

St. Mary, Queen of Peace, Syro-Malankara Catholic Eparchy in USA & Canada



Policies and Procedures Regarding Sexual Abuse of Minors by Priests, Deacons, and Other Church Personnel

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Table of Contents

Introduction.....	2
1. Definition	3
2. Response	3
3. Review Board	3
Board Functions	3
4. Reporting.....	4
5. Investigation	4
6. Ministry/Service Termination.....	5
7. Prevention.....	6
8. Screening	7
9. Code of Conduct and Integrity for Church Personnel.....	8
General Norms	8
10. Conduct for Pastoral Counselors and Spiritual Directors.....	9
Confidentiality.....	10
11. Code of Conduct for Priests, Staff and Volunteers	11
1. Preamble.....	11
2. Responsibility	11
3. Conduct with Youth.....	11
4. Sexual Conduct.....	12
5. Harassment.....	12
12. Code of Conduct for Volunteers	13
13. Reporting Ethical or Professional Misconduct	14
14. Administration	14
15. Staff or Volunteer well-being.....	15
16. Eparchial Policy on Criminal History Background Checks	15
Purpose	15
1. General policy regarding screening:.....	15
2. Procedure:	15

Introduction

On June 14, 2002, the Catholic Bishops of the United States approved the Charter for the Protection of Children and Young People. This Charter, along with Essential Norms for Diocesan/Eparchial Policies Dealing with Allegations of Sexual Abuse of Minors by Priests, Deacons, Church Personnel, and the Volunteers, established the manner in which the Catholic Church in the United States will address matters related to the sexual abuse of minors, in accord with canon law and the approval of the Holy See. The approval of the Congregation for Bishops on December 8, 2002, revised and established these Essential Norms as particular law for the United States Dioceses/Eparchies.

To carry out this policy, the Bishop of the Eparchy has appointed a Delegate to coordinate and implement this policy. The Review Board is to assist in the implementation of this policy. To assist the Delegate, a Victim Assistance Coordinator will be selected who will receive initial calls, obtain necessary background information, and coordinate assistance to victims. In accord with the Charter, the Essential Norms, and the requirements of the Clergy Reporting Law of the various states where Malankara Catholic Parishes & Missions are located, all allegations of sexual abuse of minors and criminal sexual conduct involving priests, deacons, Church personnel and volunteers will be reported to the to appropriate law enforcement agencies as required by law. Any communications between the Eparchy and civil officials will be made by the Delegate through legal counsel. In addition, all provisions of civil law will be observed regarding the reporting of abuse or neglect of minors. Cooperation of Eparchial officials is ensured with civil authorities in this regard.

In the event the agency or county prosecutor decides not to investigate a complaint, or in other special circumstances, the Eparchy may engage the services of an independent investigator to provide a report to the Board for its review and recommendation.

Saint Mary Queen of Peace Syro-Malankara Catholic Eparchy in the USA and Canada considers the welfare and protection of our children a sacred responsibility. The Eparchy hereby promulgates the following Eparchial norms as an implementation of Essential norms for Eparchial Policies Dealing with Allegations of Sexual Abuse of Minors by Priests, Deacons, Other Church Personnel and Volunteers approved by the Congregation for Bishops on December 8, 2002.

1. Definition

Sexual Abuse of a minor includes sexual molestation or sexual exploitation of a minor and other behaviour by which an adult uses a minor as an object of sexual gratification. The norm to be considered in assessing an allegation of sexual abuse of a minor is whether conduct or interaction with a minor qualifies as an external, objectively grave violation of the sixth commandment.

Sexual abuse also is defined to include acquiring, possessing, or distributing child pornography; and sexual abuse which involves an adult who habitually lacks the use of reason.

2. Response

The healing of victims, their families, and their community from the effects of sexual abuse by Church leaders begins when the allegations of such abuse are received. When victims decide to disclose the abuse, the response they receive must be compassionate and non-judgmental.

