

Safe Church Policy

Policy Prohibiting Abuse, Exploitation and Harassment

As a community of Christian faith, _____ is committed to creating and maintaining programs, facilities and a community in which members, friends, staff and volunteers can worship, learn and work together in an atmosphere free from all forms of discrimination, harassment, exploitation or intimidation. All persons associated with _____ should be aware that the church is strongly opposed to Sexual Exploitation and Sexual Harassment and that such behavior is prohibited by church policy. It is the intention of the church to take action in an attempt to prevent and correct behavior that is contrary to this policy and, if necessary, to discipline those persons who violate this policy.

Ministerial Conduct

Consistent with our understanding of the priesthood of all believers, all Authorized Ministers, employees, elected and appointed lay leaders, and authorized volunteers are Ministers to the congregation.

It is important that every Minister to the church be adequately prepared and educated for the ministry in which they serve others, and to understand the ways in which their use or misuse of authority may impact others.

It is the policy of _____ to encourage its Ministers to nurture safety within Ministerial Relationships by being attentive to self-care, education, maintaining appropriate boundaries, and the importance of referring those in need to supportive and helpful resources.

Sexual Exploitation or Sexual Harassment of parishioners or others by anyone engaged in ministry on behalf of _____ is unethical behavior and will not be tolerated within this congregation.

Requirements for Ministry

- Before beginning their duties, all Ministers will submit a disclosure form similar to the sample attached hereto as Exhibit A.
- Before beginning their duties, all Ministers will be personally interviewed to assess the suitability of their character and qualifications for the position they seek.
- The church will conduct a registered sex offender review for each Minister by searching their name on the Department of Justice website at www.nsopr.gov. This registered sex offender review will be repeated on an annual basis for all Ministers.
- Authorized Ministers of the church will attend all boundary workshops required by Chicago Metropolitan Association and/or the Illinois Conference, or will attend at least one workshop on this topic every three years, whichever is more frequent.

Additional Requirements for Child and Youth Ministry

_____ is committed to providing a safe and healthy environment in which young people can learn about and experience God's love.

In order to promote this, we have established the following guidelines in addition to the general requirements for ministry to the church.

- We expect that those who volunteer to work with minors will have been members of _____ for at least six months or, if not members, regularly and frequently associated with _____ for at least a year.
- All volunteers who regularly work with children and youth will complete and submit a disclosure document in a form substantially similar to the sample attached hereto as Exhibit B.
- Before beginning their duties, all prospective employees will undergo a background check, including but not necessarily limited to inquiries of references and a criminal history verification by a third party vendor.
- All volunteers and employees who regularly work with children and youth will receive orientation regarding safe church policy and procedures.
- It is the policy of this church to provide adequate supervision and safeguards for youth activities. In situations where participants are not readily visible to each other, there will be no fewer than two unrelated adults present with children. Youth over the age of _____ (*establish minimum age*) may assist an unrelated adult on supervising children and youth activities; however, such assistance does not alter the requirement that at least two unrelated adults be present.
- Written consent of one parent or guardian of a minor will be required for all activities off the church property, and any overnight activities.

Definitions

Minister: a person engaged by the church to carry out its ministry. Minister includes elected or appointed leaders of the church, employees, and volunteers, as well as authorized ministers.

Authorized Minister: a person who holds ordained ministerial standing or has been commissioned or licensed by an association of the United Church of Christ or region of the Christian Church (Disciples of Christ). An authorized minister is one type of minister within the meaning of this policy.

Ministerial Relationship: the relationship between one who carries out the ministry of the church and the one being served by that ministry.

Sexual Exploitation: sexual activity or contact (not limited to sexual intercourse) in which a minister engaged in the work of the church takes advantage of the vulnerability of a participant by causing or allowing the participant to engage in sexual behavior with the minister.

