

# ARCHDIOCESE OF PORTLAND IN OREGON

## Information on Who Needs a Background Check and Frequently Asked Questions

Revised in January 2017

This document is intended as a supplement to the *Archdiocese of Portland Background Check Policies and Procedures* revised in August 2014. Specifically, it updates and replaces the Information on *Who Needs a Background Check and Frequently Asked Questions* distributed in 2002. This document applies to all clergy with faculties in the Archdiocese of Portland in Oregon ("Archdiocese") and members of religious orders, employees of and volunteers for: the Archdiocese, a parish (including a parish school) or an Archdiocesan high school.

A criminal background check is conducted in accordance with the following.

### **Clergy and Religious**

**Clergy with Archdiocesan assignments:** All clergy with an Archdiocesan assignment are required to undergo criminal background checks and background check renewals as outlined in the *Background Check Policies and Procedures*. Background checks on clergy will be initiated by the Archdiocese. Clergy who serve in schools are also subject to State of Oregon requirements for background checks on school employees.

**Clergy with no Archdiocesan assignment:** Some clergy who request faculties for ministry in the Archdiocese but who will not have an archdiocesan assignment (such as hospital chaplains, members of religious institutes of education) must complete a background check at the time of requesting the faculties. If, however, the priest is also helping out as a supply priest for parishes or schools, or is residing in parish housing, the Archdiocese will renew the priest's background checks as outlined in the policies. Clergy who are not assisting in parishes or schools should have their background check renewed by their employer or religious community.

**Religious Brothers and Sisters** serving in in a ministry operated by the Archdiocese, a parish or school are also required to undergo a background checks. Background checks on a Brother or Sister will be initiated by the Archdiocese, parish, school or other facility at which he/she will be serving as an "employee" or volunteer.

### **Seminarians**

Applicants for the seminary will complete their initial criminal background check through the Archdiocese during the application process. Once accepted as a seminarian for the Archdiocese, the background check will be renewed every 3 years. Seminarians, regardless of their diocese of origin, will have a criminal background check conducted by Mt. Angel Seminary before beginning volunteer service at a parish or school.

## **Employees**

Any offer of employment from the Archdiocese, a parish, school, or other entity subject to this policy is contingent upon the results of a criminal background check. This policy is in effect to ensure, as much as reasonably possible, a safe environment for all involved in Archdiocesan, parish, school or other activities - especially our children.

Ordinarily, an individual with a criminal conviction on his/her record will not be hired. Exceptions may be considered on a case-by-case basis.

All personnel involved in hiring employees should follow the procedures in the *Personnel Handbook* for employee background checks and other steps in the hiring process.

## **Volunteers**

Volunteers also may be agents when performing ministerial duties for the Archdiocese, a parish or school. The Archdiocesan Child Protection Policy requires that all volunteers who have direct personal contact with minors undergo a criminal background check.

Ordinarily, an individual with a criminal conviction on his/ her record will not be permitted to volunteer. Exceptions may be considered on a case-by- case basis.

## **Contractors and other Third Party Workers**

These persons are not employed by, nor are their personnel considered volunteers for, the Archdiocese, a parish or school. Therefore, they need not be background checked by the retaining entity to utilize their services.

Contractors. Criminal background check requirements, especially when working with minors, should be included in the contract or agreement between the parish or school and the contractor.

Other Third party workers. Third party workers include groups such as Knights of Columbus, St. Vincent de Paul, CYO, and after school programs such as the Mad Science, Coding with Kids, Chess Club. Such organizations should conduct their own background checks for their members/employees/volunteers. The parish or school involved with or leasing to such organizations should confirm that these background checks are conducted as standard procedure.

Parishes and schools should check with the Risk Management Office for questions on contracts with third party services.

## Frequently Asked Questions

You have asked many excellent questions about the Archdiocese's background check policy. The question and answer format used below is a way to share those questions with you.

Keep in mind that, for purposes of Oregon child abuse law, a "child" means a minor- any unmarried person under the age of 18.

### **1. Which volunteer positions are subject to the criminal background check?**

Common sense and consideration of the degree of risk inherent in the position must be the guiding factor. We do not suggest that a criminal records check be conducted on every person who volunteers for the Archdiocese, a parish or school. What we must look closely at are those positions which allow for a close trust-based relationship to develop with a minor, especially those positions in which the volunteer will be interacting alone, one-on-one, with minors. Example of this might be the coach working with students, often after school hours and sometimes alone; the volunteer who supervises overnight retreats; or catechists, especially those who conduct small group discussions. We do not want to discourage direct, meaningful contact between adults and children. We only want to ensure that people who have such contact do so for the right reasons.

