



# Catholic Diocese of Sioux Falls

## Background Check Policy

### Purpose:

The objective of this policy is to ensure that a fair determination of suitability and fitness for ministry is made when reviewing a candidate's criminal history. The policy is provided as a guiding resource to parishes, Catholic schools, and other ministry locations.

### Summary:

This policy defines how, based upon any prior criminal convictions, an individual's eligibility for initial or continued employment, assignment or service within the Diocese of Sioux Falls ("diocese") is determined. In some instances, criminal convictions, or other reliable information, may bar an applicant from employment, assignment or service.

### Those required to submit to a background check.

As part of the Diocesan Safe Environment Policy, criminal history reports ("background checks") must be conducted on:

1. All clergy serving in assigned or active ministry.
  - Clergy who are "active" are priests or deacons serving beyond the point of assigned ministry on a regular basis (*e.g.* a retired priest providing substitute coverage)
2. All employees of a Diocesan ministry.
3. All employees of a parish.
4. All employees of a Catholic school sponsored by parishes and under the canonical jurisdiction of the Bishop.
5. All candidates for ordination ("seminarians") upon their acceptance for sponsorship in formation by the Diocese.
6. All adult volunteers who have regular and/or unsupervised contact with minors in their ministry role.
  - Regular shall be defined as "once per quarter," "once per month," "once per week," or "daily."
  - Unsupervised shall be defined as "being the lone adult in the presence of youth during a ministry activity." This shall be interpreted to mean both in possibility and in actuality. Therefore, if the potential exists that such a situation might occur over the course of the volunteer's duties, the individual shall be asked to complete a criminal history report.

All offers of employment throughout the diocese shall be conditioned on the successful completion of a background check. Background checks shall be completed prior to the assignment of a cleric or service. Refusal to participate in the background check process shall result in the candidate being disallowed from participating in ministry through employment, assignment, and/or voluntary service.

Frequency of Checks:

As a matter of surveillance and best practice, ongoing ministry responsibilities shall be conditioned on the occasional completion of renewal background checks. All adults continuing in ministry must have a “renewal check” completed *before* the seventh anniversary of their initial background check (every 6 years).

Scope of History Reports:

The following criminal databases shall be consulted when completing a criminal history report:

- Federal District Court
- South Dakota statewide
- Current South Dakota county of residence
- Previous counties of residence (non-South Dakota, up to 15 years previous), if applicable

Provider of History Reports:

- A. A qualified third-party vendor shall be used to assist the Diocese in this process. The vendor will be relied upon to furnish a secure platform by which personal identification information is provided for the purpose of conducting a thorough query of an individual’s criminal history.
- The vendor shall also furnish a secure mechanism by which the criminal history reports can be saved and accessed at a later date.
  - Only the most recent background check completed for a candidate shall be retained. All initial or prior renewal checks shall be discarded upon the completion of a subsequent renewal check.
- B. In those instances where South Dakota Law specifies a particular form of background check for new hires (“DCI-FBI checks”), the ministry location or school shall follow the requirements set forth in law.
- The school or ministry location shall uphold all requirements set forth by law enforcement agencies for handling of the reports provided through the agency.
  - The school or ministry location shall provide the report to the Diocese through the Safe Environment Coordinator.

Costs Associated with Criminal History Reports

The Diocese shall arrange to have all checks completed through a common vendor and to establish a uniform price for the reports. Costs associated with the vendor services along with fees associated with review of criminal records in the jurisdiction of the individual’s current or prior residence shall be paid by the location where the individual will be carrying out the majority of his or her assignment. In cases where the ministry assignment is shared, locations shall share in the cost proportional to the amount of time dedicated to ministry.

Responding to Reports with Prior Convictions (“Hits”):

1. If criminal convictions are found or other unfavorable information is obtained, the Chancellor and Diocesan Safe Environment Coordinator will evaluate the record as part of the effort to assess suitability.
2. If the Chancellor determines that the results of a criminal background do not provide sufficient detail, the Diocese shall make further inquiry with the local pastor and/or ministry administrator to gather additional information. The candidate may be asked to provide additional information or testimony regarding the facts and circumstances of the conviction. The failure or refusal of the person to provide such information constitutes grounds to bar that individual from employment, assignment or ministry service.
3. The most influential factors in making suitability determinations are safety concerns for the youth involved in ministry, ethical or decision-making concerns, and the operational integrity of the parish, school or ministry.
4. The decision of suitability will be based on the totality of the circumstances and the accordant weight of all factors, including but not limited to:
  - the nature and seriousness of the conduct
  - the facts related to the conviction
  - guilty plea or other resolution
  - the age of the person at the time of the conduct
  - the age of the person at the present time
  - the length of time elapsed since the crime was committed
  - the nexus between the conduct and the employment
  - the nature of the ministry assignment or services being provided
  - the absence or presence of indications of rehabilitation or demonstrated efforts toward rehabilitation
  - the history of other employment, and
  - whether the person was forthcoming in disclosing pertinent information when initiating the criminal history report.

Applicants may be given the opportunity to submit additional information, provide an explanation, or challenge the accuracy to the diocesan Chancellor.

5. The final decision on suitability shall be delegated to the Chancellor.

Prior Convictions That Prohibit Candidates from Ministry:

The Diocese shall not recommend, and prohibits clergy, diocesan, parish or school employees from recommending, an individual for a position that provides access to minors if the individual has:

- any convictions that leads to the individual being listed on a sex offender registry,
- a substantiated claim or pending credible allegation of sexual abuse of a minor against him or her, and
- in light of the open nature of parish- and diocesan-ministry locations, any adult with a history of violent crimes against other human