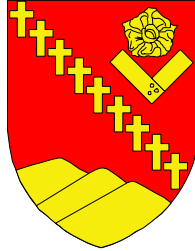


# **DIOCESE OF SAN JOSE**



## **FINGERPRINTING POLICIES AND GUIDELINES**

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## **POLICY ON FINGERPRINTING EMPLOYEES**

In compliance with the *Charter for the Protection of Children and Young People* promulgated by the United States Conference of Catholic Bishops on June 14, 2002, the Diocese of San Jose requires that the following categories of diocesan employees submit their fingerprints for a criminal record check as a condition of employment:

- ◆ All school employees (as required by the Bates Act effective July 1, 1985)
- ◆ All employees of parishes with schools (regardless of whether the school is on the same site as the parish)
- ◆ All other employees of parishes or diocesan agencies or institutions who have regular, unsupervised contact with children, youth or dependent adults.

**No person in the above categories may be hired or begin work** until fingerprint clearance has been returned by the Department of Justice. All current employees in the above categories must be fingerprinted as soon as practically possible.

Procedure: The Personnel Office or the designated parish or school representative provides all conditionally-hired candidates requiring fingerprints with the Live Scan fingerprint request form when the candidate reports to complete forms for the hiring process.

After the candidate completes the fingerprinting process, the Department of Justice furnishes a clearance or criminal record summary to the Personnel Office of the Diocese. Should the summary contain information regarding a criminal record, the pastor, principal or agency/institution director is informed of the summary (though not the details) by the Director or Associate of Personnel, and then the summary is destroyed. Candidates are not discriminated against solely on a prior record. Several factors are considered. Depending upon the type of offense, age at the time of the offense, and the candidate's honesty on the employment application, the Director or Associate for Personnel makes a determination and advises the pastor or principal regarding hire of a candidate or termination of a current employee. **Note: Under no circumstances is a person with a conviction record of sexual misconduct with a minor considered for employment.**

## **POLICY ON FINGERPRINTING VOLUNTEERS**

In compliance with the *Charter for the Protection of Children and Young People* promulgated by the United States Conference of Catholic Bishops on June 14, 2002, the Diocese of San Jose requires that all volunteers of parishes, schools or diocesan agencies or institutions who have regular, unsupervised contact with children, youth or dependent adults submit their fingerprints for a criminal record check as a condition of working in volunteer status. (Please see *Fingerprinting Guidelines for Volunteers* for additional information.)

**No person in the above category may begin his or her volunteer service with children or vulnerable adults** until fingerprint clearance has been returned by the Department of Justice.

Procedure: The Personnel Office or the designated parish or school representative provides all volunteers requiring fingerprints with the Live Scan fingerprint request form prior to the volunteer candidate beginning his/her service. School volunteers are fingerprinted under the Education Code. Parish volunteers are fingerprinted under the Penal Code.

After the volunteer completes the fingerprinting process, the Department of Justice furnishes a clearance or criminal record summary to the Personnel Office of the Diocese. Should the summary contain information regarding a criminal record, the pastor, principal or agency/institution director is informed of the summary (though not the details) by the Director or Associate of Personnel, and then the summary is destroyed. Candidates are not discriminated against solely on a prior record. Several factors are considered. Depending upon the type of offense, age at the time of the offense, and the candidate's honesty on the volunteer application, the Director or Associate for Personnel makes a determination and advises the pastor or principal regarding the service or commission of a volunteer candidate or the termination of a current volunteer. **However, under no circumstances is a person with a conviction record of sexual misconduct with a minor considered for volunteer service in any program serving children, youth or dependent adults.**

## **FINGERPRINTING GUIDELINES FOR VOLUNTEERS**

The Diocese of San Jose requires fingerprint clearance for all volunteers who have regular, unsupervised contact with children, youth or dependent adults. The policy guidelines define these volunteers as anyone who meets any of the following conditions:

1. Is delegated by the principal or pastor to have supervisory or disciplinary oversight over a child, children, youth or dependent adults on a regular basis. E.g. an instructional aide, catechist or youth coordinator.
2. Supervises children, youth or dependent adults on a regular basis when a school or parish employee is not present. E.g. a yard duty helper.
3. Is alone with children, youth or dependent adults on a regular basis without staff member or teacher present or nearby. E.g. a library helper.
4. Has the potential to develop, over time, a relationship of trust with a child, youth or dependent adult which could make that child, youth or dependent adult vulnerable to abuse. E.g. a clinic helper or assistant coach.

Note: The above guidelines are minimal. A principal or pastor may determine, on an individual basis, that a volunteer must be fingerprinted because the position he/she holds could be defined as having regular, unsupervised contact with children, youth or dependent adults.