In addition, criminal background checks are required for the following volunteers: those handling money or personal information of others (such as money counters and those with access to credit card information) and those who drive a motor vehicle on behalf of the Archdiocese, a parish or school.

Although it is not currently a requirement, parishes and schools are strongly encouraged to complete criminal background checks for volunteers working with the elderly or the infirmed, especially if they will be going into the person's home.

The following chart is to help you decide which volunteers should be background checked in your parish or school.

<p style="text-align: center;"><b>CRIMINAL BACKGROUND CHECKS</b> Which volunteers should we check?</p>	
<p>Criminal background check <b>MANDATORY</b></p>	<p>Criminal background check <b>NOT REQUIRED</b> or at the Pastor’s Discretion</p>
<p>Criminal background checks must be conducted on the following categories of volunteers:</p> <ul style="list-style-type: none"> <li>• Parent volunteers in schools</li> <li>• Religious education directors/coordinators</li> <li>• Catechists</li> <li>• Drivers</li> <li>• Instructional assistants</li> <li>• Youth ministers (and those assisting youth ministers)</li> <li>• Nursery/childcare</li> <li>• Coaches and those who work directly with minors in sporting activities</li> <li>• Youth choir directors</li> <li>• Adult choir directors when minors are in the adult choir</li> <li>• Trainers of altar servers</li> <li>• Chaperones on youth trips/retreats (day or overnight)</li> <li>• Any other position in which a person has direct personal contact with minors</li> <li>• Money counters or those involved with money or personal information of others i.e. credit cards.</li> </ul>	<p>The Child Protection Policy does not require a criminal background check on:</p> <ul style="list-style-type: none"> <li>• Volunteers whose work does not involve minors (e.g., maintenance and grounds volunteers, auction and social event workers).</li> <li>• Volunteers whose work may involve minors, but only indirectly and/or in large group settings (e.g., serving food at a school function, coffee and donuts after Mass, directing traffic at school dismissal).</li> <li>• Liturgical ministries i.e. lectors, Eucharistic ministers, ushers , musicians and choir members, adult altar servers serving at the same Mass with minors.</li> </ul>

**BEST PRACTICES:** Prayerfully consider doing a criminal background check on every volunteer who works around minors, regardless of whether or not it is required by the Child Protection Policy.

**2. Does a criminal record of any kind preclude the volunteer from working with children?**

Ordinarily, yes, for most criminal convictions. However, as with employees, exceptions may be made on a case-by-case basis.

Many people have in one way or another made mistakes in their lives, and should be allowed to move beyond those mistakes. However, clearly those individuals who have any history of abuse of children, violent behavior, selling drugs, or other criminal convictions that may put children at risk, should not be in assignments where they are working with children. Similarly, a DUI (driving under the influence) or other criminal conviction related to the operation of a motor vehicle typically precludes a volunteer from driving minors or for other purposes on behalf of the Archdiocese, a parish or school. In some cases, it may also prevent a person from volunteering in other youth activities as well.

**3. Who reviews the results of the criminal records check? Who decides if an applicant is approved?**

The Archdiocesan Office of Child Protection processes criminal background checks through an outside agency. Personnel in the office review the results of each applicant's background check and notify the designated parish/school representative when an employee/volunteer is approved, or follow-up is necessary.

If a volunteer's background check reveals a criminal conviction that disqualifies the applicant from service, the applicant will be given an opportunity to verify the accuracy of the criminal record obtained. If the information is accurate and the applicant believes he/she should nonetheless be permitted to be employed or to serve as a volunteer, the applicant will be given an opportunity to submit a written statement explaining why a request for exception to Archdiocesan Child Protection Policy is warranted.

The request will be reviewed and decision made by designated staff at the Archdiocesan Pastoral Center, often in consultation with the pastor or principal of the location at which the person is seeking employment or to volunteer. A final determination will be sent to the pastor/principal in writing and a copy will also be sent to the applicant.

**4. How confidential is the criminal records check? Is the information provided used for any other purpose?**

Criminal records are public records. Nonetheless, the information received as a result of a criminal records check is treated with a high degree of confidentiality and is shared only with those who have a legitimate need to know.

The information provided on the Background Check Request form is not used for any other purpose than to learn of any criminal history. The background check service provider used by the Archdiocese is not authorized to collect any other data, such as financial or credit history, on the applicant. (The Federal Fair Credit Reporting Act

requires the same authorization to be used for criminal history checks as is used for credit history.)

See the attached *Background Check Policies and Procedures and Instructions for Online Background Checks* for more information.

**5. How do we conduct a criminal background check on employees and volunteers?**

A designated background check administrator at the Archdiocese, parish or school will initiate the background check online. The prospective employee/volunteer will receive an email from the background check company with a secure unique link for each individual. The person will complete an online background check form. Highly sensitive personal data such as social security numbers and part of the birthdate will be encrypted once the background check form is submitted. The authorization form will also be signed online.

