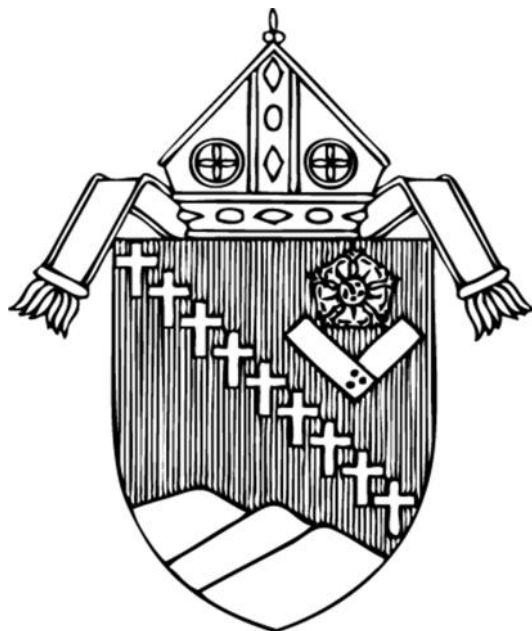


**MAINTAINING A SAFE ENVIRONMENT  
FOR CHILDREN, YOUTH, AND  
VULNERABLE ADULTS**



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## **Bishop's Pledge for the Protection of Children and Vulnerable Adults**

Dear Friends,

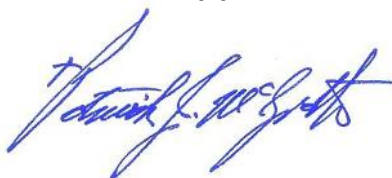
In June of 2002, when I joined with the bishops of the United States in adopting the *Charter for the Protection of Children and Young People*, we pledged to do everything we could to ensure that all children entrusted to our care would be kept safe. The bishops have most recently reaffirmed this commitment at our meeting in June 2012.

We continue to address the horror of sexual abuse of children, young people and vulnerable adults in our efforts to provide a “safe environment” in which all are protected and secure. We do so by screening and education and in the training that we offer to our employees, volunteers and parents and to all of the young who participate in our schools and catechetical programs. No one should ever have their trust betrayed by the very ones whose responsibility it is to protect them.

Human relationships are fundamental in our lives, just as they are for the ministry of the Catholic Church. Defining healthy boundaries and policies to maintain safe environments are meant to assist all Diocesan personnel and volunteers within the Diocese of San Jose to minister safely with consistent standards that will safeguard all children, minors, youth, and vulnerable adults, the well being of the communities we serve, and the integrity of the Catholic Church.

With every best wish and kind regard, I remain,

Sincerely yours,



Patrick J. McGrath  
Bishop of San Jose

## **The Mission of the Office for the Protection of Children and Vulnerable Adults**

The Office for the Protection of Children and Vulnerable Adults (OPCVA) is committed to fostering healthy relationships by educating, training, and screening all adults who have regular access to children, youth and vulnerable adults within the Diocese of San Jose for the purpose of preventing harm.

### **Principle**

The Diocese of San Jose is fully committed to protecting all, especially children, minors, and vulnerable adults.

It is the obligation of every Diocesan institution and Catholic school operating with recognition by the Bishop of San Jose to ensure that all personnel whose position or duties place them in regular contact with children, youth and vulnerable adults have complied with the Safe Environment requirements. Likewise, all personnel whose work in those Diocesan institutions and/or schools involves contact with children, youth and vulnerable adults must fully comply with these Safe Environment requirements.

### **Definitions**

“Diocesan institution” shall mean all parishes and other canonical juridical persons whose competent ecclesiastical superior is the Bishop of San Jose; all other civil corporations including parish corporations having the Bishop of San Jose as their presiding officer; and all programs, agencies and organizations sponsored by these canonical or civil entities.

“Schools operating with the permission of the Bishop” shall mean those religious order or private Catholic schools that have been recognized by the Bishop as a Catholic school in the Diocese of San Jose.

“Personnel” shall mean all persons (clergy, religious and laity) who are employed by, under personal contract of employment with, or volunteer in any Diocesan institution or school operating with the recognition of the Bishop.

“Safe Environment Requirements” shall mean the personal screening process established by the Diocese (fingerprinting or other background check), acknowledgement of receipt of the Diocesan Code of Conduct (or the equivalent), acknowledgement of receipt of the Diocesan Child Abuse Reporting Policy (or equivalent), and completion of the Safe Environment training program (*Shield the Vulnerable*, or equivalent).

“Minor” shall mean a person who has not reached full legal age (18 years old.)

“Vulnerable adult” shall mean a person 18 years of age or older whose ability to perform normal activities of daily living is impaired due to a mental, emotional, long-term physical or developmental disability or dysfunction, or brain damage, or the infirmities of aging.