**OVERVIEW OF FINGERPRINTING REQUIREMENTS**

<b><u>Employee/Volunteer Category</u></b>	<b><u>Fingerprints Required?</u></b>	<b><u>O.R.I Code Review Agencies</u></b>	<b><u>Rolling Fee Cost</u></b>	<b><u>Subsequent arrest info?</u></b>
<b>School Employees</b>	Yes	Education Code A3251 DOJ & FBI	\$20.00	Yes
<b>School Volunteers</b>	See Policy and Guidelines for Fingerprinting Volunteers	Education Code A3251 DOJ only	\$20.00	Yes
<b>Parish with School Employees</b>	Yes	Education Code A3251 DOJ & FBI	\$20.00	Yes
<b>Parish with School Volunteers</b>	See Policy and Guidelines for Fingerprinting Volunteers	Penal Code A4631 DOJ only	\$10.00	No
<b>Parish Without School Employees</b>	Those with regular, unsupervised contact with children, youth or dependent adults	Penal Code A4631 DOJ only	\$10.00	Yes
<b>Parish without School Volunteers</b>	See Policy and Guidelines for Fingerprinting Volunteers	Penal Code A4631 DOJ only	\$10.00	No

## **FREQUENTLY ASKED QUESTIONS ABOUT FINGERPRINTING**

### **Question: Why Do I Need A Background Check?**

**Answer:** The Diocese of San Jose requires certain employees and volunteers to undergo background checks, first and foremost, as a means of protecting the vulnerable among us.

In 2002, the United States Conference of Catholic Bishops produced the *Charter for the Protection of Children and Young People*. Article 13 of this document mandates that “Dioceses are to evaluate the background of all priests and deacons who are engaged in ecclesiastical ministry in the diocese and of all diocesan and parish/school or other paid personnel and volunteers whose duties include ongoing, unsupervised contact with minors. Specifically, they are to utilize the resources of law enforcement and other community agencies.”<sup>1</sup>

In compliance with this mandate, the Diocese of San Jose instituted a policy that requires all employees in a school or a parish with a school, and all other employees and volunteers of parishes, schools and diocesan agencies or institutions who have regular, unsupervised contact with children, youth or dependent adults to submit their fingerprints for a criminal record check.

**No person in the above category may begin his/her employment or volunteer service with children, youth or dependent adults until fingerprint results are returned by the Department of Justice and that person has been cleared to work/serve.**

### **Question: Which volunteers must be fingerprinted?**

**Answer:** All volunteers of schools, parishes and diocesan agencies or institutions who have regular, unsupervised contact with children, youth or dependent adults must be fingerprinted. (Please see *Fingerprinting Guidelines for Volunteers* for detailed information.)

### **Question: Which employees and volunteers do not have to be fingerprinted?**

**Answer:** Please note that state law and diocesan policy require that all employees of schools and parishes with schools must be fingerprinted. Outside of those institutions, employees and volunteers who work in positions that do not require the supervision, disciplinary oversight or regular contact with children, youth or dependent adults are not required to be fingerprinted.

### **Question: I've been fingerprinted through another agency; do I have to be fingerprinted again?**

**Answer:** Yes, since results may not be shared, we do not have access to your fingerprint result information from another agency.

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<sup>1</sup> Please see the complete text of the *Charter* at <http://www.usccb.org/ocyp/charter.shtml>

**Question: Will I have to pay to have this done?**

**Answer:** 1) Employees and volunteers fingerprinted under the Education Code pay a \$20.00 “rolling” fee upon arrival at the Santa Clara County Sheriff’s Office.  
2) Employees and volunteers fingerprinted under the Penal Code pay a \$10.00 fee. The parish or school may or may not elect to reimburse you for these fees. We will inform you at the time you sign up for the fingerprints how much the Sheriff’s Office will charge.

**Question: Can I schedule my own fingerprint appointments?**

**Answer:** No, the Diocesan Personnel Office is the agent that has permission to set up fingerprint appointments for employees and volunteers. The Personnel Office has trained special representatives in the parishes and schools to set up fingerprint appointments. However, only the Personnel Office has permission to review the results.

**Question: Which Sheriff’s Office can I go to have my fingerprints done?**

**Answer:** When an employee schedules his/her appointment through the Diocesan Personnel Office or the designated parish or school representative, he/she has the option of choosing one of the Santa Clara County Sheriff’s Offices listed below (with whom the Diocese has a billing arrangement) at which they can have their fingerprints done. The Personnel Office or the designated parish or school representative sets up a fingerprinting appointment date and time for the employee or volunteer to go to the Sheriff’s Office. The employee or volunteer receives a form indicating the fingerprinting appointment date and time, and Live-Scan Forms, which the employee or volunteer must take with them to the Sheriff’s Office. The Sheriff’s Office does the actual fingerprinting and sends the prints to the Department of Justice for a criminal check.

