



### Parish Youth Activity Agreement General Liability

<b>Parish/School Information</b>	
Location Name: OUR LADY OF PEACE CHURCH	Location #: 241
Location Address: 2800 MISSION COLLEGE BLVD.	Telephone: 408 988 4585
Contact Name: KAREN RUIZ	Facsimile: 408 988 0679
THIS AGREEMENT MUST BE COMPLETED AND SUBMITTED TO OLOP FACILITIES MANAGER WITH A FACILITIES USE APPLICATION BEFORE APPROVAL FOR USE OF FACILITIES IS GRANTED. IF APPLICABLE, A SEPARATE OUTSIDE USERS LIABILITY INSURANCE APPLICATION AND AGREEMENT SHOULD BE SENT TO: 1150 NORTH FIRST STREET, SAN JOSE, CA 95112, TELEPHONE: 408-983-0250 / FACSIMILE: 408-983-0271.	

<b>Agreement</b>
THIS IS AN AGREEMENT BETWEEN OUR LADY OF PEACE CHURCH REPRESENTING THE DIOCESE OF SAN JOSE AND _____, HEREAFTER USER, RELATING TO THE FOLLOWING FACILITIES: FAMILY LEARNING CENTER, LOCATED AT 2800 MISSION COLLEGE BLVD., SANTA CLARA, CAL FORNIA.
OUR LADY OF PEACECHURCH GRANTS USER PERMISSION TO USE SUCH FACILITIES FOR THE FOLLOWING PURPOSES: SHARED INSTRUCTION AND TUTORING (OR: _____) FOR YOUTH 18 YEARS OF AGE AND YOUNGER, ON THE DAYS AND TIMES LISTED ON THE FACILITIES USE APPLICATION., SUBJECT TO THE FOLLOWING TERMS AND CONDITIONS:
<ol style="list-style-type: none"> <li>1. USER SHALL USE THE FACILITIES EXCLUSIVELY FOR THE PURPOSES STATED ABOVE AND ONLY FOR THE DATES AND TIMES RESERVED ON THE FACILITY USE FORM AND SHALL LEAVE THE FACILITIES IN CLEAN AND ORDERLY CONDITION. THERE SHALL BE NO ALTERATION WITHOUT PRIOR WRITTEN PERMISSION OF OUR LADY OF PEACE CHURCH; AND IF ANY ALTERATION WAS ALLOWED, USER SHALL RESTORE THE FACILITIES TO ORIGINAL CONDITION; AND SHALL REPAIR ANY DAMAGE CAUSED BY ITS NEGLIGENCE OR NEGLECT OR THAT OF ITS REPRESENTATIVES OR INVITEES.</li> <li>2. USER SHALL FOLLOW ALL DIOCESAN POLICIES AS REGARDS TO PROTECTION OF YOUTH AND VULNERABLE ADULTS (FINGERPRINTING, SAFE ENVIRONMENT TRAINING, RATIO OF ADULT TO CHILDREN, STUDENT ACTIVITY WAIVERS COMPLETED AND KEPT IN HAND, ETC.). VISIT <a href="http://www.dsj.org/ministries/protecting-gods-children/youth-code-of-conduct">HTTP://WWW.DSJ.ORG/MINISTRIES/PROTECTING-GODS-CHILDREN/YOUTH-CODE-OF-CONDUCT</a> FOR EXPECTED CODES OF CONDUCT. SEE REVERSE OF FORM FOR ADDITIONAL REQUIREMENTS.</li> <li>3. USER AT ALL TIMES SHALL NOT ENGAGE IN ANY UNLAWFUL ACTIVITY AND OUR LADY OF PEACE CHURCH RESERVES THE RIGHT TO REQUIRE THAT ONLY ACTIVITIES THAT ARE NOT OPPOSED TO THE PRINCIPLES AND BELIEFS OF THE CATHOLIC CHURCH MAY BE ALLOWED WITHIN THE FACILITIES.</li> <li>4. OUR LADY OF PEACECHURCH MAY TERMINATE THIS AGREEMENT AND PERMISSION TO USE ITS FACILITIES AT ANY TIME FOR GOOD CAUSE WITHOUT OBLIGATION.</li> </ol>
IN LIEU OF A DEPOSIT AGAINST COST AND EXPENSES, USER AGREES PROVIDE DONATIONS AND/OR VOLUNTEER TIME EQUIVALENT TO \$50/HR OF CLASSROOM USE AND THE REQUIRED PREMIUM (IF APPLICABLE) FOR LIABILITY COVERAGE.
[CLICK & TYPE ANY SPECIAL PROVISIONS HERE]

