

CATHOLIC DIOCESE OF MEMPHIS BACKGROUND INVESTIGATION PROGRAM

I. INTRODUCTION

- A. This policy has been designed to provide guidance and instructions in conducting background investigations for clergy, volunteers, and employees. This policy also covers those contractors who have frequent contact with minors. This policy is for internal use only. Please refer any questions to the Director of Human Resources.
- B. Frequent contact with minors is defined as: contact that is happening or occurring allowing time for grooming a minor. This contact would be constant or regular contact for example coaches, teachers, regular volunteers and others.
- C. Infrequent contact with minors is defined as: contact that is seldom happening or occurring rarely. This contact would be infrequent contact for example, field trip drivers, janitorial, custodial and maintenance.

II. POLICY

- A. It is the policy of The Catholic Diocese of Memphis to hire/engage qualified candidates for any available position and volunteers. There are positions in the Diocese that require candidates to be Catholics in good standing. This policy is consistent with our commitment to providing the highest level of quality care and to take reasonable measures to protect our residents, staff, customers, students, parishioners and property from abuse or misappropriation.
- B. Background investigations will be conducted on all new and/or rehired personnel and volunteers with frequent contact. All employees will have background investigations completed within the guidelines of our policies and/or Federal, State and local law, if different.
- C. Background investigations must be conducted on all clergy, volunteers, new or rehired personnel prior to beginning of employment.
- D. All screening will consist of the preselected packages designated by the Department of Human Resources, unless additional requirements are requested by another Diocesan facility, and approved by the Department of Human Resources.
- E. A designated employee at each facility will be coordinator for contact with the Human Resources Director. It is his/her responsibility to ensure completion of forms necessary for background investigations and to contact the Human Resources Director with any questions and/or difficulties.

III. BACKGROUND INVESTIGATION CRITERIA

- A. The investigation will be performed by an outside agency.

B. Listed below are background investigation criteria pertaining to criminal convictions.

1. A conviction for any of the following crimes may bar a volunteer, applicant or employee from volunteering, employment/continued employment with The Catholic Diocese of Memphis.

Any felony or crime involving:

- a. Drugs, including but not limited to unlawful possession or distribution or intent to distribute unlawfully, Schedule I through V drugs.
 - b. Physical violence, including but not limited to abuse of children or elderly, abduction, including kidnapping, manslaughter, robbery, sexual crimes and assault and battery.
 - c. Weapons.
 - d. Fraud or embezzlement.
2. Listing on the Cumulative Sanction Report as published by the Department of Health and Human Services Office of the Inspector General.

IV. PROCEDURES

A. INVESTIGATION PROCEDURE

1. All applicants **MUST** complete an Authorization to Release Information form. If the volunteer, employee or applicant refuses to complete the Authorization to Release Information form, the volunteer, employee, or applicant will not be considered for employment.
2. When the applicant completes the form, the form should be forwarded to the designated employee representative for processing. The completed forms will then be forwarded to the Director of Human Resources.
3. By Federal Law, the diocese is required to obtain Authorization to Release Information prior to conducting the background investigation. Credit checks may be included for positions requiring processing of Diocesan money. Failure to obtain a signed release prior to initiating a background investigation or falsely certifying that one has obtained a signed release will result in disciplinary action up to and including discharge.

B. RESULT REPORTING

1. The Director of Human Resources will notify the designated representative at each site if the volunteer, employee or applicant has one or more of the identified criminal convictions. Volunteers, employees, and applicants without prior criminal records or bad credit are cleared for considerate hire.
2. Volunteers, employees, and applicants without prior criminal records or bad credit are cleared for volunteering, continued employment or hire.

V. RELEASE OF INFORMATION

- A. Due to the nature and sensitivity of the material found in many background investigation reports, materials found will not be made available to the volunteer/hiring Director/Manager.
- B. Notification to Supervisors or Managers of the potential applicant's criminal conviction record will be to inform the individual that he/she has a criminal conviction record.

VI. APPLICANT NOTIFICATION

- A. The Agency will send to the volunteer, employee or applicant a copy of the report, along with a copy of the summary of consumer rights, prior to any adverse action being taken pursuant to the Fair Credit Reporting Act.
- B. If the volunteer, employee or applicant has not responded to the above notification by contacting the Director of Human Resources and/or Agency, within seven (7) days from receipt of the notification provided to the a volunteer, employee or applicant, a Notice of adverse Action will be sent the volunteer, employee or applicant by the Agency.

VII. INDIVIDUAL ASSESSMENT

- A. An Applicant's criminal conviction(s) will subject an individualized assessment that shall consider the nature of the conviction; the length of time since the conviction; and the nature of the job.
- B. All decisions made by the Director of Human Resources regarding the volunteering/employment status of an individual will be final. Diocesan legal counsel must be consulted if a current employee is to be terminated.