Sexual Harassment: repeated or coercive sexual advances toward another person contrary to his or her wishes. It includes behavior directed at another person with the intent of intimidating, humiliating, or embarrassing the other person, or subjecting the person to public discrimination. Unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature constitute sexual harassment when:

- Submission to such conduct is made whether explicitly or implicitly a term or condition or circumstance of instruction, employment, or participation in any church activity. Submission to, or rejection of, such conduct by an individual is used as a basis for evaluation in making personnel or church-related decisions affecting an individual; or
- Such conduct has the purpose or effect of unreasonable interfering with an individual's performance or participation in church activities or creating an intimidating, hostile, or offensive work or church environment.

Prohibited sexual harassment includes unsolicited and unwelcome contact that has sexual overtones, particularly:

- Written contact, such as sexually suggestive or obscene letters, notes, e-mails, or invitations;
- Verbal contact, such as sexually suggestive or obscene comments, threats, slurs, epithets, jokes about gender-specific traits, sexual propositions;
- Physical contact, such as intentional touching, pinching, brushing against another's body, impeding or blocking movement, assault, coercing sexual intercourse; and
- Visual contact, such as leering or staring at another's body, gesturing, displaying sexually suggestive objects or pictures, cartoons, posters, or magazines.

Sexual harassment also includes continuing to express sexual interest after being informed directly that the interest is unwelcome and using sexual behavior to control, influence, or affect the career, salary, work, learning, or worship environment of another. It is impermissible to suggest, threaten, or imply that failure to accept a request for a date or sexual intimacy will affect a person's job prospects, church leadership, or comfortable participation in the life of the church. It is forbidden either to imply or actually withhold support for an appointment, promotion, or change of assignment, to suggest that a poor performance report will be given because a person has declined a personal proposition; or to hint that benefits, such as promotions, favorable performance evaluations, favorable assigned duties or shifts, recommendations or reclassifications, will be forthcoming in exchange for sexual favors.

Procedures for Handling Complaints of Sexual Exploitation or Harassment

I. Generally

- A. A subcommittee of the Personnel and Ministerial Relations Committee with no less than two members, one male and one female, will be established each year in preparation for the possibility of hearing complaints under this policy. The subcommittee, hereinafter referred to as "The Response Team," will be familiar with the terms of this policy, as well as the established procedures of the church for dealing with a complaint.

- B. Several approaches may be taken in addressing incidents of alleged sexual exploitation or harassment:
1. The complainant can attempt to resolve the matter directly with the respondent, the individual accused of sexual exploitation or harassment.
 2. The complainant can report the incident to a called minister, in an effort to resolve the matter informally.
 3. If an informal resolution of the complaint does not seem wise, appropriate, possible, or does not succeed, the complainant may request that the Response Team institute formal proceedings which shall include the following steps:
 - The Response Team shall advise the Senior Minister and Moderator of the receipt of all complaints and shall keep them apprised of ongoing steps and actions taken. If either the Senior Minister or Moderator is the subject of the complaint, this notice requirement shall not apply as to that person.
 - The Response Team shall gather statements or other information from the individuals involved in the alleged exploitation or harassment and from others who may have pertinent information, such as qualified professional consultants, and present such information to the Personnel and Ministerial Relations Committee or an appropriate subcommittee thereof.
 - The Personnel and Ministerial Relations Committee, or an appropriate subcommittee thereof, shall make determinations and take actions appropriate to resolve the matter. These may include:
 - a. finding that sexual exploitation or harassment has occurred, and that the appropriate body of the church is called upon to take action accordingly; such action may include one or more of the following:
 - (i) a formal reprimand, with defined expectations for changed behavior;
 - (ii) recommending or requiring psychological or psychiatric assessment, counseling and/or treatment;
 - (iii) probationary standing, with the terms of the probation clearly defined;
 - (iv) dismissal from employment or authorized volunteer position by, affiliation with, or membership in, the church.
 - b. the finding that sexual exploitation or harassment did not occur.
- The Response team may seek the advice of legal counsel to advise it in performing its functions.