<b>Agreement Authorization</b>	
FORM MUST BE COMPLETED IN ALL RESPECTS, SIGNED AND DATED TO AUTHORIZE THE AGREEMENT.	
Agreement Completed By (OUTSIDE USER):	Date Completed:
Position/Title :	Telephone:
Signature:	Date:
Authorized Parish Signature:	Date:
Parish Telephone#	

<b>Our Lady of Peace Management Use Only</b>	
Agreement Received By:	Date Received:
Copy of Facilities Use Form attached?	
Diocese of San Jose Activity Waiver Form (for Volunteers) and Student Activity Waiver Form (or other Parish or approved form of Parental Release) provided?	
Diocese of San Jose Liability Insurance for Special Event of Outside User attached?	
Diocese of San Jose Incident Report (to be completed and submitted to parish office as needed) provided?	
On the first date of instruction, have all users fingerprints been cleared and training attended?	
On the first day, are all guidelines/policies proven to be carried out?	

#### SAFETY GUIDELINES FOR COORDINATORS

All adult leaders should be persons of maturity possessing sensitivity to adolescents. Adult leaders are expected to demonstrate a consistent behavior which respects his/her own dignity as well as the dignity of the youth. Respect for the individual, for the premises and for the law are integral to adult leaders. In dealing with minors, it is essential that the adult: Behave in a fashion appropriate for the activity; Never touches in an immodest fashion any youth; Refrains from any sexual, sexist, racist or other inappropriate comments; Refrains from obscene language; Follows the same behavioral guidelines set for the young people, including refraining from alcohol; Avoid situations which place them in a position to be alone with a minor. (exception is the Sacrament of Reconciliation). The following guidelines are provided to assist coordinators in carrying out their responsibilities for the safety of the children/youth:

- Each program should establish attendance policies for the children/youth enrolled with safe, chaperoned check in and check out procedures.
- A dated written request or authorization signed by the parent or guardian is required for a youth to leave the program before time dismissal.
- Every program should have a written plan for emergencies. Provisions should be made to a) implement the procedures, b) inform parents, c) inform and prepare all aides. In cases of accident or sickness, the coordinator or his/her delegate is responsible for giving appropriate immediate care and notifying parents/guardians.
- A copy of all signed forms, attendance records, incidents, etc. be kept on file and on hand when needed during the activity.
- Visit <http://www.dsj.org/ministries/protecting-gods-children/resources> for additional resources on boundaries, conduct, laws, etc. to which we should be aware.

## **POLICY ON REQUIRED SUPERVISION**

Guidelines for appropriate and inappropriate behavior or activities should be clearly explained and distributed in written form prior to the start of an event. Plan ahead for proper supervision:

1. It is important to consider the minimum adult to youth ratio for events.
  - a. Adult to High School youth ratio must be a minimum of 1 adult to every 10 High School aged teenager (1:10).
  - b. Adult to Junior High youth ratio must be a minimum of 1 adult to every 7 Junior High aged teen (1:7).
  - c. There should always be at least two adults (over the age of 25, one of whom should be of the same gender as the young people) available for on-site and off-site activities. The second adult insures that there is at least one adult present in case of emergency.
  - d. The lead adult, adult-in-charge, or supervisor of the activity should be at least 25 years of age. Supervisors between the ages of 21 and 25 are in charge only with the pastor's permission. Young adults 19 years and older may act as additional leaders if they have demonstrated the appropriate maturity and objectivity. They are not considered as part of the one to ten/seven ratio..
2. No alcoholic beverages may be consumed by a chaperon.
3. Waiver and release forms are signed by both adult participants and parents of children.
4. Parents and families of participants not part of the program are asked not to loiter in the premises or on the property.