Anyone receiving an allegation of abuse will respond in a pastoral, supportive manner, leaving investigative concerns to those who serve in that role. An allegation will be received without initial judgment as to the truth of the complaint. No intimation of blame will be made by the initial recipient of the information. Individuals making allegations will be supported positively in their decision to disclose.

The Eparchial Bishop will designate a competent person to coordinate assistance for the immediate pastoral care of persons who claim to have been sexually abused when they were minors by priests or deacons. This “Victim Assistance Coordinator” will assess and respond to the immediate and long-term needs of the alleged victim and family, the alleged offender, parish communities and others that are affected by the disclosure of sex abuse. The Victim Assistance Coordinator will serve as a consultant to the Eparchial Bishop and the review board regarding the treatment needs of clients.

3. Review Board

The review board is a predominantly lay board composed of a variety of professionals duly appointed to assist the Bishop in a strictly confidential consultative capacity. The board will consist of five members of outstanding integrity and good judgment in full communion with the Church. The majority of the board will be lay persons who are not employed by the Eparchy. It will have no final, decision-making authority, which authority will continue to reside exclusively with the Eparchial Bishop.

Board Functions

1. To advise the Eparchial Bishop in his assessment of allegations of sexual abuse of minors and in his determination of suitability for ministry.
2. To review Eparchial policies for dealing with sexual abuse of minors.
3. To offer advice on all aspects of sexual abuse cases, whether retrospectively or prospectively.

4. Reporting

In all cases of alleged or suspected or known child abuse committed by a cleric, the eparchy will comply with all applicable civil laws in respect to reporting the allegations and will cooperate with civil authorities in the investigation.

Any cleric, who knows from the external forum that a minor has been sexually abused, is required to report that knowledge or suspicion to the Eparchial Bishop and to the civil authorities in accordance with the norms of canon law.

5. Investigation

When an allegation of sexual abuse of a minor by a priest, deacon, Church personnel and volunteer is received, a preliminary investigation in harmony with canon law will be initiated and conducted promptly and objectively (Code of Canons of the Eastern Churches [*CCEO*], c.1468).

The purpose of the eparchial investigation is to ensure that the bishop has a complete thorough and accurate report of the alleged incident. The investigation will be conducted by an investigator appointed by the review board. The investigator will report his findings in writing to the Eparchial Bishop and to the review board.

- The accused will immediately be called by the eparchial Bishop and made aware of the allegation against him and the identity of the accuser. The accused will remain in his position until the initial investigation is completed, which is to be done as expeditiously as possible. All appropriate steps shall be taken to protect the reputation of the accused and the accuser during the investigation. The accused will be encouraged to retain the assistance of civil and canonical counsel and will be promptly notified of the results of the investigation.
- When there is sufficient evidence that sexual abuse of a minor has occurred, the eparchial bishop will notify the congregation of the Doctrine of the Faith. The Eparchial Bishop shall then apply the precautionary measures mentioned in *CCEO*, c. 1473 – that is, remove the alleged offender from the sacred ministry or from any ecclesiastical office or function. The bishop may impose or prohibit residence in a given place or territory and prohibit the public participation in the Most Holy Eucharist pending the outcome of the process.
- In every case involving canonical penalties, the processes provided for in canon law will be observed, and the various provisions of canon law will be considered. **(1)** Unless the Congregation of the Doctrine of the Faith, having been notified, calls the case to itself because of special circumstances, the Eparchial Bishop will follow the directions of the Congregation on how to proceed. **(2)** If the case would otherwise be barred by prescription because sexual abuse of a minor is a grave offence, the Eparchial Bishop shall apply to the Congregation for the Doctrine of the Faith for a dispensation from the prescription, while indicating appropriate pastoral reasons.

- For the sake of due process, the accused is encouraged to retain the assistance of civil and canonical counsel. When necessary, the eparchy will supply canonical counsel to the cleric.
- The Eparchy will conduct a judicial process of the case according to the appropriate canons and practices of the Church.
- The alleged offender may be requested to seek and may be urged voluntarily to comply with, an appropriate medical and psychological evaluation at a facility mutually acceptable to the Eparchy and the accused.
- In every instance, the Eparchy will advise and support a person's right to make a report to public authorities.
- The Eparchy will be open and transparent in communicating with the public about the sexual abuse of minors by clergy within the confines of respect for the privacy and the reputation of the individuals involved. This is especially so with regard to informing parish and other church communities directly affected by the sexual abuse of a minor.

