

United Episcopal Church *of North America*

▪ Missionary Diocese of the South and Ozarks ▪

Policy on Criminal Background Checks

Effective January 1, 2024

- Purpose** This policy for the Missionary Diocese of the South and Ozarks implements diocesan Canon 12, requiring criminal background checks for all licensed clergy and lay ministers, trainees, postulants, and candidates.
- Definitions**
- Background Check Service: A vendor that performs criminal background checks on behalf of the diocese.
- Criminal Background Check: A search of national, state, and local records of a subject's criminal history.
- Screening: The criminal background check process.
- Screening Committee: A committee that facilitates screenings.
- Subject: The person required to undergo a criminal background check.
- Administration**
1. The diocesan Standing Committee shall select a background check service to provide affordable criminal background checks.
 2. The Screening Committee, composed of the Bishop and Examining Chaplains, shall facilitate the submission of background checks and review of criminal history reports provided by the background check service.
 3. When a Screening Committee member is the subject of a background check, he shall be temporarily replaced on the Screening Committee by a member of the Standing Committee.
 4. The subject is responsible for paying fees required by the background check service.
- Screening**
1. The Screening Committee will direct subjects in the process of submitting personal information to the background check service.
 2. Personal information for screenings shall be submitted directly to the background check service, not to the Screening Committee.
 3. The subject must give prior consent to the background check service for the use of his personal information in screening and for the release of the report to the diocese. Failure to provide this consent will be considered a failure to participate in screening.

4. The background check service will provide the subject and the Screening Committee with a report of the subject's background check.
5. If no criminal history is reported, the Screening Committee shall verify to the Standing Committee that screening has been completed for the subject.
6. If the subject contests the accuracy of the criminal history report, he may challenge the report with the background check service. No further action shall be taken by the Screening Committee until the background check service has confirmed or corrected the report.
7. An unchallenged or confirmed criminal history shall be adjudicated per this policy.

Adjudication of Misdemeanors

1. If a criminal history of convictions of only misdemeanor offenses is reported, the Screening Committee shall review the history and nature of the offenses to assess whether an inappropriate pattern of behavior is evidenced.
2. If the Screening Committee concludes that no inappropriate pattern of behavior is evidenced, it shall verify to the Standing Committee that screening has been completed and reviewed for the subject.
3. If the Screening Committee is concerned that an ungodly pattern of behavior is evidenced, it shall refer the matter for further review by the Standing Committee, which shall review the matter per the policy section on Adjudication of Felonies.

Adjudication of Felonies

1. If a criminal history is reported that includes any felony offense, the Screening Committee shall refer the matter to the Standing Committee.
2. A criminal history of conviction for any of the following felony offenses shall be grounds for dismissal from training, postulancy, or candidacy; for suspension from licensed ministry; and/or for trial under the canons of the diocese and the United Episcopal Church:
 - a. murder, manslaughter;
 - b. rape, sexual assault, sexual battery.
3. Excluding the foregoing felony offenses, the Standing Committee shall review the subject's criminal history, considering the following:
 - a. the nature and seriousness of an offense;
 - b. the circumstances under which an offense occurred;
 - c. the time elapsed since an offense occurred and the subject's pattern of behavior since;
 - d. the likelihood that the subject will repeat an offense;
 - e. other evidence regarding the subject's fitness for ministry.
4. Upon completion of its review of the subject's criminal history, the Standing Committee may pursue such action as is appropriate for the safeguarding of congregations and in accord with the canons of the diocese and the United Episcopal Church.

- Confidentiality**
1. The diocese shall maintain confidential control of criminal history reports provided by the background check service.
 - a. Any printed report shall be stored within a locked container with restricted access.
 - b. Any digital report shall be encrypted and restricted by password.
 2. The diocese may disclose criminal history reports only to law enforcement, criminal prosecutors, legal counsel of the diocese or of the United Episcopal Church, or as required by law or a court of competent jurisdiction.

Approval History December 5, 2023: Standing Committee adopted this policy, with an effective date of January 1, 2024.