Plan for the unexpected. Develop written plans for emergency reporting and evacuation; emergency medical aid; first aid; what to do in case an individual is missing. Post these plans for reference by all, make sure your team is qualified to administer first aid, and that you have accident reporting forms (incident reports).

## **ADULT CODE OF CONDUCT / MANDATED REPORTING**

***Because of mandated reporting laws for the State of California, you are legally required*** to report any suspicions of abuse, including reports of domestic violence, to a mandated reporter. Teachers, teacher aides, principals, Directors of Religious Education, members of the health professions, police, firefighters and Clergy members in the State of California are mandated reporters. Child Abuse Neglect (CAN, 408-299-2071) formerly Child Protective Services (CPS) and/or the police department need to be contacted immediately if you have a reasonable suspicion of abuse. Please document all activities. See <http://www.dsj.org/ministries/protecting-gods-children/adult-code-of-conduct> for complete code for adults.

## **POLICY ON SAFE ENVIRONMENT TRAINING**

Volunteers working with youth would also need Safe Environment Training (required every three years). Training may be accessed through the Diocesan Live Training workshops offered throughout the year or by using [www.shieldthevulnerable.org](http://www.shieldthevulnerable.org)

## **POLICY ON FINGERPRINTING VOLUNTEERS**

In compliance with the *Charter for the Protection of Children and Young People* promulgated by the United States Conference of Catholic Bishops on June 14, 2002, the Diocese of San Jose requires that all volunteers of parishes, schools or diocesan agencies or institutions who have regular, unsupervised contact with children, youth or dependent adults submit their fingerprints for a criminal record check as a condition of working in volunteer status. (Please see *Fingerprinting Guidelines for Volunteers* for additional information.)

**No person in the above category may begin his or her volunteer service with children, youth or dependent adults until fingerprint clearance has been returned by the Department of Justice.**

Procedure: The Parish provides all volunteers requiring fingerprints with the Live Scan fingerprint request form prior to the volunteer candidate beginning his/her service. School volunteers are fingerprinted under the Education Code. Volunteers are fingerprinted under the Penal Code.

After the volunteer completes the fingerprinting process, the Department of Justice furnishes a clearance or criminal record summary to the Personnel Office of the Diocese. Should the summary contain information regarding a criminal record, the pastor, principal or agency/institution director is informed of the summary (though not the details) by the Director or Associate of Personnel, and then the summary is destroyed. Candidates are not discriminated against solely on a prior record. Several factors are considered. Depending upon the type of offense, age at the time of the offense, and the candidate's honesty on the volunteer application, the Director or Associate for Personnel makes a determination and advises the pastor or principal regarding the service or commission of a volunteer candidate or the termination of a current volunteer. **However, under no circumstances is a person with a conviction record of sexual misconduct with a minor considered for volunteer service in any program serving children, youth or dependent adults.**

## **FINGERPRINTING GUIDELINES FOR VOLUNTEERS**

The Diocese of San Jose requires fingerprint clearance for all volunteers who have regular, unsupervised contact with children, youth or dependent adults. The policy guidelines define these volunteers as anyone who meets the following conditions:

1. Is delegated by the principal or pastor to have supervisory or disciplinary oversight over a child, children, youth or dependent adults on a regular basis. E.g. an instructional aide, catechist or youth coordinator.
2. Supervises children, youth or dependent adults on a regular basis when a school or parish employee is not present. E.g. a yard duty helper.

3. Is alone with children, youth or dependent adults on a regular basis without staff member or teacher present or nearby. E.g. a library helper.
4. Has the potential to develop, over time, a relationship of trust with a child, youth or dependent adult which could make that child, youth or dependent adult vulnerable to abuse. E.g. a clinic helper or assistant coach.

Note: The above guidelines are minimal. A pastor may determine that a volunteer must be fingerprinted because the position he/she holds could be defined as having regular, unsupervised contact with children, youth or dependent adults.