- C. A written summary of the Personnel and Ministerial Relations Committee's proceedings in such cases will be maintained.
- D. The person(s) toward whom the inappropriate behavior is directed need not be the complainant. Moreover, neither consent nor acquiescence will excuse or exonerate inappropriate behavior. At any time the church may initiate or proceed with the formal complaint process.
- E. In determining whether alleged conduct constitutes sexual harassment or exploitation, consideration shall be given to the record of the alleged incident(s) as a whole and to the totality of the circumstances, including the context in which the alleged incident(s) occurred.
- F. Any person bringing a sexual harassment or exploitation complaint or assisting in investigating such a complaint will not be adversely affected in terms and conditions of employment or church membership or affiliation, or otherwise discriminated against or discharged.
- G. If the complainant or respondent is not satisfied with the disposition of the matter by the Personnel and Ministerial Relations Committee, he or she has the right to appeal to the Moderator, or to the Vice Moderator if the Moderator is the subject of the complaint, who shall refer the matter to the Executive Board. The subject of any such appeal to the Executive Board shall be limited solely to whether the procedures of this policy were followed. The matter will not be reconsidered on the merits and the decision of the Executive Board will be the final resolution of the matter. If the Executive Board determines that the procedures of this policy were not followed, it will refer the matter back to the Personnel and Ministerial Relations Committee to complete the processing of the complaint in accordance with these procedures.

II. Child Abuse

Apart from any legal requirements, the Church will make a report to appropriate authorities, including but not limited to the Illinois Department of Children and Family Services, if at any time the Church has reasonable cause to believe that a minor may be an abused or neglected child. The Illinois' Child Abuse Hotline currently is: 1-800-252-2873.

III. Clergy

Apart from any disposition of the matter by the Church, all allegations of behavior which call into question the fitness for ministry of any Authorized Minister will promptly be forwarded to the Church & Ministry Committee of the Chicago Metropolitan Association of the Illinois Conference of the United Church of Christ.

The Chicago Metropolitan Association of the Illinois Conference may be contacted at: 312-939-5918 and/or cma@cmaucc.org.

Exhibit A

Authorized Volunteer
Application and Disclosure Form

Name: Last	First	Middle
Address: Street	City/State	Zipcode
Daytime Phone	Evening Phone	Email

References: One reference should be related to you and the other references should not be related to you.

Name			
Address	City	State	Zipcode
Telephone		Email	

Name			
Address	City	State	Zipcode
Telephone		Email	

Name			
Address	City	State	Zipcode
Telephone		Email	

- I have been a member of this church since _____
- I have been a friend of this church since _____

I have never been convicted of, nor pled guilty or no contest to, a crime. (Exclude convictions that have been sealed, expunged or legally eradicated, misdemeanor convictions for which probation was completed and the case was dismissed, or offenses about which inquiry is not permissible in this state)

- True
- Not True

If not true, please briefly describe the nature of the crime(s), the date and place of conviction and the legal disposition of the case. The church will not deny a position to any applicant solely because the person has been convicted of a crime. The church, however, may consider the nature, date and circumstances of the offense, as well as whether the offense is relevant to the duties of the position applied for.

Is there any fact or circumstance involving you or your background that would call into question your being entrusted with the responsibilities of the position for which you are applying?

- Yes
- No

If yes, please provide a brief explanation.

The covenants between persons seeking authorized volunteer positions in the church require honesty, integrity, and truthfulness for the health of the church. To that end, I attest that the information set forth in this application is true and complete. I understand that any misrepresentation or omission may be grounds for rejection of consideration for, or termination of, the position I am seeking to fill. I acknowledge that it is my duty in a timely fashion to amend the responses and information I have provided if I come to know that the response or information was incorrect when given or, though accurate when given, the response or information is no longer accurate.

Beginning such relationships with an open exchange of relevant information builds the foundation for a continuing and healthy covenant between volunteers and the church they seek to serve. To that end, I authorize _____ and/or its agents to make inquiries regarding my character and qualifications, including all statements I have set forth above. I also authorize all entities, persons, former employers, supervisors, courts, law enforcement, and other public agencies to respond to inquiries concerning me, to supply verification of the statements I have made, and to comment on and state opinions regarding my background, character, and qualifications. To encourage such persons and entities to speak openly and responsibly, I hereby release them from all liability arising from their responses, comments, and statements.

