

BACKGROUND INVESTIGATION POLICY

The Diocese of Las Cruces is committed to providing a safe environment for all people. To prevent any victimization of people by church personnel (both employed and volunteers), background investigations will be conducted on all diocesan, school and parish employees, those volunteers who have ongoing and unsupervised contact with children, youth or other vulnerable populations, any clergy who have faculties residing in the diocese, and all religious who are active in any type of ministry in a parish or diocesan agency. Clergy and lay persons who are visiting the diocese to work at a particular parish, school or diocesan agency (giving a presentation, conducting a mission, etc.) are required to present a letter of good standing from their home diocese.

The *Charter for the Protection of Children and Young People*, Revised Edition, Article 13 (June 2005) calls upon dioceses to:

“Evaluate the background of all incardinated and non incardinated priests and deacons who are engaged in ecclesiastical ministry in the diocese/eparchy and all diocesan/eparchy and parish/school personnel and volunteers whose duties include ongoing and unsupervised contact with minors and vulnerable populations. Specifically, they are to utilize the resources of law enforcement and other community agencies. In addition, they are to employ adequate screening and evaluative techniques in deciding the fitness of candidates for ordination”.

All background investigations will include investigation of social security numbers, date of birth, current and former names and aliases, felony and misdemeanor criminal records, places of residence and sexual offenders’ registries.

Background investigations will be submitted immediately upon hire or prior to volunteering. Continued employment is dependent upon the positive results of the background investigation results. Volunteers should not begin until the background investigation results are received by the parish or agency. The results of the investigation will be shared only with personnel who need to have such knowledge, such as the Bishop, pastor, administrator or parish life coordinator or their designated representative. Each pastor, administrator or parish life coordinator may designate one person as an Alternate Background Investigation Coordinator to receive background investigation results. This designation must be in writing using the designated form (Form A) and on file in the Human Resource Assistant’s office prior to the release of any information.

Requirements for Paid Employees and Religious:

This policy applies to all full-time and part-time paid personnel, 18 years of age and older, of the diocese, its parishes and agencies and all religious residing within diocesan boundaries who are in any type of active ministry in a parish, school, or diocesan agency. Schools within the diocese must comply with New Mexico law and obtain a New Mexico Educators background investigation for all teachers applying for a license or license renewal. The New Mexico Educators background investigation will only be accepted from current employees of diocesan entities. Any diocesan educator who has not undergone a New Mexico Educators background investigation, other school personnel and all volunteers who have contact with children and youth must submit to a diocesan background investigation. Satisfactory completion of a background investigation is a condition of employment.

1. Employees or applicants will complete the Background Investigation release form (Form ZB-1).
2. The form will be returned to The Pastoral Center by mail, fax or e-mail to the attention of the Human Resource Assistant. When faxing forms please call ahead to ensure that personnel are standing by to receive the fax.
3. The Vice Chancellor or Human Resource Assistant will direct the submission of the request to a business or person who has been retained by the diocese to conduct background investigations.
4. The Vice Chancellor or Human Resource Assistant will communicate the results of the background investigation in writing to the Parish or School Background Investigation Coordinator or Alternate. Results **do not** contain personal identity (social security number or date of birth) information, only the person's name, parish, and results of the investigation.

Requirements for Volunteers:

Volunteers who have ongoing and unsupervised contact with vulnerable populations such as children, young people, elderly, homebound and sick will have a background investigation.

1. Volunteers will complete the Background Investigation release form (Form ZB-1)
2. The form will be returned to The Pastoral Center to the attention of the Vice Chancellor or Human Resource Assistant.
3. The Vice Chancellor or Human Resource Assistant will direct the submission of the request to an approved agency or individual to conduct background investigations.
4. The Vice Chancellor or Human Resource Assistant will communicate the results of the background investigation in writing to the Background Investigation Coordinator or Alternate.
5. Copies of release authorization forms are **not** be kept by the parish. They contain sensitive personal information. The volunteer application form and signed code of conduct **are** to be kept by the parish. It is not necessary to send the volunteer application and signed code of conduct to the diocese.

Requirements for Incardination:

Priests and deacons seeking incardination with the diocese will submit a Background Investigation release form (Form ZB-1) six months prior to the anticipated date of incardination. This is in addition to any background investigations conducted prior to the incardination process. Satisfactory completion of the background investigation is one of the conditions of incardination.

Requirements for Ordination:

Those seeking to be admitted to a training program for ordination will submit a Background Investigation release form (Form ZB-1) prior to being admitted to the program. There is a process to conduct investigations for those individuals who reside outside of the United States or who have spent the majority of their lives in another country. The Vice Chancellor or Human Resource Assistant will submit international background investigations as requested. Those seeking ordination to the priesthood or diaconate will submit a Background Investigation release form (Form ZB-1) six months prior to the anticipated date of ordination. Satisfactory completion of the background investigation is one of conditions for ordination. If ordination to the priesthood follows ordination as a transitional deacon by more than 12 months an additional background investigation will be required prior to ordination to the priesthood.