## **FREQUENTLY ASKED QUESTIONS ABOUT FINGERPRINTING**

**Question: Why Do I Need A Background Check? Answer:** The Diocese of San Jose requires certain employees and volunteers to undergo background checks, first and foremost, as a means of protecting the vulnerable among us. In 2002, the United States Conference of Catholic Bishops produced the *Charter for the Protection of Children and Young People*. Article 13 of this document mandates that "Dioceses are to evaluate the background of all priests and deacons who are engaged in ecclesiastical ministry in the diocese and of all diocesan and parish/school or other paid personnel and volunteers whose duties include ongoing, unsupervised contact with minors. Specifically, they are to utilize the resources of law enforcement and other community agencies." <sup>1</sup> In compliance with this mandate, the Diocese of San Jose instituted a policy that requires all employees in a school or a parish with a school, and all other employees and volunteers of parishes, schools and diocesan agencies or institutions who have regular, unsupervised contact with children, youth or dependent adults to submit their fingerprints for a criminal record check.

**No person in the above category may begin his/her employment or volunteer service with children, youth or dependent adults until fingerprint results are returned by the Department of Justice and that person has been cleared to work/serve.**

**Question: Which volunteers must be fingerprinted? Answer:** All volunteers of schools, parishes and diocesan agencies or institutions who have regular, unsupervised contact with children, youth or dependent adults must be fingerprinted. (Please see *Fingerprinting Guidelines for Volunteers* for detailed information.)

**Question: Which employees and volunteers do not have to be fingerprinted? Answer:** Please note that state law and diocesan policy require that all employees of schools and parishes with schools must be fingerprinted. Outside of those institutions, employees and volunteers who work in positions that do not require the supervision, disciplinary oversight or regular contact with children, youth or dependent adults are not required to be fingerprinted.

**Question: I've been fingerprinted through another agency; do I have to be fingerprinted again? Answer:** Yes, since results may not be shared, we do not have access to your fingerprint info from another agency.

**Question: Can I schedule my own fingerprint appointments? Answer:** No, the Diocesan Personnel Office is the agent that has permission to set up fingerprint appointments for employees and volunteers. The Personnel Office has trained special representatives in the parishes and schools to set up fingerprint appointments. However, only the Personnel Office has permission to review the results.

**Question: How long does it take to get results of the fingerprint check? Answer:** The Diocesan Personnel Office receives results from the Department of Justice, usually between 24 and 72 hours after the fingerprints were submitted. However, if there is a delay for any reason, results can take approximately 30 days or longer to arrive.

**Question: Where do the results go? Answer:** The Department of Justice furnishes a clearance or criminal record summary to the Diocesan Personnel Office. This information is strictly confidential and only the Director or Associate of Personnel have access to the clearance or criminal record summary. A criminal record summary provides a record of arrests resulting in conviction and arrests where results are pending. The Director or Associate of Personnel notifies the pastor or principal of the individual's clearance or lack of clearance to work/serve, and then the summary is destroyed.

**Question: Is this information shared with the U.S. Citizenship and Immigration Services (USCIS) any other organization? Answer:** By law the Diocesan Personnel Office is strictly prohibited from sharing fingerprint or criminal record information with any organization, nor can any other agency share it with us. To our knowledge, this information is not currently shared with the USCIS or any other organization by the fingerprinting agency or the Department of Justice. However, we cannot guarantee what government agencies will share fingerprint results in the future.

**Question: How often do I need to be fingerprinted? Answer:** The data verifying that you have been fingerprinted is kept on file in the Diocesan Personnel Office for employees or, in the case of volunteers, in the Chancellor's Office. When an employee or volunteer fingerprinted under the Education Code leaves employment or service with the Diocese, the Diocese submits a "No Longer Interested" form to the Department of Justice stating it is no longer interested in receiving subsequent notification service on the person previously fingerprinted for employment, licensing, or certification. The Diocese does not receive subsequent notification service on employees or volunteers fingerprinted under the Penal Code. However, in either case, an individual who leaves and subsequently returns at a later time must have fingerprints redone.