6. Ministry/Service Termination

- No cleric removed from an eparchial position for allegations of sexual abuse of a minor will return to ministry or service before their case is assessed and fitness is determined by the Eparchial Bishop in consultation with the review board. The safety of children is the paramount consideration governing the formation of recommendations regarding the future ministry of one accused of abuse.
- An allegation of sexual abuse of a minor made against a cleric will be deemed established if, with due respect for the provisions of canon law:
- The accused individual admits to conduct defined by this policy as sexual abuse; or
- A civil court of criminal law finds the accused guilty of a crime that consists of conduct defined by this policy as sexual abuse, or the accused pleads guilty or no contest to a crime that consists of conduct defined by this policy as sexual abuse; or
- The appropriate church tribunal finds the accused guilty of the crime.
- When an act of sexual abuse by a priest or deacon is admitted or is established after an appropriate process in accord with canon law, the offending priest will be removed from ecclesiastical ministry, not excluding dismissal from the clerical state if the case so warrants.
- If the penalty of dismissal from the clerical state has not been applied (e.g., for reasons of advanced age or infirmity), the offender ought to lead a life of prayer and penance.

He will not be permitted to celebrate the Divine Liturgy publicly or to administer the mysteries. He will be instructed not to wear clerical garb or present himself publicly as a priest.

- At all times, the Eparchial Bishop has the executive power of clerical governance, through an administrative act, to remove an offending cleric from office, to remove or restrict his faculties, and to limit his exercise of priestly ministry. For the sake of the common good and observing the provisions of canon law, the Eparchial Bishop shall exercise this power of governance to ensure that any priest who has committed an act of sexual abuse of a minor as described above shall not continue in the active ministry.
- The priest or deacon may at any time request a dispensation from the obligations of the clerical state. In exceptional cases, the Eparchial Bishop may request of the Holy Father the dismissal of the priest from the clerical state *ex officio*, even without the consent of the priest.
- Care will always be taken to protect the rights of all parties involved, particularly those of the person claiming to have been sexually abused and the person against whom the charge has been made. When an accusation has proved to be unfounded, every step possible will be taken by the bishop to restore the good name of the priest or deacon falsely accused.
- No priest or deacon who has committed an act of sexual abuse of a minor will be transferred for ministerial assignment to another eparchy/diocese or religious province.
- Before a priest or deacon is transferred for residence to another eparchy/diocese or religious province, the Eparchial Bishop shall forward, in a confidential manner, to the local eparch/bishop or religious ordinary of the proposed place of residence any and all information concerning any act of sexual abuse of a minor and any other information indicating that he has been or may be a danger to children or young people.
- The Eparchial Bishop will not consider receiving a priest into the eparchy from another jurisdiction without previously obtaining the necessary information regarding the moral and civil record of the priest or deacon in question.

7. Prevention

The Eparchy of Saint Mary Queen of Peace will publish a Code of Conduct in ministry to be adhered to by all the clergy and persons in positions of trust in the Eparchy. All eparchial programs designed to certify clerics, eparchial employees, and volunteers who serve children on a regular basis will include segments that address child sexual abuse. The training curriculum will include information concerning signs and symptoms, dynamics of child abuse, the impact of child abuse, intervention strategies, reporting requirements and community resources.

8. Screening

The Eparchy will study the psychological screening currently undertaken to assess all potential candidates for the priesthood and diaconate. The tests given will be reviewed from the perspective of identifying to the extent possible, potential problems in the area of sexuality. Problem candidates will be disqualified.

9. Code of Conduct and Integrity for Church Personnel

Church personnel includes priests, seminarians, all paid staff, and volunteers who are employed by or work in Eparchial parishes or institutions.