“Contact with children, youth, and vulnerable adults” shall mean having direct supervision/oversight and the ability to engage in conversation.

## Forms of Background Evaluations

“Dioceses are to evaluate the background of all priests and deacons who are engaged in ministry in the diocese, and of all diocesan parish/school paid personnel and volunteers whose duties include ongoing, unsupervised contact with minors” *Promise to Protect; Pledge to Heal* – USCCB – 2002 (updated 2005) Article 13.

The Diocese of San Jose employs three types of criminal background evaluations:

1. **Live Scan Fingerprinting** (“education code”) involves taking electronic images of an individual’s fingerprints and submitting them to both the California Department of Justice and to the Federal Bureau of Investigation to obtain records of criminal activity, including subsequent arrest information. No financial data is provided to us.
2. **Professional Background Check** is conducted by an outside firm specializing in this type of investigation.
3. **Manual Review of Megan’s List**, an online database of sexual offenders, is conducted annually by each parish and school.

A guide for the implementation of the background evaluations for different Diocesan institutions is provided here. Please refer to the Appendix at the end of this document.

## Personnel who have "regular contact with children, minors, and/or vulnerable adults"

All personnel in every Diocesan institution or Catholic school who have regular contact with children, minors and/or vulnerable adults must comply with the Safe Environment Requirements. People shall be considered to have “regular contact” with children, minors/vulnerable adults if they participate in activities directly with minors/vulnerable adults on a routine or on-going basis, particularly if their involvement would permit them to be alone with a minor/vulnerable adult.

Certain job descriptions should always be deemed to have “regular contact with minors and/or vulnerable adults” including, but not limited to:

- All priests and deacons, whether serving a parish or not
- All school personnel (including school administrators and administrative staff, teachers, teacher aides, substitute teachers, school or classroom volunteers, guidance counselors)
- Athletic coaches and volunteers
- Youth Ministry Coordinators/Leaders
- Youth Ministers
- Youth Choir directors
- Parish Religious Education Program Coordinators
- Parish Religious Education Program Catechists/Assistants
- Liturgy of the Word with Children Coordinators
- Liturgy of the Word with Children Presiders (Leaders)/Assistants
- Children/Youth Catechists
- Children/Youth Catechetical aides
- Altar Server Coordinators
- Choir Directors/Music Ministers (working with minors)

- Custodians/Janitors
- Extraordinary Ministers of Holy Communion to homes and/or hospitals
- Pastoral Ministers to the sick and homebound
- Prayer group members who visit shut-ins
- Bereavement Ministry members
- Drivers of minors and vulnerable adults to/from/for parish/school events
- Persons who work with refugees that have been sponsored by parishes

Any person who is involved in any overnight activity with a child in any Diocesan institution or program, even if only on one occasion, shall be deemed to have “regular contact with minors”. This includes parents who will be involved in the overnight activity with their own children, if the activity also involves any other children whose parents will not be present.

### **Personnel who do not have “regular contact with minors and/or vulnerable adults”**

People should not be deemed to have “regular contact with minors/vulnerable adults” if:

- a. They participate in activities with minors/vulnerable adults only on an isolated, occasional or irregular basis; and
- b. Their involvement in the activity would not ordinarily permit them to be alone with a child/vulnerable adult; and
- c. They are under the direction of Diocesan (Chancery, parish, school) personnel who are in full compliance with the Safe Environment requirements and who are actually present at the activity. (Refer to *Risk Assessment* chart.)

Volunteers whose only contact with minors/vulnerable adults is in the course of sacred liturgy, should not, in the absence of other factors, be deemed to have “regular contact with minors or vulnerable adults.” These personnel include, but are not limited to: lectors, extraordinary ministers of Holy Communion, ushers, music ministers, cantors and leaders of song.

### **Factors to consider in determining if a person has "regular contact with minors or vulnerable adults"**

To determine whether a person’s contact with minors/vulnerable adults is “regular”, the following factors should be considered. If the answer to **one** of these questions is “yes”, then the person should be considered to have “regular contact with minors/vulnerable adults”.

- a. Is the person’s contact with minors/vulnerable adults **direct, usual, or frequent** (as opposed to incidental, irregular, occasional or infrequent)?
- b. Do the person’s duties frequently bring them into a school, or the location of a religious education program or youth program (including private homes)?
- c. Do the person’s duties permit them to have private face-to-face dealings with minors/vulnerable adults?
- d. Does the person have the opportunity to be with minors/vulnerable adults in private?
- e. Does the person ever have direct supervisory responsibility over minors/vulnerable adults?
- f. Do minors/vulnerable adults typically come into the person’s private workspace?

