

Appendix 7

Informed Consent and Release of Information

- 1) A consent form regarding the nature of the investigation and the use of information should be an early part of the process. An outline of the entire application process, which the vocation director can give to any serious candidate, can help in this regard. The vocation director should take adequate time discussing both these forms with the candidate. There should be no surprises for the candidate. The application process requests detailed information that touches every aspect of a person's life. Time spent talking about the need for what may seem to be an invasion of privacy often proves worthwhile. (Horizon: Journal of the National Religious Vocation Conference, Winter 1993, v 18:2, p. 33)
- 2) "Before beginning this process of evaluation and determination of readiness, the applicant must be apprised of his rights and be asked to sign a written consent form. This form must include the following: date of discussion regarding consent, name of the Vocation Director and the applicant's name, a statement affirming that the applicant understands what he was told, a statement of the applicant's right to withdraw consent, a description of the kind of process that is involved in the application, and finally the signature of the applicant."¹
- 3) "In the initial interview with the vocation director, the applicant is made aware of what canonists refer to as 'balance of rights.' " "It is at this point in the process where the vocation director engages the applicant in a discussion about the need to know and the right to privacy."² The applicant's right to privacy (*proprium intimitatem*) demands that he should be apprised of this inquiry in advance so that he can give **informed consent**; this consent should include both the content of the inquiry and the extent to which the information will be disseminated.³ The Vocation Director has the responsibility to inform individuals how this information will be safeguarded, what persons have access to it and for what period of time.⁴
- 4) Given the legitimate need of the Church to ascertain that candidates are indeed capable of living celibacy in a mature and authentic manner, the sponsoring dioceses and seminaries do have a right to ask specific questions about an applicant's sexual history. It is our understanding that this does not necessarily require a "manifestation of conscience."⁵ The sharing of the information on an applicant's sexual history should be as limited as possible and the applicant must be informed of and consent to the extent to which this data will be disseminated.⁶ For example, the bishop, vocation director, admission board, rector of the seminary and seminary psychologist.

¹ Ethical Understandings and Legal Constraints in the Retention and Maintenance of Records, Melvin C. Blanchette, S.S., Ph.D., June 2001, document written for NCDVD

² Ibid.

³ Letter: Secretariat for Vocations and Priestly Formation: Statement Concerning the behavioral assessment and psychological testing of candidates to the priesthood with specific reference to taking a sexual history, April 30, 1999 Most Reverend John C. Favalora

⁴ Ibid.

⁵ Favalora

⁶ Ibid.

- 5) Psychological reports are the property of the sponsoring diocese/seminary and are normally not surrendered to the candidate. The institution or psychologist is not required to provide more than a succinct summary of the contents of the test which might have led to the decision to accept or reject the candidate. It is important that these points be stated in the release form the candidate signs before sitting for the test.⁷ The persons to whom the results will be released are to be clearly indicated and the candidate must sign a release form specifically authorizing those persons to have access to the test results.⁸
- 6) Diocesan legal counsel should review the adequacy of consent forms to be signed by individual applicants that
 - a) Attest to the truthfulness of information provided;
 - b) Agree to the release of information from previous formation programs, psychological and medical testing; and -
 - c) Agree to the terms of application, including who has the right to access this information, and to the diocese's ownership of information submitted by the applicant or by designated professionals about the applicant. ("The Need to Know and the Right to Privacy: Issues of Internal and External Forum"; Third Consultation for Vocation Directors, March 21-22, 2000; St. Mary's Seminary and University, Center for Continuing Formation.)

Specific Release form for those previously enrolled in formation

- 1) Under the new US norms on re-admission to a seminary, a release form granting consent to share information on the candidate to any other subsequent seminary is essential and must be in the file.⁹
- 2) "At the time of future application the applicant must permit the release of all relevant information concerning his departure from any previous program of priestly formation or institute of consecrated life or society of apostolic life to the diocesan bishop, and if necessary, the seminary rector to whom he is applying. This release that the applicant signs must clearly state that he:
 - i) consents to the sharing of all relevant information from previous formation programs with the diocesan bishop or rector to whom he is applying, and
 - ii) understands that no person has a right to be accepted into a program of priestly formation"¹⁰
- 3) It may be expected that the diocesan bishop or his delegate will share the information with the seminary rector and/or other seminary admissions personnel. All persons who receive and/or review this information are reminded of the confidentiality required in these matters, and of the applicant's right to privacy and a good reputation (see *CIC*, c.220). The applicant should be advised of the information thus communicated that influences the admissions process.¹¹

⁷ Ibid.

⁸ Cf. *Psychology, Counseling and the Seminarian* [Washington, D.C.: NCEA, 1994] and "On Screening Seminarians Through Behavioral Assessment and Psychological Testing" in *Seminary Journal*, Spring 1997).

⁹ Blanchette

¹⁰ Norms Concerning Applications for Priestly Formation From Those Previously Enrolled In A Formation Program, USCCB, effective February 1, 2001.

¹¹ Ibid.