General Norms

- Church personnel will exhibit the highest Christian ethical standards and personal integrity.
- Church personnel will conduct themselves in a manner that is consistent with the discipline and teaching of the Catholic Church.
- Church personnel will not physically, sexually, or emotionally abuse a minor or an adult.
- Church personnel will not engage in physical, psychological, written, or verbal harassment of employees, volunteers, or parishioners and will not tolerate such harassment by other Church personnel.
- Church personnel shall provide a professional work environment that is free from physical, psychological, written, or verbal intimidation or harassment.
- Church personnel shall not engage in sexual intimacies with the persons they counsel. This includes consensual contact, forced physical contact and sexually explicit conversations not related to counselling issues.
- Church personnel assume the full burden for setting and maintaining clear, appropriate boundaries in all counselling and counselling-related relationships. No counselling sessions should be conducted in private living quarters.
- Church personnel will share concerns about suspicious or inappropriate behaviour with their pastor, the Vicar-General of the Eparchy, or the Eparchial Bishop.
- Church personnel will report any suspected abuse to the proper civil authorities.
- Church personnel will accept their personal responsibility to protect minors and adults from all forms of abuse.

10. Conduct for Pastoral Counselors and Spiritual Directors¹²

Pastoral Counselors and Spiritual Directors must respect the rights and advance the welfare of each person.

- 1.1** Pastoral Counselors and Spiritual Directors shall not step beyond their competence in counselling situations and shall refer clients to other professionals when appropriate.
- 1.2** Pastoral Counselors and Spiritual Directors should carefully consider the possible consequences before entering into a counselling relationship with someone with whom they have a pre-existing relationship (i.e., employee, professional colleague, friend, or other pre-existing relationship). [See Section 7.2.2]
 - 1.2.1** Pastoral counsellors should not provide counselling services to anyone with whom they have a business, professional, or social relationship. When this is unavoidable, the client must be protected. The counsellor must establish and maintain clear, appropriate boundaries.
- 1.3** Pastoral Counselors and Spiritual Directors should not audiotape or videotape sessions.
- 1.4** Pastoral Counselors and Spiritual Directors must never engage in sexual intimacies with the persons they counsel. This includes consensual and non-consensual contact, forced physical contact, and inappropriate sexual comments.
- 1.5** Pastoral Counselors and Spiritual Directors shall not engage in sexual intimacies with individuals who are close to the client—such as relatives or friends of the client—when there is a risk of exploitation or potential harm to the client. Pastoral Counselors and Spiritual Directors should presume that the potential for exploitation or harm exists in such intimate relationships.
- 1.6** Pastoral Counselors and Spiritual Directors assume the full burden of responsibility for establishing and maintaining clear, appropriate boundaries in all counselling and counselling-related relationships.
- 1.7** Physical contact of any kind (i.e., touching, hugging, holding) between Pastoral Counselors or Spiritual Directors and the persons they counsel can be misconstrued and should be avoided.
- 1.8** Sessions should be conducted in appropriate settings at appropriate times.
 - 1.8.1** No sessions should be conducted in private living quarters.

¹ Pastoral Counselors and Spiritual Directors: Clergy, staff, and volunteers who provide pastoral, spiritual, and/or therapeutic counseling services to individuals, families, or other groups.

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1.8.2 Sessions should not be held at places or times that would tend to cause confusion about the nature of the relationship for the person being counselled.

1.9 Pastoral Counselors and Spiritual Directors shall maintain a log of the times and places of sessions with each person being counselled.

Confidentiality

Information disclosed to a Pastoral Counselor or Spiritual Director during the course of counselling, advising, or spiritual direction shall be held in the strictest confidence possible.

2.1 Information obtained in the course of sessions shall be confidential, except for compelling professional reasons or as required by law.

2.1.1 If there is clear and imminent danger to the client or to others, the Pastoral Counselor or Spiritual Director may disclose only the information necessary to protect the parties affected and to prevent harm.