**If there is any doubt about whether a person’s contact with minors/vulnerable adults is “regular,” the question is to be resolved in favor of requiring the individual to comply with the Safe Environment requirements.**

## **Personnel who are in “regular contact with minors/vulnerable adults,” and who are under the age of 18**

Volunteers under the age of 18 themselves may be in regular contact with minors/vulnerable adults **only** if they are under the direct supervision of an adult who is in full compliance with the Safe Environment Requirements and who is on site with them at the time and place of their service.

Volunteers under the age of 18 must comply with the Safe Environment requirements as follows:

- a. Personnel who are 14 to 17 years of age must complete a Diocese-approved Safe Environment Program appropriate for their age level.
- b. Personnel under the age of 14 do not need to attend a training class, but they must be advised of the *Code of Conduct*, and must participate in the school’s or catechetical program’s Safe Environment awareness program.

## **Personnel who are in “regular contact with minors/vulnerable adults,” and who are 18 years of age or older**

Those who are high school students and 18 years of age must comply with the Safe Environment requirements for adults. The same risk assessment should be applied to them as to any other adult. Thus, some volunteer activities will require personal screening, while others will not.

### **Risk Assessment**

The Pastor, Minister of Parish Life (MPL), School Principal, Parish Administrator, Director of Catechetical Ministry, or equivalent, and/or a designated Safe Environment Coordinator must determine the level of risk associated with each activity, task, or job with respect to the ministry. Keeping in mind the respect and care of minors and vulnerable adults by volunteers, responsible administrators must assess the following:

- The participant
- The setting
- The nature of activity
- The nature of relationship

While risks may be termed as low or high, the main focus will be factors deemed “high risk.” These are guidelines to help you with your risk assessment and are not meant to be an exhaustive list of all potential risks. Examples of Low and High Risk include, but are not limited to the following criteria:

**Note: If uncertain of the risk level, screen as if it is high risk.**

<b>Category</b>	<b>Low</b>	<b>High</b>
<b>Participant</b>	Age 18 and above	<ul style="list-style-type: none"> <li>• Youth age 17 and under</li> <li>• Vulnerable adults</li> <li>• Temporary status immigrants</li> <li>• Refugees (For purposes of screening, refugees are regarded as vulnerable persons, regardless of their mental or physical condition)</li> </ul>
<b>Setting</b>	<ul style="list-style-type: none"> <li>• Large meeting room or hall</li> <li>• Gymnasium</li> <li>• Field (for athletics or other activities)</li> <li>• Church worship space</li> <li>• Outdoor playground</li> </ul>	<ul style="list-style-type: none"> <li>• Participant's home</li> <li>• Classrooms that have doors without windows</li> <li>• Off-site private or home meeting space.</li> <li>• Vehicle</li> <li>• Camping or retreat facilities</li> <li>• Meeting rooms</li> <li>• Closed door room, including nursing room</li> <li>• Restroom</li> </ul>
<b>Nature of Activity</b>	<ul style="list-style-type: none"> <li>• Large group instruction</li> <li>• Large gathered event</li> <li>• Mass</li> </ul>	<ul style="list-style-type: none"> <li>• One-on-one meeting or instruction</li> <li>• Youth ministry meeting</li> <li>• Counseling</li> <li>• Overnight activity</li> </ul>
<b>Nature of the Relationship</b>	<ul style="list-style-type: none"> <li>• Short-term</li> <li>• Non-intense</li> <li>• Casual and unfamiliar</li> </ul>	<ul style="list-style-type: none"> <li>• One-on-one relationship</li> <li>• High level of familiarity</li> <li>• High level of influence</li> </ul>

### **Designation of Responsible Administrators for Diocesan institutions**

Each Diocesan institution shall have a Responsible Administrator for the Safe Environment Program, as follows:

- a. The Pastor or Minister of Parish Life (MPL) of each parish shall be the Responsible Administrator for the Safe Environment program for all parish and catechetical programs and activities.
- b. The Principal (or equivalent officer) of each school shall be the Responsible Administrator for that school.
- c. The Director or Chief Executive Officer of other Diocesan agencies shall be the Responsible Administrator for that agency.



### **Personnel in Diocesan institutions who are employed by non-Diocesan agencies**

Personnel who are in *regular* contact with minors/vulnerable adults in Diocesan programs, but are employed by an outside agency (such as a cleaning contractor) or a public agency (such as a local school district), must meet the “Safe Environment Requirements” as defined in this policy statement.

### **Personnel from Outside Agencies that use Diocesan facilities**

Personnel who work with children, minors/vulnerable adults in programs or activities that are not sponsored or conducted by a Diocesan institution but use or rent facilities are not required to comply with the Safe Environment requirements. For example, volunteers and leaders of community sports programs or Girl Scouts that merely hold games at a parish's gym or have meetings in parish or school facilities are covered by the child protection requirements of those programs, and are not required to complete Diocesan Safe Environment Requirements.

