than BCA, which is an additional requirement for some individuals/positions.]

Spring 2015 - Updated 5 Year Check: Reprocessed all Clerics, Cleric Candidates, and a Pastoral Leader

CREDIT CHECK

Required by the diocese for all individuals who handle money for a parish or school. Not a Safe Environment requirement.

MOTOR VEHICLE CHECK

Required by the diocese for all individuals who transport minors for a parish or school sponsored event. Not a Safe Environment requirement.

APPENDIX D

Sample Catholic School Parent Handbook Language

- 1. Regarding Public School Employee Interactions—A Diocese of New Ulm Safe Environment Program Requirement:** (To also be used in other similar school situations—Environmental Camp, etc.)

NOTIFICATION FOR CHILDREN and YOUTH ATTENDING CLASS(ES), ACTIVITIES, TUTORING AT A NON-DIOCESAN/PAROCHIAL FACILITY, AND/OR INSTRUCTED/ SUPERVISED BY A NON-DIOCESAN/PAROCHIAL EMPLOYEE/VOLUNTEER, OR RIDING A SCHOOL BUS

As part of the ongoing effort in the Diocese of New Ulm and here at _____ School to provide a safe and secure environment for your child, we hereby inform you of the following when your child attends/participates in a non-Diocesan/Parochial class, activity, tutoring, or rides a school bus.

The Diocese of New Ulm and _____ Catholic School holds no real or implied legal responsibility or jurisdiction over the employees/volunteers of _____ Public School. Therefore, _____ Catholic School is responsible for the conduct of its employees/volunteers, and in all cases where the conduct of an employee/volunteer of that school is in question, Hutchinson Public School shall be liable. While public school employees are bound by Minnesota law to have a recent criminal background check on file at the public school, their employees are not subject to the requirements of the Diocesan Safe Environment Program.

- 2. Regarding Minnesota Bureau of Criminal Apprehension Background Checks—A Minnesota State Statute Requirement:**

The Minnesota Bureau of Criminal Apprehension background check is mandated by state statute. This check is processed on all individuals who are offered employment in a school, and on all individuals except enrolled student volunteers, who are offered the opportunity to provide athletic coaching services or other extracurricular services to a school, regardless of whether any compensation is paid. The following positions are subject to a mandatory BCA background check at parishes with schools:

[Schools are to self identify the positions to include as appropriate for the local school. See the sample listing given below.]

Teachers, Substitute teachers, Specialist teachers, Tutors, Academic coaches, Athletic coaches, Extracurricular advisors, Paraprofessionals, Food service personnel, Janitorial service personnel, All paid Parish Employees.

By state law, the cost of the criminal history background check may be the responsibility of the individual. MN State Statute should be referenced for current requirements. In most cases, a MN BCA consent form must be completed along with a check for the processing fee made out to the MN BCA. The local safe-environment coordinator will forward both the payment and the completed consent form to the Diocese for processing.

APPENDIX E

Required for **teacher** employment application [effective May 1, 2009]:

_____ School is required by MN State Statute to require you as an applicant for employment as a teacher to provide information regarding all current and previous disciplinary actions in the state of MN and other states taken against your teaching license as a result of sexual misconduct or attempted sexual misconduct with a student. Be notified that submitting false or incomplete information is a ground for dismissal.

_____ I have never had any disciplinary action as described above taken against my teaching license.

_____ I have had the following disciplinary action taken against my teaching license:

_____.

Note: You shall be notified if your employment is terminated based on the result of the background check or Board of Teaching action. Note that the school is not liable for failing to hire or for terminating an individual's employment based on the result of a background check or Board of Teaching action. You shall be informed if this is the reason for denial of employment.

Required follow through for school administration:

A 2008 state law requires the school hiring authority to contact the Board of Teaching before hiring a new [different] teacher to determine if disciplinary action has ever been taken against the individual. The Teacher Discipline Inquiry System (TDIS) is a password-protected online search application created for this purpose. The school should designate an individual to access TDIS.

[Access the Teacher Disciplinary Inquiry System.](#)

The current MN Department of Education Web site path is
[MDE](#) > [School Support](#) > [Data Submissions](#) > [Teacher Disciplinary Inquiry System](#)

New users will need to set up an account before using the system. Requests will be approved by the Board of Teaching. Users must search for records by teacher file folder number. A License Lookup feature is available if the file folder number is not known.

Disciplinary action taken against a licensee will be available on this system. This action represents the final action taken by the Board of Teaching. Only public information will be presented; the Board is unable to provide additional information due to data privacy laws.

Administration should print out the report as proof of completing the inquiry or make an official notation in the file indicating the action was completed and the record was clear.

APPENDIX F

Minnesota Statute 123B.03 BACKGROUND CHECK

Updated 2015

Subdivision 1. Background check required.

(a) A school hiring authority shall request a criminal history background check from the superintendent of the Bureau of Criminal Apprehension on all individuals who are offered employment in a school and on all individuals, except enrolled student volunteers, who are offered the opportunity to provide athletic coaching services or other extracurricular academic coaching services to a school, regardless of whether any compensation is paid. In order for an individual to be eligible for employment or to provide the services, the individual must provide an executed criminal history consent form and a money order or check payable to either the Bureau of Criminal Apprehension or the school hiring authority, at the discretion of the school hiring authority, in an amount equal to the actual cost to the Bureau of Criminal Apprehension and the school district of conducting the criminal history background check. A school hiring authority deciding to receive payment may, at its discretion, accept payment in the form of a negotiable instrument other than a money order or check and shall pay the superintendent of the Bureau of Criminal Apprehension directly to conduct the background check. The superintendent of the Bureau of Criminal Apprehension shall conduct the background check by retrieving criminal history data as defined in section [13.87](#). A school hiring authority, at its discretion, may decide not to request a criminal history background check on an individual who holds an initial entrance license issued by the State Board of Teaching or the commissioner of education within the 12 months preceding an offer of employment.