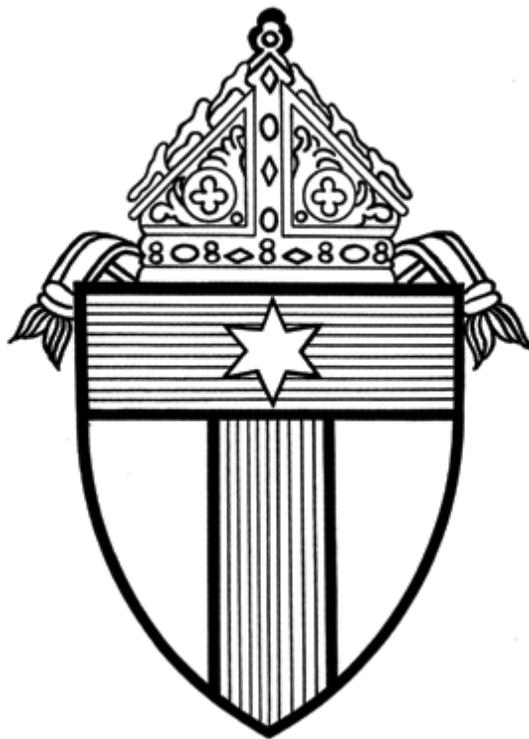


POLICY AND PROCEDURE
FOR BACKGROUND CHECKS
OF CHURCH PERSONNEL
IN THE DIOCESE OF LINCOLN



Revised February 2012

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DEFINITIONS

ABUSE - CHILD	An act by anyone that is not accidental and harms or threatens to harm a minor's physical or mental health or welfare.
ABUSE - PHYSICAL	Acts that are not accidental, but deliberately result in physical injury such as bruises, welts, scars, fractures, burns, lacerations, and abrasions. Personnel have the right to physically restrain or move a minor in a manner that does not subject the minor to injury. The risk of someone being harmed increases greatly when minors reach an adult height. In those situations, personnel should use force only in self-defense or to prevent harm to the minor.
ABUSE - SEXUAL	Sexual abuse includes but is not limited to, homosexual activity, sexual exploitation, provision of pornographic images, intentional indecent exposure, voyeurism, sexual molestation, doctrinally unsound or age inappropriate sex education programs, and other intentional violations of the Sixth Commandment of the Decalogue involving another unwilling or minor subject.
APPLICANT	Any person who applies for any position, paid, contract, or volunteer in the Diocesan Entity for whom a background check is conducted. This is the same term used in the Fair Credit Reporting Act (FCRA).
BACKGROUND CHECK	A review of the public records of the judicial system of any political jurisdiction to find felony/misdemeanor convictions of applicant. This review also includes a check of the national sex offender registry and social security number verification.
CENTRAL REGISTRY	A confidential database maintained at the Chancery listing the names of all individuals who have been background checked for the Diocese of Lincoln.
DIOCESAN ENTITY	The Catholic Diocese of Lincoln or each parish or mission, school, agency, or other institutions with direct accountability to the Bishop of the Diocese.
INVESTIGATIVE REPORT	This report includes the results of a search of the National Criminal File and a Social Security Number verification. The National Criminal file search includes the National Sex Offender Registry, Federal Fugitive Registries, State Criminal Repositories, and ChoicePoint proprietary information.
FACTA DISPOSAL RULE	The Federal Trade Commission enacted this rule on June 1, 2005, which requires the proper disposal of information in consumer reports and records to protect against "unauthorized access to or use of the information." Reasonable measures for disposing of consumer report information include: <ul style="list-style-type: none">• Burning, pulverizing, or shredding papers containing consumer report information so that the information cannot be read or reconstructed;• Destroying or erasing electronic files or media containing consumer report information so that the information cannot be read or reconstructed
MINOR	A person under the age of eighteen.
PERSONNEL	Any cleric, religious on pastoral assignment, lay employee, and contract services, agents, staff or volunteer working for or on behalf of a Diocesan Entity.
SUBMITTER	The individual assigned the responsibility within each of the Diocesan Entities covered by this policy to submit a background check.
VOLUNTEER	Any unpaid person engaged or involved with a Diocesan Entity whose responsibilities involve regular contact with minors or who is entrusted with the care and supervision of children.

*POLICY AND PROCEDURE FOR BACKGROUND CHECKS OF CHURCH PERSONNEL IN THE
DIOCESE OF LINCOLN*

COMMITMENT TO ETHICAL TREATMENT

All Church personnel commit themselves to the treatment of everyone with the dignity that comes from being created in the image of God.