### **Personnel Contracted with Outside Providers**

Outside providers who supervise or provide services, including entertainment, to minors, must meet the Safe Environment standards of this policy. This includes Carnival operators, who are responsible for guaranteeing the compliance of their employees.

Outside vendors who supervise or provide services to vulnerable adults must meet the Safe Environment standards of this policy.

## Appendix: Charts on Safe Environment Requirements

### **Chart 1: Parishes and Institutions of the Diocese of San Jose**

**Note: If uncertain of the risk level, screen as if it is high risk.**

<b>Population</b>	<b>Live Scan Finger- printing</b>	<b>Professional Background check</b>	<b>Annual Megan's Law List Review</b>	<b>Shield the Vulnerable (On-line) or Live training as applicable</b>
Clergy (including deacon, religious, Seminarian)	√			√
All DSJ Employees	√			√
Volunteers in high risk positions with regular contact with children or vulnerable adults	√			√
Volunteers in low-risk positions with regular contact with children or vulnerable adults		√	√	√
Volunteers in low-risk positions without regular contact with children or vulnerable adults			√	√
Volunteers (ministers to the elderly, sick, and homebound)	√			√
Volunteers at Festivals			√	
Guest speakers, Workshop leaders			√	
Teen Leaders (under 18 years of age with contact with children, youth, and vulnerable adults)				√
K-12 students				√

## Chart 2: Secondary Schools

**Note: If uncertain of the risk level, screen as if it is high risk.**

<b>Population</b>	<b>Live Scan Fingerprinting</b>	<b>Professional Background check</b>	<b>Annual Megan's Law List Review</b>	<b>Shield the Vulnerable (On-line) or Live training</b>	<b>Not Required</b>
Clergy (including deacon, religious, Seminarian)	√			√	
All School Employees	√			√	
Youth Retreat Directors, non-school personnel	√			√	
Retreat Directors for faculty/staff, non-school personnel					√
Volunteers in high risk jobs with regular contact with children or vulnerable adults	√			√	
Volunteers in low-risk positions with regular contact with children or vulnerable adults		√	√	√	
Volunteers in low-risk jobs without regular contact with children or vulnerable adults (e.g., mailings, collections)			√	√	
Event Volunteers in low-risk, one-time settings with children present (e.g. Auctions, Carnivals, Fashion shows)			√		

**Chart 2: Secondary Schools (continued)**

**Note: If uncertain of the risk level, screen as if it is high risk.**

<b>Population</b>	<b>Live Scan Fingerprinting</b>	<b>Professional Background check</b>	<b>Annual Megan's Law List Review</b>	<b>Shield the Vulnerable (On-line) or Live training</b>	<b>Not Required</b>
Event Volunteers in low-risk settings in <b>public forums</b> (game ticket sellers, timers at athletic events, concession booths at games)					√
Guest speakers, guest performers for student audiences			√		
College Representatives					√
Vendors with regular service to the campus and non-regular contact with students			√		
Vendors with non-regular service to the campus and no personal contact with students					√

### Chart 3: Elementary Schools

**Note: If uncertain of the risk level, screen as if it is high risk.**

<b>Population</b>	<b>Live Scan Finger- printing</b>	<b>Professional Background check</b>	<b>Annual Megan’s Law List Review</b>	<b>Shield the Vulnerable (On-line) or Live training</b>	<b>Not Required</b>
Clergy (including priests, deacons, seminarians)	√			√	
All School Employees	√			√	
<b>Youth</b> Retreat Directors, non-school personnel	√			√	
<b>Adult</b> Retreat Directors, non-school personnel					√
Volunteers in high risk positions with regular contact with children/vulnerable adults (e.g., Field trip drivers)	√			√	
Volunteers in low-risk positions with regular contact with children or vulnerable adults		√	√	√	
Volunteers in low-risk jobs without regular contact with children/vulnerable adults (e.g., \$\$ counters, at-home volunteering tasks)			√	√	
Event Volunteers in low-risk, one-time settings with children present  (e.g. Auction, Carnival)			√		
Event Volunteers in low-risk settings in <b>public forums</b>  (game ticket sellers, non-regular timers at athletic events, “snack shack volunteers)					√
Guest speakers, guest performers for student audiences			√		

**Chart 3: Elementary Schools (continued)**

**Note: If uncertain of the risk level, screen as if it is high risk.**

<b>Population</b>	<b>Live Scan Finger- printing</b>	<b>Professional Background check</b>	<b>Annual Megan's Law List Review</b>	<b>Shield the Vulnerable (On-line) or Live training</b>	<b>Not Required</b>
Visiting High School Representatives					√
Vendors with regular service to the campus and non- regular contact with students			√		
Vendors with non-regular service to the campus and no personal contact with students					√