

SUGGESTED GUIDE

CRIMINAL BACKGROUND CHECK

You may wish to use the sample that follows as a guide in developing a policy for Criminal Background Checks for prospective employees and volunteers. This sample has been compiled from those in use by a number of churches and organizations. Improve it, change it, and use it any way that works for your church or organization.

You will want to pull together a committee or team to develop a final product. The committee or team should be widely representative of your organization. This is an important assignment and should not be rushed. Prayerful consideration should be given to what should go into the document, and what should be omitted.

Keep the document as simple as possible. Avoid complicated statements that are easily misunderstood. This is not easy to do; but it is possible with care. This document will enable your organization to accomplish its purpose and mission with some assurance that you have done everything possible to safeguard those you work with.

Keep this document up to date. It should be working documents, not items for the archives only. Provide for their periodic review and essential modification.

Every effort should be made to insure the security and safety of the most vulnerable in our churches and related organizations. Every organization that works with children, youth, or special need individuals needs to exercise "due diligence" when it comes to employees and volunteers. The following document will guide you through the process.

Remember, this is only a guide! Adjust the language and content to fit your congregation.

Prepared by Cecil Deadman
Church Staff/Committee Resource Specialist
Baptist General Convention of Texas

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CRIMINAL BACKGROUND CHECK POLICY

_____ Baptist _____
_____, Texas

POLICY

In order to perform our due diligence in protecting the well being and safety of the children, youth, and special education adults we serve, _____ Baptist _____ performs criminal background checks on all employees, volunteers and interns. The _____ deems it necessary and advisable as a matter of policy to reserve the right to disqualify and prohibit persons from serving as an employee or volunteer who have been arrested for, convicted of, been on probation for, or received deferred adjudication for any disqualifying offense.

Criminal Background Checks will be conducted on all employees and volunteers and will be repeated every three years or as often as deemed necessary by the _____.

The right to disqualify based upon a prior history of criminal conduct involving moral failure applies to any such criminal conduct regardless of whether (a) the criminal charges were subsequently dropped and the applicant was never prosecuted for the crime charged, or (b) the criminal charges resulted in a non-conviction such as probation, or (c) the criminal conviction was subsequently expunged from the applicants record as the result of appropriate legal proceedings.

GUIDELINES FOR DETERMINING DISQUALIFICATION

The following offenses are grounds for disqualification regardless of any extenuating circumstances:

- (a) Crimes against the family, sex related offenses, child related offenses, murder, felony theft/robbery/burglary offenses, fraud related offenses and crimes against persons and property.
- (b) A felony or misdemeanor classified as an offense against public order or indecency.
- (c) A felony violation of any law intended to control the possession or distribution of any substances included as a controlled substance in the Texas Controlled Substances Act.
- (d) All other offenses, not otherwise described above, may result in disqualification at the discretion of an agent of the church.

PROCEDURES

In order to screen prospective employees and volunteers, _____ Baptist _____ adopts the following procedure:

- (a) Application: Each employee or volunteer is required to fill out an application.
- (b) References: On the application, each employee or volunteer is required to provide three references.
- (c) Personal Interview: Each prospective volunteer or employee will undergo a brief interview with the appropriate staff or director.
- (d) Criminal Background Checks: Each prospective employee or volunteer will give written consent for a criminal background check, conducted by the company or agency _____ Baptist _____ selects. The form of authorization will be that prescribed by the company or agency selected. The _____ will not employ any person, employee or volunteer, without this authorization. Upon receiving the requested information and performing the actual background checks, the _____ will destroy the information within 10 working days for the privacy protection of the employee or volunteer.
- (e) Grievance Process: If a person is disqualified from employment or placement with _____ Baptist _____ based upon information received, and, if upon reviewing that information the person feels that the information is wrong or it is not his or her record, the person may request a fingerprint check from DPS as a method of positive identification unless the person can prove by other means that he or she is not the person indicated on the criminal record. An individual may view the disputed criminal history transcript, but may not have a copy of it.

Acknowledgement

I hereby give permission for _____ Baptist _____ to obtain information relating to all aspects of my Criminal History Record, including but not limited to a seven year history and a National Sexual Offender Registry, and if necessary and advisable a credit check. The record check, as received from the reporting agencies, may include arrest and conviction data, as well as plea bargains and deferred adjunction. I understand that this information will be used, in part, to determine my eligibility for an employment/volunteer position with this organization. I also understand that as long as I remain an employee or volunteer here, the Criminal History Record check may be repeated at any time. I understand that I will have an opportunity to review my Criminal History Record if requested and a procedure is available for clarification, if I dispute the record as received.

I, the undersigned, do, for myself, my heirs, executors and administrators, hereby release and forever discharge and agree to indemnify the search company and _____ Baptist _____, and each of their officers, directors, employees and agents harmless from and against any and all causes of actions, suits, liabilities, costs, debts and sums of money, claims and demands whatsoever, and any and all related attorney's fees, court costs, and other expenses resulting with my application to become a volunteer/staff member.

A Criminal Background Check form may be obtained at:

_____ Baptist _____
(street address)
_____, TX (zip)

Return your form to the office

If applicant is less than eighteen (18) years of age, a parent or legal guardian MUST come to the church office to sign the application.