PREAMBLE

A prudent pre-employment screening process involves a background check on the person's employment or work history, statements or claims made regarding education, work references, criminal history, and other areas deemed important to the position.

These policies and guidelines have been developed to provide assistance in evaluating the background of individuals so that incidents of abuse against minors in the Diocese of Lincoln may be minimized and as much as humanly possible to assist in the establishment of a safe environment for minors in the care of the Church and its affiliated organizations and institutions. The following policies and guidelines constitute only some of the tools available that pastors and personnel administrator's use in interviewing and selecting personnel chosen to fill staff and volunteer positions.

Members of the Church have the responsibility to help protect minors who are brought into the physical and spiritual care of the Church from the evil of abuse in any of its forms. It is toward this end that the Diocese has established these policies.

Please note that anyone can access information on sex abusers living in a community by typing in "sex offenders in (state)" in any search engine. Specific information can be obtained from the site.

PURPOSE

1. To establish and maintain a safe and secure environment for minors in Diocesan institutions and programs.
2. To assist individuals responsible for hiring at both the Diocesan and parish level in evaluating a person's suitability to work with minors.
3. To prevent, as far as possible, the hiring of known sex offenders by means of a background check for all appropriate personnel.
4. To reduce the potential of false accusations against clergy, employees, and contract services staff and volunteers.
5. To minimize the potential for problem criminal or sinful behavior that harms souls and creates liability and scandal.

POLICY

The Diocese directs all employees/volunteers to conduct themselves in a professional manner with concern and respect for their fellow employees, volunteers and children in the Diocese. Any abuse, harassment, or violation against others, especially minors will not be tolerated.

Any individual associated with the Diocese or a Diocesan Entity found to have violated this policy will be subject to appropriate disciplinary action, ranging from a written warning to termination, at the sole discretion of the Diocesan Entity.

A background check must be conducted on every current and new diocesan employee or new employee of any Diocesan Entity and volunteers having unmonitored access to children. The following must undergo a background check **before** they can be hired or **before** they may serve as a volunteer in programs or events sponsored by Diocesan entities:

1. All school personnel, hired or volunteer
2. All youth catechetical personnel, hired or volunteer
3. All others, hired or volunteer, who have regular contact with minors

This background check is a condition of employment and/or to volunteer their services to minors in our parishes/schools/Diocese. Refusal of the applicant to authorize a criminal background check will be reason for refusing to consider the applicant for employment or placed in a voluntary position with any Diocesan Entity.

Applicants who have had convictions of child abuse, are register sex offenders, or who have a history of selling drugs to minors or other criminal convictions deemed by the Diocesan Entity to be potentially dangerous will not be retained or placed in a position of employment, contracted staff person or voluntary service.

The Diocese also recognizes that false accusations can have serious effects on innocent men and women. The Diocese Entities therefore, will make every effort to protect the confidentiality of sensitive information and documents of all parties involved.

The Diocese of Lincoln provides assistance to each Diocesan Entity for regular and ongoing education & training in the areas of avoiding child abuse and providing a safe environment for minors by means of a video presentation, which has been distributed for conducting educational and training sessions on a periodic or as needed basis. All employees/volunteers subject to a background check must also view this video.

Any individual who has knowledge of, has been witness to, or has been the subject of abuse by any employee or volunteer of a Diocesan Entity should report the alleged act to local civil authorities. Please see page 8 for reporting procedures.

EVERY EMPLOYEE AND VOLUNTEER SHALL BE GIVEN A COPY OF THIS POLICY.

BACKGROUND CHECK PROCEDURES

The Diocese of Lincoln has contracted with LexisNexis to provide employee and volunteer background screening. All Diocesan Entities are required establish their own account.