2.1.2 Before disclosure is made, if feasible, the Pastoral Counselor or Spiritual Director should inform the person being counselled about the disclosure and the potential consequences.

2.2 Pastoral Counselors and Spiritual Directors should discuss the nature of confidentiality and its limitations with each person in counselling.

2.3 Pastoral Counselors and Spiritual Directors should keep minimal records of the content of sessions.

2.4 Knowledge that arises from professional contact may be used in teaching, writing, homilies, or other public presentations only when effective measures are taken to absolutely safeguard both the individual's identity and the confidentiality of the disclosures.

2.5 While counselling a minor, if a Pastoral Counselor or Spiritual Director discovers that there is a serious threat to the welfare of the minor and that communication of confidential information to a parent or legal guardian is essential to the child's health and well-being, the Counselor or Spiritual Director should:

- Attempt to secure written consent from the minor for the specific disclosure.
- If consent is not given, disclose only the information necessary to protect the health and well-being of the minor.

Consultation with the appropriate Church supervisory personnel is required before disclosure.

These obligations are independent of the confidentiality of the confessional. Under no circumstances whatsoever can there be any disclosure—even indirect disclosure—of information received through the confessional.

11. Code of Conduct for Priests, Staff and Volunteers

1. Preamble

Priests, deacons, staff and volunteers in our parishes, religious communities/institutes and organizations must uphold Christian values and conduct. This Code of Pastoral Conduct for Priests, Deacons, Administrators, Staff and Volunteers provides a set of standards for conduct in certain pastoral situations.

2. Responsibility

The public and private conduct of clergy, staff and volunteers can inspire and motivate people, but it can also scandalize and undermine the people's faith. Clergy, staff, and volunteers must, at all times, be aware of the responsibilities that accompany their work. They must also know that God's goodness and grace support them in their ministry. Responsibility for adherence to the Code of Pastoral Conduct rests with the individual. Those who disregard this Code of Pastoral Conduct do so at their own risk and will be held responsible by the parish, the religious community/institute, the school, the Eparchy, and others. Corrective action may take various forms depending on the specific nature and circumstances of the offence and the extent of the harm.

3. Conduct with Youth

Clergy, staff, and volunteers working with youth shall maintain an open and trustworthy relationship between youth and adult supervisors.

1. Clergy, staff, and volunteers must be aware of their own and others' vulnerability when working alone with youth. Use a team approach to manage youth activities.
2. Physical contact with youth can be misconstrued and should occur (a) only when completely nonsexual and otherwise appropriate, and (b) never in private.
3. Clergy, staff, and volunteers should always refrain from (a) the illegal possession and/or illegal use of drugs and/or alcohol, and (b) the use of alcohol when working with youth.
4. Clergy should not allow individual young people to stay overnight in the cleric's private accommodations or residence.
5. Staff and volunteers should not provide shared, private, overnight accommodations for individual young people, including, but not limited to, accommodations in any Church-owned facility, private residence, hotel room or any other place where there is no other adult supervision present.
 - In rare, emergency situations when accommodations are necessary for the health and well-being of the youth, the clergy, staff, or volunteer should take extraordinary care to protect all parties from the appearance of impropriety and from all risk of harm.
 - Use a team approach to manage emergency situations.

4. Sexual Conduct

Clergy, staff, and volunteers must not, for sexual gain or intimacy, exploit the trust placed in them by the faith community.

1. Clergy, religious, staff and volunteers who are committed to a celibate lifestyle are called to be an example of celibate chastity in all relationships at all times.
2. Staff and volunteers who provide pastoral counselling or spiritual direction services must avoid developing intimate relationships with minors and inappropriate intimate relationships with other staff or parishioners. Staff and volunteers must always behave in a professional manner.
3. No clergy, staff or volunteer may exploit another person for sexual purposes.
4. Allegations of sexual misconduct should be taken seriously and reported to the appropriate person in the parish (pastor), community/institute (religious superior), Eparchy (Vicar General or Chancellor) or organization (director) and to civil authorities, if the situation involves a minor.
 - Canon and civil law procedures will be followed to protect the rights of all involved.
5. Clergy, staff, and volunteers should review and know the contents of the child abuse regulations and reporting requirements for the state in which they reside (e.g.: New York or Texas) and should follow those mandates.