**San Jose Sheriff’s Office**  
55 W. Younger Ave.  
San Jose, Ca. 95110  
(408) 808-4760

**West Valley Sheriff’s Office**  
1601 S. DeAnza Blvd.  
Cupertino, CA 95014  
(408) 868-6614

**San Martin Sheriff’s Office**  
12431 Monterey Rd.  
San Martin, Ca. 95046  
(408) 686-3651

**Stanford Sheriff’s Office**  
711 Serra St.  
Stanford, Ca. 94305  
(650) 725-2499

**Question: What form of identification will I need to present at the Sheriff's Office when I arrive for my fingerprinting appointment?**

**Answer:** Each employee or volunteer is required to present valid photo identification upon arrival at the Sheriff's Office for his/her fingerprinting appointment.

Acceptable forms of photo identification:

- Driver's License or Identification Card of any state in the U. S.
- Military Identification Card
- Passport (United States or foreign)
- Anything state or government issued within the United States. (e.g. alien registration card, etc.)
- Employees or volunteers under the age of 18 may be able to show their School Student I.D. Card.
- As a last resort a Mexican Consulate Card is accepted.

**Question: How long will it take to get fingerprinted?**

**Answer:** It has been our experience that the fingerprinting should take no longer than 20 minutes at the Sheriff's Office.

**Question: How long does it take to get results of the fingerprint check?**

**Answer:** The Diocesan Personnel Office receives results from the Department of Justice, usually between 24 and 72 hours after the fingerprints were submitted. However, if there is a delay for any reason, results can take approximately 30 days or longer to arrive.

**Question: Where do the results go?**

**Answer:** The Department of Justice furnishes a clearance or criminal record summary to the Diocesan Personnel Office. This information is strictly confidential and only the Director or Associate of Personnel have access to the clearance or criminal record summary. A criminal record summary provides a record of arrests resulting in conviction and arrests where results are pending. The Director or Associate of Personnel notifies the pastor or principal of the individual's clearance or lack of clearance to work/serve, and then the summary is destroyed. Information regarding a criminal record may not be shared with anyone other than the pastor or principal

**Question: Is this information shared with the INS or any other organization?**

**Answer:** By law the Diocesan Personnel Office is strictly prohibited from sharing fingerprint or criminal record information with any organization, nor can any other agency share it with us. To our knowledge, this information is not currently shared with the INS or any other organization by the fingerprinting agency or the Department of Justice. However, we cannot guarantee what government agencies will share fingerprint results in the future.

**Question: Who will find out if I have a record?**

**Answer:** Should the summary information disclose data regarding a criminal record, the pastor or principal is informed of that fact (though not the details) by the Director or Associate of Personnel. Even the information that a criminal record exists may not be shared with anyone else and the criminal record information must be destroyed.

**Question: Will I or can I find out the results?**

**Answer:** The Diocesan Personnel Office contacts the parish or school when the results are returned. The parish or school then informs the individual of clearance or lack of clearance to serve. Should the fingerprint results indicate a record of any kind, the individual is given an opportunity to respond and explain.

**Question: Can I get a copy of my fingerprint results?**

**Answer:** Yes, an employee may obtain a copy of his/her fingerprint results by contacting the Department of Justice.

**Question: Can I be fired from my job or asked not to volunteer?**

**Answer:** Candidates are not discriminated against solely on a prior record. Several factors are considered. Depending upon the type of offense, age at the time of the offense, and the candidate's honesty on the employment or volunteer application, the Director or Associate for Personnel makes a determination and advises the pastor or principal regarding the hiring of a candidate or volunteer or the termination of a current employee or volunteer. However, under no circumstances is a person with a conviction record of sexual misconduct with a minor considered for employment or as a volunteer in any program serving children or vulnerable adults.

**Question: How often do I need to be fingerprinted?**

**Answer:** The data verifying that you have been fingerprinted is kept on file in the Diocesan Personnel Office for employees or, in the case of volunteers, in the Chancellor's Office. When an employee or volunteer fingerprinted under the Education Code leaves employment or service with the Diocese, the Diocese submits a "No Longer Interested" form to the Department of Justice stating it is no longer interested in receiving subsequent notification service on the person previously fingerprinted for employment, licensing, or certification. The Diocese does not receive subsequent notification service on employees or volunteers fingerprinted under the Penal Code. However, in either case, an individual who leaves and subsequently returns at a later time must have fingerprints redone.