1. A copy of the Policy and Procedure for Background Checks of Church Personnel in the Diocese of Lincoln must be given to all employees and volunteers. The authorization form, Appendix A is to be signed and returned to the designee at the Diocesan Entity to perform the background check.
2. The Diocesan training video must be shown to all applicants. The administrator of the Diocesan Entity must sign the authorization form, [Appendix A] confirming that the applicant has seen the video.
3. Only one person at each Diocesan Entity can be designated to submit and to receive the results. The results will be split delivered; the Diocesan Entity will receive confirmation that the report is “complete” and the designee at the Chancery will receive a detailed report.
4. The standard background check includes a search of the National Criminal File and Social Security Number verification and County Criminal File search. The National Criminal file search includes the National Sex Offender Registry, Federal Fugitive Registries, State Criminal Repositories, and ChoicePoint proprietary information.
5. Once the background check request has been submitted, a copy of the screen must be printed and kept in a confidential file. Each Diocesan Entity must maintain its own registry of background checks performed.
6. Once the Chancery receives evidence of the completed background check, the applicant’s name is added to a central registry maintained by the Insurance Office.
7. Original authorization forms must be submitted to the Chancery.
8. Certificates of Background Checks are issued upon request. See Appendix B.

ADVERSE FINDINGS

When adverse findings are discovered, the applicant’s name will appear with the word “complete” in RED font. The designated representative from each Diocesan Entity must contact the Diocesan Insurance Office for further review.

The Diocesan Insurance Office will review the results to determine if there is other information that lends itself to further consideration. Before taking any adverse action based in whole or in part upon the report, the Insurance Office shall verify the results and consult with the pastor or administrator of the Diocesan Entity.

Applicants who are determined ineligible for working/volunteering for the Diocese will receive an Adverse Action notice which includes a copy of the complete background check report with information to appeal the results.

Applicants who have adverse findings reversed may be reconsidered for a position within the Diocese upon providing evidence of such reversal.

CONFIDENTIALITY

Results of background checks, including adverse actions, are kept confidential, under lock & key and restricted to those who have a “need to know.” This includes the pastor, superintendent, principal, or director, and a designee from the Chancery.

RECORD RETENTION/PROTECTION

Sensitive documents derived by means of a background check will be safeguarded in a confidential file at the location where the background check was performed. Access is restricted to employees with need to know (in order to make hiring decisions, for example). The information will be maintained for the duration of employment or service within

the Diocese of Lincoln. Seven years after termination of employment or service, the files will be destroyed according to the FACTA Disposal Rule.

FREQUENCY OF SCREENINGS

Personnel who have terminated employment in the Diocese and are new applicants for a position with the same or another organization within the Diocese of Lincoln will be subject to a new background check. Internal transfers in the same calendar year between Diocesan Entities do not constitute termination. The Diocese of Lincoln reserves the right to require a new background check at any time.

Volunteers and contracted services staff will not normally need a new background check after the initial check has been conducted unless an official in the Diocesan Entity believes it has advisable, reasonable and or prudent cause for a new check.

REPORTING PROCEDURES OF SUSPECTED CHILD ABUSE

It is the policy of the Diocese of Lincoln to be in compliance with reporting laws of the State of Nebraska (see below) and to cooperate fully with the appropriate investigating authorities.

When any physician, medical institution, nurse, school employee, social worker, or other person has reasonable cause to believe that a child has been subjected to child abuse or neglect or observes such child being subjected to conditions or circumstances which reasonably would result in child abuse or neglect, he or she shall report such incident or cause a report of child abuse or neglect to be made to the proper law enforcement agency or to the department on the toll-free number established by subsection (2) of this section. Such report may be made orally by telephone with the caller giving his or her name and address, shall be followed by a written report, and to the extent available shall contain the address and age of the abused or neglected child, the address of the person or persons having custody of the abused or neglected child, the nature and extent of the child abuse or neglect or the conditions and circumstances which would reasonably result in such child abuse or neglect, any evidence of previous child abuse or neglect including the nature and extent, and any other information which in the opinion of the person may be helpful in establishing the cause of such child abuse or neglect and the identity of the perpetrator or perpetrators. (Neb. Rev. Stat. §28-711)

Nebraska Child Abuse/Neglect Hotline 1-800-652-1999
If Calling from Outside of Nebraska, 402-595-1324
Local Department of Health and Human Services 402-471-7000

If there is an emergency, call local law enforcement immediately.

According to state Statute:

Any person participating in an investigation or the making of a report of child abuse or neglect required by section [28-711](#) pursuant to or participating in a judicial proceeding resulting therefrom shall be immune from any liability, civil or criminal, that might otherwise be incurred or imposed, except for maliciously false statements. (Neb. Rev. Stat. § 28-716)

In addition, the reporter shall also inform the local Pastor or Superintendent who will report the matter to Diocesan authorities.

Anyone with knowledge about violations of the Diocesan policy or questions regarding these procedures may contact the Chancellor or Vicar General at 402-488-0921, or write to either official at Diocese of Lincoln, P.O. Box 80328, Lincoln, NE 68501-0328.