5. Harassment

Clergy, staff, and volunteers must not engage in physical, psychological, written, or verbal harassment of staff, volunteers or parishioners and must not tolerate such harassment by other Church staff or volunteers.

1. Clergy, staff, and volunteers shall provide a professional work environment that is free from physical, psychological, written, or verbal intimidation or harassment.
2. Harassment encompasses a broad range of physical, written, or verbal behaviour, including, but not limited to, the following:
 - Physical or mental abuse.
 - Racial insults.
 - Derogatory ethnic slurs.
 - Unwelcome sexual advances.
 - Sexual comments or sexual jokes.
 - Requests for sexual favours used as:
 - i. a condition of employment, or
 - ii. to affect other personnel decisions, such as promotion or compensation.
 - Display of offensive materials.

3. Harassment can be a single severe incident or a persistent pattern of behaviour where the purpose or the effect is to create a hostile, offensive or intimidating work environment
4. Allegations of harassment should be taken seriously and reported immediately to the appropriate person in the parish (pastor), community/institute (religious superior), Eparchy (bishop) or organization (director).
5. Canon and civil law procedures will be followed to protect the rights of all involved.

12. Code of Conduct for Volunteers

Our children are the most important gifts God has entrusted to us. A volunteer must strictly follow the rules and guidelines in this *Code of Conduct for Volunteers* as a condition of providing services to the children and youth of our Eparchy.

A volunteer must:

- Treat everyone with respect, loyalty, patience, integrity, courtesy, dignity, and consideration.
- Avoid situations where he or she is alone with children and/or youth at Church activities.
- Use positive reinforcement rather than criticism, competition or comparison when working with children and/or youth.
- Refuse to accept expensive gifts from children, youth, or their parents without prior written approval from the pastor or administrator.
- Refrain from giving expensive gifts to children and/or youth without prior written approval from the parents or guardian and the pastor or administrator.
- Report suspected abuse to the pastor, administrator or appropriate supervisor and the local Child Protection Services agency. Failure to report suspected abuse to civil authorities is, according to the law, a misdemeanour.
- Cooperate fully in any investigation of abuse of children and/or youth.

A volunteer must NOT:

- Smoke or use tobacco products in the presence of children and/or youth.
- Use, possess or be under the influence of alcohol at any time while volunteering.
- Use, possess or be under the influence of illegal drugs at any time.
- Pose any health risk to children and/or youth through fevers or other contagious situations.
- Strike, spank, shake or slap children and/or youth.
- Humiliate, ridicule, threaten or degrade children and/or youth.
- Touch a child and/or youth in a sexual or other inappropriate manner.
- Use any discipline that frightens or humiliates children and/or youth.
- Use profanity in the presence of children and/or youth.

A volunteer working with children and/or youth is subject to a thorough background check, including criminal history. Any action inconsistent with this Code of Pastoral Conduct or failure

to take action mandated by this Code of Pastoral Conduct may result in removal as a volunteer with children and/or youth.

13. Reporting Ethical or Professional Misconduct

Clergy, staff, and volunteers have a duty to report their own ethical or professional misconduct and the misconduct of others.

1. Clergy, staff, and volunteers must hold each other accountable for maintaining the highest ethical and professional standards. Indications of illegal actions by clergy, staff or volunteers must be reported immediately to the proper civil authorities, as well as to the Eparchy (bishop), parish (pastor), religious community/institute (religious superior) or organization (director).
2. When an uncertainty exists about whether a situation or course of conduct violates this *Code of Pastoral Conduct* or other religious, moral, or ethical principles, consult with one of the following:
 - Peers.
 - Others knowledgeable about ethical issues.
3. When it appears that a member of the clergy, a staff member or a volunteer has violated this *Code of Pastoral Conduct* or other religious, moral, or ethical principles:
 - Report the issue to a supervisor or next higher authority, or
 - Refer the matter directly to the Chancery office or the responsible administrative authority for the religious community/institute or organization.
4. The obligation of pastoral counsellors and spiritual directors to report client misconduct is subject to the duty of confidentiality. However, any agreement or duty to maintain confidentiality must yield to the need to report misconduct that threatens the safety, health, or well-being of any of the persons involved.