_____ authorized volunteer recruitment process involves the sharing of information regarding applicants with those persons in a position to recruit, secure, and supervise both the position I am seeking to fill and program I am seeking to participate in. To that end, I authorize _____ and its agents to circulate, distribute, and otherwise share information gathered in connection with this application to such persons for these purposes. I understand that _____ will share with me information it has gathered about me, if I request it to do so.

I acknowledge my receipt and understanding of the _____ Safe Church Policy.

(PRINT NAME & SIGN) _____ DATE _____

(PRINT NAME & SIGNATURE OF PARENT OR GUARDIAN FOR APPLICANTS UNDER 18) _____ DATE _____

- Sex Offender Registry (www.nsopr.gov) review performed on _____
- Personal interview conducted by staff on _____
- Reference inquiries completed on _____

- I have been a member of this church since _____
 I have been a friend of this church since _____

I have never been convicted of, nor pled guilty or no contest to, a crime. (Exclude convictions that have been sealed, expunged or legally eradicated, misdemeanor convictions for which probation was completed and the case was dismissed, or offenses about which inquiry is not permissible in this state)

- True Not True

If not true, please briefly describe the nature of the crime(s), the date and place of conviction and the legal disposition of the case. The church will not deny a position to any applicant solely because the person has been convicted of a crime. The church, however, may consider the nature, date and circumstances of the offense, as well as whether the offense is relevant to the duties of the position applied for.

No civil lawsuit alleging actual or attempted sexual discrimination, harassment, exploitation, or misconduct; physical abuse; child abuse; or financial misconduct has ever resulted in a judgment being entered against me, been settled out of court, or been dismissed because the statute of limitations has expired.

- True Not True

If not true, give a short explanation of the lawsuit. (Please indicate the date, nature, and place of the incident leading to the lawsuit; where the lawsuit was filed; and the precise disposition of the lawsuit.)

I have never terminated my employment, professional credentials, or service in a volunteer position or had my employment, professional credentials, or authorization to hold a volunteer position terminated for reasons relating to allegations of actual or attempted sexual discrimination, harassment, exploitation, or misconduct; physical abuse; child abuse; or financial misconduct.

- True Not True

If not true, give a short explanation. (Please indicate the date of termination; name, address, and telephone number of employer or volunteer supervisor; and nature of the incident(s) leading to your termination.)

Do you have a valid drivers' license? Yes No

With respect to my driving record, I have not had my license suspended or revoked within the last five years due to reckless driving or driving while intoxicated and/or under the influence of a controlled substance.

- True Not True

Is there any fact or circumstance involving you or your background that would call into question your being entrusted with the responsibilities of the position for which you are applying?

- Yes No

If yes, please provide a brief explanation.

The covenants between persons seeking authorized volunteer positions in the church require honesty, integrity, and truthfulness for the health of the church. To that end, I attest that the information set forth in this application is true and complete. I understand that any misrepresentation or omission may be grounds for rejection of consideration for, or termination of, the position I am seeking to fill. I acknowledge that it is my duty in a timely fashion to amend the responses and information I have provided if I come to know that the response or information was incorrect when given or, though accurate when given, the response or information is no longer accurate.

Beginning such relationships with an open exchange of relevant information builds the foundation for a continuing and healthy covenant between volunteers and the church they seek to serve. To that end, I authorize _____ and/or its agents to make inquiries regarding my character and qualifications, including all statements I have set forth above. I also authorize all entities, persons, former employers, supervisors, courts, law enforcement, and other public agencies to respond to inquiries concerning me, to supply verification of the statements I have made, and to comment on and state opinions regarding my background, character, and qualifications. To encourage such persons and entities to speak openly and responsibly, I hereby release them from all liability arising from their responses, comments, and statements.