A report to the Diocese does not relieve persons from reporting abuse or neglect against a minor as required by Nebraska State law.

APPENDIX A

Date of screen:

AUTHORIZATION AND RELEASE FOR THE PROCUREMENT OF AN INVESTIGATIVE REPORT

I, the undersigned applicant, do hereby authorize The Diocese of Lincoln and (Diocesan Entity), by and through its independent contractor, LexisNexis Screening Solutions Inc., P.O. Box 105108, Atlanta, GA 30348-5108, 1-800-845-6004, to procure an investigative consumer report on me during the application process and at any time during the tenure of my employment or volunteer services with (Diocesan Entity).

To this end, I hereby authorize, without reservation, any law enforcement agency, administrator, state or federal agency, institution, information service bureau, employer, or insurance company to furnish any and all background information requested by LexisNexis Screening Solutions Inc. I agree that a facsimile ("fax"), electronic or photographic copy of this Authorization shall be as valid as the original.

These above mentioned reports include, but are not limited to, personal references; citations; a social security number verification; present and former addresses; criminal and civil history/record.

I understand that I am entitled to a complete and accurate disclosure of the nature and scope of any investigative consumer report prepared on me upon written request to LexisNexis Screening Solutions Inc., that is made within a reasonable time after the date hereof.

I hereby release The Diocese of Lincoln and (Diocesan Entity), from any and all liability, claims and/or demands, of whatever kind, to me, my heirs, or others making such claim or demand on my behalf, for assisting with the compilation or preparation of the investigative consumer report hereby authorized.

PRINTED LEGAL NAME _____ Gender Male Female
First Full Middle * Last Maiden/Other/Alias

COMPLETE RESIDENCE ADDRESS _____
Street address City State Zip code County

SOCIAL SECURITY NUMBER _____ DATE OF BIRTH** _____ PHONE NUMBER _____

****NOTE: This information is required for identification purposes only, and is in no manner used as qualifications for employment.**

PLEASE LIST ALL ADDITIONAL RESIDENCES WHERE YOU HAVE RESIDED IN THE PAST FIVE (5) YEARS:

Street address City State Zip code County

Street address City State Zip code County

SIGNATURE _____ DATE _____

* Please be sure to provide complete middle names and maiden names where applicable to avoid mismatched results.

Applicant: Please submit this completed form to the Diocesan Entity where you are employed or volunteering.

Diocesan Entity: Original authorizations to be filed with Diocesan Insurance Office.

LexisNexis expressly disclaims any warranties or responsibility or damages associated with or arising out of information provided herein.

APPENDIX B

A Summary of Your Rights Under the Fair Credit Reporting Act

The federal Fair Credit Reporting Act (FCRA) promotes the accuracy, fairness, and privacy of information in the files of consumer reporting agencies. There are many types of consumer reporting agencies, including credit bureaus and specialty agencies (such as agencies that sell information about check writing histories, medical records, and rental history records). Here is a summary of your major rights under the FCRA. For more information, including information about additional rights, go to www.ftc.gov/credit or write to: Consumer Response Center, Room 130-A, Federal Trade Commission, 600 Pennsylvania Ave. N.W., Washington, D.C. 20580.

- **You must be told if information in your file has been used against you.** Anyone who uses a credit report or another type of consumer report to deny your application for credit, insurance, or employment – or to take another adverse action against you – must tell you, and must give you the name, address, and phone number of the agency that provided the information.
- **You have the right to know what is in your file.** You may request and obtain all the information about you in the files of a consumer-reporting agency (your “file disclosure”). You will be required to provide proper identification, which may include your Social Security number. In many cases, the disclosure will be free. You are entitled to a free file disclosure if:
 - a person has taken adverse action against you because of information in your credit report;
 - you are the victim of identify theft and place a fraud alert in your file;
 - your file contains inaccurate information as a result of fraud;
 - you are on public assistance;
 - you are unemployed but expect to apply for employment within 60 days.

In addition, by September 2005 all consumers will be entitled to one free disclosure every 12 months upon request from each nationwide credit bureau and from nationwide specialty consumer reporting agencies. See www.ftc.gov/credit for additional information.

