



DIOCESE OF CROOKSTON SAFE ENVIRONMENT POLICY: *Background Check*

ISSUED: January 1, 2021; Updated February 17, 2022

I. PURPOSE

The objective of this component of the Diocese of Crookston Safe Environment Policy is to ensure that fair background check determinations are made regarding whether or not an individual will be eligible for initial or continued employment, assignment or service within the Diocese of Crookston ("Diocese of Crookston"). In some instances, criminal convictions or other reliable information may bar an applicant from employment, assignment or service.

II. DEFINITIONS

"Office of Safe Environment Staff" or "OSE Staff" means those employed by the Diocese of Crookston and working in the Office of Safe Environment.

"Sexual Abuse of a Minor" means: a physical act of a sexual nature with a minor including sexual touching or penetration; It includes all acts of sexual abuse as defined in Minnesota State Statutes. (See MN State Statute §§ 609.341, subds. 11 and 12 and 626.556, subd. 1n, which includes degrees of criminal sexual contact.); the acquisition, possession, or distribution of child pornography.

A **"substantiated"** claim of sexual abuse of a minor is one supported by sufficient evidence establishing reasonable grounds to believe that the abuse occurred.

A **"credible"** allegation of sexual abuse of a minor is one that bears a semblance of truth and is not manifestly false or frivolous.

III. POLICY

A. Process

1. Background checks must be conducted on all adult Diocesan employees, clergy¹, and also volunteers who have regular or unsupervised contact with minors. Background checks shall be completed prior to initial employment, assignment or service, and shall be renewed every five years thereafter. Refusal to participate in the background check process is a bar to employment, assignment or service.

2. If criminal convictions are found or other unfavorable information is obtained, the Office of Safe Environment (OSE) will evaluate the records and information to make a suitability determination. Based on the suitability determination, employment, assignment or service may be allowed, denied or restricted by the proper authority. The most influential factors in making suitability determinations are safety concerns, ethical concerns, and operational integrity. The OSE shall base its suitability determination 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

¹ This policy does not in any way limit a cleric's rights under Canon Law.

crime was committed; the nexus between the conduct and the employment; assignment or services; the absence or presence of rehabilitation or efforts toward rehabilitation; the history of other employment; assignment or volunteer activity and whether the person was forthcoming in disclosing pertinent information to the Diocese of Crookston. Applicants may be given the opportunity to submit additional information, provide an explanation, or challenge the accuracy to the Office of Safe Environment staff.

3. If the OSE determines that the results of a criminal background do not provide sufficient detail, further inquiry may be necessary, and the individual may be required to provide additional information. The failure or refusal of the person to provide such information constitutes grounds to bar that individual from employment, assignment or service.

4. Any individual who is the subject of a pending credible allegation² of sexual abuse of a minor, or who is the subject of a substantiated claim³ of sexual abuse of a minor, or who has been convicted of or admitted to any conduct that would trigger a report under Minnesota Statutes 626.556 (Maltreatment of Minors Act), shall not be eligible for employment, assignment, or service in the Diocese of Crookston involving contact with minors.

5. Documentation of information obtained, and actions taken related to background checks must be retained pursuant to the applicable records retention policy.

² A "credible" allegation of sexual abuse of a minor is one that bears a semblance of truth and is not manifestly false or frivolous.

³ A "substantiated" claim of sexual abuse of a minor is one supported by sufficient evidence establishing reasonable grounds to believe that the abuse occurred.