_____ authorized volunteer and employee recruitment process involves the sharing of information regarding applicants with those persons in a position to recruit, secure, and supervise both the position I am seeking to fill and program I am seeking to participate in. To that end, I authorize _____ and its agents to circulate, distribute, and otherwise share information gathered in connection with this application to such persons for these purposes. I understand that _____ will share with me information it has gathered about me, if I request it to do so.

I acknowledge my receipt and understanding of the _____ Safe Church Policy.

(PRINT NAME & SIGN) DATE

(PRINT NAME & SIGNATURE OF PARENT OR GUARDIAN FOR APPLICANTS UNDER 18) DATE

- Sex Offender Registry (www.nsopr.gov) review performed on _____
- Personal interview conducted by staff on _____
- Reference inquiries completed on _____
- Church membership for 6 mos. or association for 1 year confirmed on _____
- Safe church awareness training and policy orientation performed on _____

Additionally, if considered for employment:

- Criminal History Verification (Oxford Document Management) together with Fair Credit Reporting Act notices, completed on _____

Appendix 1

Child Abuse Reporting Laws and Hotlines

The Child Welfare Information Gateway, a service of the Childrens Bureau, Administration for Children and Families, U.S. Department of Health and Human Services, is a valuable resource for information on the reporting of child abuse, and much more. You may access these materials generally through the Gateway website at: www.childwelfare.gov

State laws on reporting child abuse may be found at:

www.childwelfare.gov/systemwide/laws_policies/state/reporting.cfm

A list of state child abuse reporting hotlines may be found at:

www.childwelfare.gov/pubs/reslist/rl_dsp.cfm?rs_id=5&rate_chno=11-11172

and is reproduced for your convenience.

Appendix 2

Selected State Law Provisions Governing Preemployment Inquiries

Important note: This is a “model” or “sample” policy. It does not cover every issue that you may want to consider in the development of a safe church policy. Nor does it reflect the law of each and every state. Consistent with UCC polity and practice, Local Churches and other settings are encouraged to consider adopting policy which is revised or changed to meet their unique circumstances, state laws, or other factors.

It is very important that the policy you adopt and implement complies with applicable federal and state laws regarding employment, privacy, and inquiries regarding criminal history. While the model policy is designed to meet the needs of most, the law governing permissible inquiries in preemployment screening varies significantly in certain jurisdictions. Some examples of state laws that may need to be taken into account are set forth below. Moreover, all laws are subject to change from time to time by action of state legislature, Congress, and state and federal courts. Therefore, you should develop and periodically review your policy with the assistance of persons knowledgeable in these laws.

Please consult with your local attorney to make certain that the policy you adopt complies with your state’s laws while inquiring about relevant criminal history to the fullest extent permitted by that law. Parish Life and Leadership is not engaged in giving legal or professional advice or services by providing this model policy. You are encouraged to consult with your own legal counsel and professional advisors before adopting a safe church policy.

California

Cal. Labor Code Section 432.8

432.8 Prohibited inquiry about convictions of specified marijuana offenses more than certain number of years old.

The limitations on employers and the penalties provided for in Section 432.7 shall apply to a conviction for violation of subdivision (b) or (c) of Section 11357 of the Health and Safety Code or a statutory predecessor thereof, or subdivision (c) of Section 11360 of the Health and Safety Code, or Section 11364, 11365, or 11550 of the Health and Safety Code as they related to marijuana prior to January 1, 1976 ,or a statutory predecessor thereof, two years from the date of such a conviction.

Hawaii

Hawaii Rev. Stat. Section 378-2.5(a)-(b)

- (b) Inquiry into and consideration of conviction records for prospective employees shall take place only after the prospective employee has received a conditional offer of employment which may be withdrawn if the prospective employee has a conviction record that bears a rational relationship to the duties and responsibilities of the position.

Massachusetts

Mass. Gen. Laws ch. 151B Section 4(9)

- § 4 Unlawful Practices; Certain Records to be Kept; Employer, etc., Not Required to Grant Preferential Treatment to Any Individual or Group.