- **You have the right to ask for a credit score.** Credit scores are numerical summaries of your credit-worthiness based on information from credit bureaus. You may request a credit score from consumer reporting agencies that create scores or distribute scores used in residential real property loans, but you will have to pay for it. In some mortgage transactions, you will receive credit score information free from the mortgage lender.
- **You have the right to dispute incomplete or inaccurate information.** If you identify information in your file that is incomplete or inaccurate, and report it to the consumer-reporting agency, the agency must investigate unless your dispute is frivolous. See www.ftc.gov/credit for an explanation of dispute procedures.
- **Consumer reporting agencies must correct or delete inaccurate, incomplete, or unverifiable information.** Inaccurate, incomplete, or unverifiable information must be removed or corrected, usually within 30 days. However, a consumer reporting agency may continue to report information it has verified as accurate.
- **Consumer reporting agencies may not report outdated negative information.** In most cases, a consumer-reporting agency may not report negative information that is more than seven years old, or bankruptcies that are more than 10 years old.
- **Access to your file is limited.** A consumer-reporting agency may provide information about you only to people with a valid need—usually to consider an application with a creditor, insurer, employer, property owner, or other business. The FCRA specifies those with a valid need for access.

APPENDIX B Continued

- **You must give your consent for reports to be provided to employers.** A consumer-reporting agency may not give out information about you to your employer, or a potential employer, without your written consent given to the employer. Written consent generally is not required in the trucking industry. For more information, go to www.ftc.gov/credit.
- **You may limit “prescreened” offers of credit and insurance you get based on information in your credit report.** Unsolicited “prescreened” offers for credit and insurance must include a toll-free phone number you can call if you choose to remove your name and address from the lists these offers are based on. **You may opt-out with the nationwide credit bureaus at 1-888-5-OPTOUT (1-888-567-8688).**
- **You may seek damages from violators.** If a consumer reporting agency, or, in some cases, a user of consumer reports or a furnisher of information to a consumer reporting agency violates the FCRA, you may be able to sue in state or federal court.
- **Identity theft victims and active duty military personnel have additional rights.** For more information, visit www.ftc.gov/credit.

States may enforce the FCRA, and many states have their own consumer reporting laws. In some cases, you may have more rights under state law. For more information, contact your state or local consumer protection agency or your state Attorney General. Federal enforcers are:

TYPE OF BUSINESS:	CONTACT:
Consumer reporting agencies, creditors, and others not listed below.	Federal Trade Commission: Consumer Response Center – FCRA Washington, DC 20580 1-877-382-4357
National banks, federal branches/agencies of foreign banks (word “National” or initials “N.A.” appear in or after bank’s name)	Office of the Comptroller of the Currency Compliance Management, Mail Stop 6-6 Washington, DC 20219 800-613-6743
Federal Reserve System member banks (except national banks, and federal branches/agencies of foreign banks)	Federal Reserve Board Division of Consumer & Community Affairs Washington, DC 20551 202-452-3693
Savings associations and federally chartered savings banks (word “Federal” or initials “F.S.B.” appear in federal institution’s name)	Office of Thrift Supervision Consumer Complaints Washington, DC 20552 800-842-6929
Federal credit unions (words “Federal Credit Union” appear in institution’s name)	National Credit Union Administration 1775 Duke Street Alexandria, VA 22314 703-519-4600
State-chartered banks that are not members of the Federal Reserve System	Federal Deposit Insurance Corporation Consumer Response Center 2345 Grand Ave., Ste 100 Kansas City, Missouri 64108-2638 1-877-275-3342
Air, surface, or rail common carriers regulated by former Civil Aeronautics Board of Interstate Commerce Commission	Department of Transportation, Office of Financial Management Washington, DC 20590 202-366-1306
Activities subject to the Packers and Stockyards Act, 1921	Department of Agriculture Office of Deputy Administrator – GIPSA Washington, DC 20250 202-720-7051

Para información en español, visite www.ftc.gov/credit o escribe a la FTC Consumer Response Center, Room 130-A 600 Pennsylvania Ave. N.W., Washington, D.C. 20580.

Diocese of Lincoln

SAMPLE CERTIFICATE

BACKGROUND CHECK TRAINING COMPLETION

This certificate acknowledges that John M. Doe received a positive result of a background check on July 1, 2010 performed by the Lincoln, St. Mary School.

At this time, John M. Doe became an employee / volunteer of Lincoln, St. Mary School, has completed the training requirements and received a copy of *The Policy And Procedure For Background Checks of Church Personnel in the Diocese of Lincoln*.

Authorized signature

Date

Questions pertaining to the background check or to the policy should be directed to the Chancery.