**6. Do we need to do a criminal records check on an employee/volunteer who has been background checked and approved at another Archdiocesan parish or school?**

No. Cleared background check dates will be recorded in Armatus 7-10 days after the background check has cleared. Administrators for each parish and school will have access to the individual account and the date of the latest background check.

**7. I'm afraid some volunteers may be insulted if I tell them I must conduct a criminal check. What should I say?**

How you inform volunteers of this need to conduct the check is crucial. Giving a copy of the *Child Protection Policy* to volunteers who work with minors will help them understand that they are not personally targeted. Experience has shown that checking criminal records of employees and volunteers has prevented some high risk persons from volunteer service with minors. It may be hard to ask volunteers for the personal information needed to perform a criminal records check, but it would be much more difficult to explain to parents of an abused child why a simple precaution was not carried out. Parishes and schools which have been doing volunteer background checks have met little objection to this process.

Employees are required to complete a criminal background check as part of the hiring process.

**8. What information should we be requesting from employees /volunteers to ensure that they are suitable for working with children?**

Determining who is suitable for working with children is more than a matter of doing a criminal background check. The information needed depends on the particular circumstances of the volunteer and the program. In some situations, a volunteer and his/her abilities will be well known in the parish or school community. In other situations, the employee/volunteer may be new to the community and little known to

anyone on the parish or school staff. More background information such as an application and references may be needed to complete the screening process and to assess the qualifications of a volunteer to work in a certain program. Whatever the method, good judgment should be used in screening volunteers who work with children.

**9. What about young people under the age of 21 who want to volunteer? Should I let these young adults volunteer? Do I need to conduct a criminal check on them as well?**

We encourage young people in our parishes to volunteer. However, ordinarily only young adults age 21 and over should be allowed to function in an independent supervisory capacity with minors in any parish or school program. Young adults between the ages of 18-21 may assist in the supervision of minors when in a joint relationship with an adult supervisor over the age of 21. Minors under the age of 18 may assist with activities involving other minors but should not be permitted to have supervisory responsibilities.

Criminal records checks should be conducted on all adults (18 and over) who volunteer in positions subject to this background check (as explained in Question 1 above). Criminal record information on minors is not available through a public records search unless a minor has been sentenced as an adult.

**10. What if a volunteer does not have a social security number?**

Regardless of a person's visa or immigration status, a background check must be completed before an individual can volunteer in the church, especially if the person will be working with minors.

It is often possible to perform a limited background check on an applicant who does not have a social security number if other accurate information is provided. All volunteer applicants should provide all the information requested on the online background check form. See requirements in Section III of the *Background Check Policy and Procedures* regarding additional information for those who do not have a social security number.

In some cases, parishes or schools may choose to request an international background check for an individual wishing to volunteer. International background checks can be costly and take more time to complete. If your parish or school wants to request an international background check for someone, please contact the Child Protection Office for assistance.

**11. Does our parish/school need to conduct a criminal check on clergy assigned to the parish? What about clergy visiting the parish to fill in, to help-out with sacramental ministry, to give a retreat, etc.?**

**Clergy assigned to the parish/ school:** No, background checks for clergy assigned to ministry in the Archdiocese are initiated by the Child Protection Office as explained above on page one.

**Clergy not assigned to the parish/school:** A pastor, principal or other person who desires to invite/accept the services of a priest or religious who does not have an Archdiocesan ministry assignment, should first contact the Archdiocesan Office of the Chancellor or Office of Clergy Personnel before the invitation is communicated to the individual. A background check may be required.

**12. What if there are men or women religious on staff (Sisters or Brothers)? Who does criminal background checks on them?**

Background checks on a Brother or Sister are done by the parish, school or other facility at which he/she will be serving as an "employee" or volunteer.

**13. Who pays for volunteer background checks?**

This is determined by the parish or school. Some parishes and schools will ask the volunteer to contribute to the cost of the background check. In many locations the parish, school or Archdiocese pays for the background check.

**14. How often must a criminal records check be done on a clergy, employee or volunteer?**

Employees and volunteers will have their criminal background checks renewed every three years, initiated by the parish or school at which they serve. Clergy with an Archdiocesan ministry assignment also will have to renew their background checks every three years, initiated by the Archdiocese. For clergy who do not have an Archdiocesan ministry assignment, see page one for more details on their background check renewals.

If you have any additional questions concerning criminal records checks for employees or volunteers, please contact the Office of Child Protection at [acp@archdpdx.org](mailto:acp@archdpdx.org) or 503-233-8370.