

PROTECTION OF CHILDREN & YOUNG PEOPLE POLICY

Appendix -- Disqualifying Offenses & Appeal Process

Disqualifying Offenses

No person may serve with children or youth if he or she has:

- ever been convicted or received deferred adjudication for any disqualifying offense, or
- has presently pending criminal charges for any disqualifying offense. Each circumstance involving a criminal charge or conviction, including a plea of nolo contendere (no contest) may be appealed to the Vicar General and reviewed by the Review Committee.

Disqualifying offenses include but are not limited to:

1. A felony classified as an offense against a person or an offense against a family. Offenses against a person include, but are not limited to, murder, assault, sexual assault, and abandoning or endangering a child. Offenses against the family include, but are not limited to bigamy, incest, interference with child custody, enticing a child, and harboring a runaway child.
2. A felony classified as an offense against public order or indecency. Offenses against public order or indecency include, but are not limited to, prostitution, obscenity, sexual performance by a child, possession, or promotion of child pornography, and disorderly conduct.
3. A misdemeanor or felony involving sexual assault, lewd or indecent acts involving a child, injury to a child, abandoning or endangering a child, sexual performance by a child, possession or promoting child pornography, enticing a child, bigamy or incest.
4. A felony involving the possession or distribution of any substance defined as a "controlled substance" in the statutes of the State of Mississippi or some other state. If a conviction is more than seven years old, the circumstances of the conviction and sentencing may be reviewed by the Diocesan Review Committee. The committee may recommend to the Vicar General or Bishop that the person be allowed to serve with children and youth (In light of the effectiveness of using recovering addicts in substance abuse rehabilitation programs, upon approval of the Vicar General, employees or volunteers with controlled substance convictions may be allowed to work in such programs.)

At all times, the diocese reserves the right to include within the disqualifying offenses any and all additional offenses or conduct determined to be inconsistent with serving children, youth or other protected persons in the diocese.

Appeal Process

Any person who applies and is not accepted for employment or volunteer service or whose service as a member of the clergy, an employee or a significant volunteer is terminated for any reason under these guidelines, will have the right of appeal as set forth in the Appeal Process.

If non-acceptance is based on the criminal background check for clergy, employees and volunteers:

The applicant shall be given the name and address of the agency reporting the criminal history of the applicant, so that he or she will have the opportunity to obtain a similar report from such agency. In the event that such a report is obtained by the applicant and he or she reasonably believes an error has been made by the reporting agent, then, upon written request, a second criminal background check shall be obtained and the application reconsidered.

If non-acceptance is based upon the interview process for a significant volunteer:

The applicant, upon written request, shall have the right to have a second interview and to have his or her application reconsidered by the Review Committee within three months after the date of the non-acceptance.