Responsibilities for Pastors, Administrators, Principals and Parish Life Coordinators:

- A. Incorporate background investigations and Uniform Job Application Form (pages D-6 thru D-10) into the hiring process for all employees.
- B. Incorporate background investigations and the Uniform Volunteer Application Form and Code of Conduct (Form C) into the selection process for volunteers where appropriate.
- C. Submit the Background Investigation release form (Form ZB-1) for employees to the Vice Chancellor or Human Resource Assistant.
- D. Submit the Background Investigation release form (Form ZB-1) for volunteers where appropriate to the Vice Chancellor or Human Resource Assistant.
- E. Submit the Designation of Alternate Background Investigation Coordinator (Form A) for the parish/mission or school to the Vice Chancellor or Human Resource Assistant if the Pastor, Administrator, Principal or Parish Life Coordinator wishes to designate another person in the parish to receive background investigation results.
- F. Maintain confidentiality of all background investigations results and brief the Alternate Background Investigation Coordinator on the requirements for confidentiality.
- G. Properly dispose of any paperwork containing confidential information by shredding it when necessary.
- H. Submit annual reports of employees, former employees, and volunteers as requested by diocesan personnel.
- I. Keep confidential files on employees and volunteers which include the Background Investigation Results Form, Uniform Job Application or Volunteer Application, and signed Code of Conduct forms.

Responsibilities of the Vice Chancellor:

1. The Vice Chancellor will direct the submission of background investigation request forms.
2. Confidential files will be maintained documenting both the submission, results of all requests and written communications with the Background Investigation Coordinators.
3. The Vice Chancellor or Human Resource Assistant will communicate the results of background investigations directly to the bishop, principal, pastor, administrator, parish life coordinator or designated alternate. (Form D)
4. Report adverse results of all background investigations to the Vicar General in the case of priests and deacons and to the Chancellor in the case of religious women, non-ordained religious men and lay persons.

Appeal Process:

An employee or volunteer may appeal the results of a background investigation if the results preclude the employee or volunteer from working or ministering in the diocese. The Vice Chancellor or Human Resource Assistant will provide guidance to the Background Investigation Coordinator at the parish, school or diocesan agency in the event that adverse information is reported in a background investigation. It is recognized that some adverse information which is reported will not specifically relate to the *Charter for the Protection of Children and Young People*. In those instances, the Bishop, Pastor, Administrator, Principal or Parish Life Coordinator have the right to limit or preclude an employee or volunteer from working or ministering in their parish, school or agency in compliance with applicable civil law.

Costs:

Parishes, schools, or diocesan agencies will be billed for the cost of background investigations by the diocese.

Offenses:

No applicant will be hired or volunteer accepted to fill a position responsible for the care, custody or control of a child if the applicant has been convicted of, or entered a plea of guilty or no contest to offenses related to the following general categories:

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| Homicide | Assault |
| Kidnapping | Sexual Assault |
| Prostitution | Menacing |
| Obscenity | Pandering |
| Robbery and Burglary | Offenses Against Family |
| Illegal use of Weapons | Drug Offenses |
| Crimes Against Children | Domestic Violence |

A person who has been convicted of an offense in any of the above categories in violation of an existing or former law of New Mexico, another state, the United States, or other country that is substantially equivalent to an offense under any of the categories listed above is ineligible for employment in a position or to volunteer in the parish or school or within the diocese in general where there is regular, ongoing contact with children, youth or vulnerable populations.

This list is not all inclusive. Other convictions or patterns of arrests may preclude hiring or volunteering if the offense has any relation to the specific job or volunteer position or is deemed potentially harmful to those served. All offenses with the exception of minor traffic offenses will be reported to the Background Investigation Coordinator of the parish, school or agency.

Employment or volunteer service may be authorized at the sole discretion of the diocese even if the prospective employee or volunteer has been convicted of, or pled guilty or no contest to an offense in the categories listed above except in the case of an offense against children or youth. In such cases the Chancellor or his/her delegate must review case materials and personally sign a memo explaining the exception.

Designation of Alternative Background Investigation Coordinator

In accordance with the Diocese of Las Cruces, I designate _____
Name

_____ as the Alternative Background Investigation
Position

Coordinator for _____
Name of parish/school/organization

By my signature I attest to the fact that he/she has been briefed on the procedures for background investigation submissions and confidentiality.

This designation expires when I am no longer employed in my present position.

Title (Pastor/Administrator/Principal)

Name

Signature

Date