It shall be an unlawful practice:

- (9) For an employer, himself or through his agent, in connection with an application for employment, or the terms, conditions, or privileges of employment, or the transfer, promotion, bonding, or discharge of any person, or in any other matter relating to the employment of any person, to request any information, to make or keep a record of such information, to use any form of application or application blank which request such information, or to exclude, limit or otherwise discriminate against any person by reason of his or her failure to furnish such information through a written application or oral inquiry or otherwise regarding:
 - (i) an arrest, detention or disposition regarding any violation of law in which no conviction resulted, or
 - (ii) a first conviction for any of the following misdemeanors: drunkenness, simple assault, speeding, minor traffic violations, affray, or disturbance of the peace, or
 - (iii) any conviction of a misdemeanor where the date of such conviction or the completion of any period of incarceration resulting therefrom, whichever date is later, occurred five or more years prior to the date of such application for employment or such request for information, unless such person has been convicted of any offense within five years immediately preceding the date of such application for employment or such request for information.

No person shall be held under any provision of any law to be guilty of perjury or of otherwise giving a false statement by reason of his failure to recite or acknowledge such information as he has a right to withhold by this subsection.

Nothing contained herein shall be construed to affect the application of section thirty-four of chapter ninety-four C, or of chapter two hundred and seventy-six relative to the sealing of records.

Mass Gen. Laws ch. 276 Section 100A

§100A Sealing of Certain Criminal Record Files By Commissioner of Probation; Conditions; Exceptions; Effect.

An application for employment used by an employer which seeks information concerning prior arrests or convictions of the applicant shall include the following statement: "An applicant for employment with a sealed record on file with the commissioner of probation may answer 'no record' with respect to an inquiry herein relative to prior arrests, criminal court appearances or convictions. An applicant for employment with a sealed record on file with the commissioner of probation may answer 'no record' to an inquiry herein relative to prior arrests or criminal court appearances. In addition, any applicant for employment may answer 'no record' with respect to any inquiry relative to prior arrest, court appearances and adjudications in all cases of delinquency or as a child in need of services which did not result in a complaint transferred to the superior court for criminal prosecution." The attorney general may enforce the provision of this paragraph by a suit in equity commenced in the superior court.

Appendix 3 Fair Credit Reporting Act

Employers that use agencies like Oxford Document Management (ODM) to conduct background checks on prospective or current paid employees may be required to comply with the notice and disclosure requirements of the federal Fair Credit Reporting Act (FCRA). Though an argument can be made that the FCRA does not apply to churches or other religious organizations with respect to their employment of clergy and other employees that promulgate the faith, it is recommended that you follow the FCRA for most church employees.

The FCRA regulates the collection, storage and sale of personal information including, but not limited to, criminal history records, driving records, educational credentials, and employer reference checks for employment-related and other purposes. Under the FCRA, background investigation reports that include this personal information are an “investigative consumer report” and the organization that collects or assembles this information for the benefit of a third party for a fee is called a “consumer reporting agency.” For a complete text of the FCRA, please visit the Federal Trade Commission website at: www.ftc.gov/os/statutes/fcra/index.htm

There are significant penalties for noncompliance with the FCRA. Under Section 617, if the FTC finds “negligent noncompliance” with FCRA requirements, violators are liable to any applicant or employee for actual damages, cost of a suit, and attorney’s fees. In addition, an employer’s “willful noncompliance,” may result in fines of up to \$1,000 per violation, as well as punitive damages. Criminal penalties also may be imposed if a person obtains a credit report under false pretenses, including fines and/or up to two years imprisonment.

The background check vendor you select should help you comply with the requirements of the FCRA. Oxford Document Management will do this and much helpful information, including sample forms to use, may be found on its website at www.oxforddoc.com/fcra.html Parish Life and Leadership is not engaged in giving legal or professional advice or services by providing this information. Given the importance of this topic, it is recommended that you consult with your local attorney.