14. Administration

Employers and supervisors shall treat clergy, staff, and volunteers justly in the day-to-day administrative operations of their ministries.

1. Personnel and other administrative decisions made by clergy, staff and volunteers shall meet civil and canon law obligations and also reflect Catholic social teachings and this *Code of Pastoral Conduct*.
2. No clergy, staff or volunteer shall use his or her position to exercise unreasonable or inappropriate power and authority.
3. Each volunteer providing service to children and youth must read the *Code of Conduct for Volunteers* before providing services.

15. Staff or Volunteer well-being

Clergy, staff, and volunteers have the duty to be responsible for their own spiritual, physical, mental, and emotional health.

1. Clergy, staff, and volunteers should be aware of warning signs that indicate potential problems with their own spiritual, physical, mental and/or emotional health.
2. Clergy, staff, and volunteers should seek help immediately whenever they notice behavioural or emotional warning signs in their own professional and/or personal lives.
3. Clergy, staff, and volunteers must address their own spiritual needs. Support from a spiritual director is highly recommended.
4. Inappropriate or illegal use of alcohol and drugs is prohibited.

16. Eparchial Policy on Criminal History Background Checks

Purpose: The Saint Mary Queen of Peace Syro-Malankara Catholic Eparchy in the USA & Canada values the safety of children in its care, its employees and volunteers, and the people whom it serves. Accordingly, the Eparchy must take prudent measures to protect its human and material resources. Effectively, the Eparchy bishop mandates that criminal history background checks be conducted for all church personnel as well as volunteers working in any parish or Eparchial institution who have unsupervised contact with a child, the elderly, or persons with disabilities. Criminal history background checks are required in addition to proper screening, interviewing and reference checks conducted by all hiring agents. The Eparchy accepts all Safe Environment training programs (provided that it is recognized by the United States (USCCB) or Canadian Conference of Catholic Bishops (CCCB) and background screenings from Latin rite Dioceses and other Eastern Catholic eparchies in the USA & Canada.

1. General policy regarding screening:

- A. All paid Church personnel (clergy, religious and lay) including those paid by stipend shall have a criminal history background check whether they provide services to the Eparchy, parish, or other Eparchial institution, if they have unsupervised contact with a child, the elderly, or persons with disabilities.
- B. Volunteers who regularly are entrusted with unsupervised contact with a child, the elderly, or persons with disabilities shall have a criminal history background check.

2. Procedure:

- A. **Time:** At the time of application for employment or assignment or request to volunteer, the Applicants shall be provided with a copy of this policy. Incumbent Church personnel and volunteers will be provided with a copy of this policy at the time their names are checked.

- B. Requirement:** A criminal history background check is a condition for employment or volunteering. Noncompliance with the policy will result in loss of employment or volunteer position.
- C. Frequency:** Incumbent Church personnel and volunteers must be screened every five years, on their anniversary date.

Responsible Agent: Requests for a criminal history background check will be handled by Sterling Volunteers, the company contracted by the Eparchy to conduct background checks.

Cost: The hiring department, parish, or the Eparchy will cover the cost of the background search.

Discovery of Criminal Activity: Upon the discovery of a criminal conviction related to the work/volunteer position, the parish, or Eparchial institution shall immediately consult with the Eparchial office. All information received during the background check will be kept confidential by the requesting department and filed permanently at the institution.

- A.** The requesting department shall maintain the strictest verbal confidentiality and placement of any printed material regarding the individual until after the consultation. All laws protecting the employee must be adhered to.
- B.** A final determination regarding the future service of the Church personnel or volunteer will be made by the Parish Priest and the Director of the Eparchial institution in consultation with the bishop.