



Catholic Diocese of Sioux Falls

Clergy Records Policy

1.0 Purpose:

The purpose of the Clergy Records Policy of the Diocese of Sioux Falls is to define what records are to be kept regarding Clergy and in what manner. The policy aims to standardize the retention of records, to ensure that a complete record is kept, to explicitly prohibit the destruction of applicable information belonging in a file, and to rightfully protect the privacy of individuals.

2.0 Definitions:

Clergy is any persons ordained - bishops, priests, and deacons - who administer the rites of the Catholic Church.

Cleric is a member of the Clergy.

Essential 3 refers to the three basic components to the Diocesan Safe Environment Program:

1. Acknowledgement of having received & read the Code of Conduct (“Code”)
2. Child protection training (“training”) and
3. A criminal background check (“screening”).

Clergy Review Board is the consultative body assembled to advise the bishop and his staff regarding Clergy misconduct. The Clergy Review Board may also review and offer recommendations regarding diocesan policies and procedures for responding to issues of misconduct.

Parish means a parish within the diocesan territory that is diocese-recognized as Catholic and which is administered by a cleric per the assignment of the bishop.

Policies means diocesan policies relating to the abuse of office, including the Codes of Conduct and the Sexual Misconduct of Clergy and Lay Ministers: Norms for Responding policy.

Safe Environment Program means all policies, procedures, and programming that contributes to the protection of minors and vulnerable adults.

School means a primary school or a secondary school within the diocese, which the diocese recognizes as Catholic.

3.0 Clerics for Whom Records are to be Kept

The diocese maintains Clergy personnel files on all clerics who are ordained for the diocese. The files of ordained clerics shall be retained even in the event of excommunication, laicization, and/or death.

The diocese maintains Clergy files on all Clerics who are granted faculties to minister in the diocese for more than thirty (30) days, including extern and religious Clergy, whether they are ever incardinated or provided with an official assignment.

The diocese maintains files of seminarians/ordination candidates and sponsors. These become incorporated into the Clergy file upon ordination.

4.0 Destruction of files

Clergy files are never intentionally destroyed. For reasons specified in this policy, particular documents from a file may be destroyed.

In the event the seminarian/ordination candidate discerns out of formation, the file shall be kept by the diocese for a period of 10 years. At which time, the file shall be destroyed.

5.0 Contents of Files

The clergy personnel files will typically contain the following:

- Seminary records (if available), including academic records as well as records of the seminarian's calls to the orders of formation and reviews by formators/seminary rector.
 - Records of receipt of the sacraments prior to ordination
- Appointment letters and decrees and other assignment records
- Testimonial letters, letters of good standing
- Communications related to the cleric's ministerial service
- Immigration records (if applicable)
- Biographical data, requested funeral arrangements, durable power of attorney appointments, and a last will and testament (if the cleric has provided these to the Diocese)
- Psychological and medical records (if the cleric was referred by the Diocese for an assessment while he has serving in ordained ministry). See subsequent note regarding the safeguarding of personal health information.
- Any records or related correspondence marked "Confidential" or that have protected health information contained in them and, therefore, may only be accessed by authorized personnel shall be filed in a separate location. A note shall be placed in the general personnel file that indicates the existence of documentation in another, secured location within the Chancery.

5.1 Allegations of Sexual Misconduct

In cases involving clergy against whom accusations of sexual misconduct have been made, the following records will be held:

- Records of accusation(s), including any allegation of sexual abuse of a minor
- Records of any internal investigation
 - Internal memoranda or documentation regarding Clergy misconduct
- Records relating to any review of the cleric's conduct made by the Clergy Review Board (if applicable)
- Records of any mandatory report made to law enforcement about the Cleric
- Civil and canonical legal documents from any proceedings resulting from the accusation
- Records of resolution of allegations and investigations
- Reports from the Cleric regarding any arrest or citation involving conduct that violates the Diocesan Policies

These may be contained in one file or they may be held in counterparts depending on record retention practices during the era when the cleric served in assigned ministry.

5.2 Safe Environment file

Clergy compliance with the Essential 3 requirements is to be documented in a clergy safe environment file that is separately held in the diocesan archives. The Clergy safe environment file is administered by the Diocesan Safe Environment Coordinator in an electronic database (CMG Connect). On an annual basis, the Coordinator reviews Clergy compliance with the Essential 3 and shall, within a reasonable amount of time, send a letter of non-compliance to any clergy not current in the requirements. If applicable, the board of directors for the relevant Parish or School where the cleric is assigned is to receive a copy of the same letter.

The Safe Environment file shall consist of:

- Signed acknowledgment form or printed electronic record verifying that the cleric has received, understands, and will comply with the applicable Codes of Conduct and Misconduct Policies.
- Safe Environment compliance records, including:
 - Copies of criminal background checks
 - Records and certification of safe environment training

6.0 Transfer

If a Cleric seeks assignment, transfer, or residence outside of the diocese, the diocese shall make the personnel file available for review by the receiving diocese, religious community, or organization a complete copy of the diocese's file (or the (or its

applicable portions depending on the circumstances. If the Cleric consents to such a review in accordance with his expressed desire to minister elsewhere, the diocese shall provide such receiving entity access to the Clergy file. If the Cleric expresses reservation about permitting the review by another ecclesial authority or requests any limits on the review of the file, the diocese shall notify the receiving entity that the Cleric refused access or is limiting access.

7.0 Notice of record of delict entered into file.

Clerics shall be notified in a timely manner of information being placed in their file related to allegations of a) illegal activity, b) violations of the Code of Conduct, or c) inappropriate behavior of a serious nature. Any correspondences they receive from the Diocese and which pertains to such allegations should be presumed by the cleric to have been archived in his personnel file.

8.0 Access

All applicable laws of the universal Church, the State of South Dakota, and the United States government shall be followed when the Chancery is presented with requests for access to a cleric's personnel file.