

Responsible Staffing
Guidelines on Screening Practices
for Use by Unitarian Universalist Association Organizations
When Adding Clergy, Professional Leaders, Staff, and Volunteers

What is the challenge? In the absence of UUA-recommended guidelines to follow when calling ministers, hiring professional leaders and church staff, and recruiting volunteers, congregations and other UUA organizations may be reluctant to conduct warranted screening of ministers, employees, and volunteers.

Why is the lack of screening a problem? Failure to institute uniform screening procedures can result in unnecessary risks for vulnerable members of the UUA community as well as an unnecessary risk of legal liability for congregations and other UU organizations. Legal liability turns on whether or not, when a congregation or organization gives a person access to vulnerable members, it took appropriate steps to protect those members from harm.

How can this problem be addressed? Only by adopting appropriate screening guidelines and following the procedures they call for will these risks be minimized.

Who ought to take responsibility for implementing this effort? The decision to adopt guidelines and the responsibility for implementing them will be up to the governing board of each congregation, associate member organization, independent affiliate organization, and related organization, to each District board, and to the Unitarian Universalist Association Board of Trustees on behalf of the Association, the Ministerial Fellowship Committee, the Religious Education Credentialing Committee, and the Sponsored Organizations. Although each congregation or organization retains the discretion to adopt or reject this policy, we urge you to consider the potential ramifications of your decision.

When should this problem be addressed? Before it is time to regret the failure to act in time.

Tracey Robinson-Harris, Director, Congregational Services Staff Group
(trobinson@uaa.org)

Harlan Limpert, Director, District Services Staff Group
(hlimpert@uaa.org)

Beth Miller, Director, Ministry and Professional Leadership Staff Group
(bmiller@uaa.org)**John Weston, Transitions Director**
(transitions@uaa.org)

This Program and Its Goal

Beginning in the 1970's with the renaissance of the women's movement and ever since, the UUA and its member congregations and related organizations have explored the meaning of our covenant, both theologically and experientially. Our Purposes and Principles, passed by the General Assemblies of 1984 and 1985, are the most notable theological expression of that work. Foremost among the many experiential expressions is our focused attention to the quality of congregational life. Thanks to the UU Women's Federation, the professional ethics codes of the UU Ministers Association and the Liberal Religious Educations Association, Task Force I, Task Force II, the authors and editors of *Creating Safe Congregations* and *Restorative Justice for All*, and many others, the UUA provides an abundance of material to aid congregations in addressing the misuses of power, and specifically sexual power, in our congregations and related organizations. By means of programs such as *Journey Toward Wholeness*, addressing racism and oppression, and *Safe Congregations*, addressing clergy misconduct and abuse, peer harassment and abuse, and child abuse and neglect, and resources such as *The Safe Congregation Handbook* (available from the UUA Bookstore) and *Restorative Justice for All* (<http://www.uua.org/cde/csm/>), our Association has grown increasingly aware that if "earth shall be fair, and all her people one," we must start with how we live with one another in our congregations.

Congregations and related UU organizations that follow *Safe Congregations* guidelines will keep abuse-enabling conditions to a minimum and address issues of abuse of power in ways both grounded and informed. **The goal of *Responsible Staffing* is more confined: to recommend guidelines that enable congregations and other UU organizations to take reasonable precautions when bringing new people into positions of leadership that give them access to vulnerable people.** Ministerial search committees, religious educator search committees, personnel committees, nominating committees, religious education committees, caring committees, CONs and other youth- and young adult-serving bodies, District bodies—any body charged with the responsibility to recommend or hire staff or to recruit volunteers will make better choices by following these guidelines. We recommend adoption of these guidelines by the Unitarian Universalist Association itself, as well, including the UUA Ministerial Fellowship Committee, the Religious Education Credentialing Committee, and its Sponsored Organizations. Our goal is to create among us a culture of covenantal accountability.

Risks Factors and Risks

It is important to keep an open mind about persons who may take advantage of a condition of vulnerability. There are predatory adults, no doubt: self-centered, narcissistic, capable of denial to an extraordinary degree, and devious. Such persons seem to possess finely-tuned radar, allowing them to identify someone whose life circumstances and dependency needs make them especially ready targets. And there are lifelong pedophiles (those sexually attracted to children) and epehebophiles (those sexually attracted specifically to teenage boys; the term is sometimes used to designate those attracted to adolescents regardless of gender).

Far more common are irresponsible persons who, although they would never think of themselves as capable of doing harm to another human being, use alcohol or other substances to

release themselves from their own ethical commitments. Indeed, the prospect of such release may be the largest single purpose of the abuse. Common, too, are individuals who exercise poor judgment for a variety of reasons.

The risks such persons pose to children, teenagers, and vulnerable adults are grave, extending to the breach of selfhood, of psychological and physical integrity, with lifelong effects. The risks their activities pose to congregations and to congregation's leadership, ordained and lay, are serious. In congregations where leaders fail to check the references and the background of such persons, both the congregation as an institution and the leaders as individuals can be held liable for negligent hiring. In congregations where leaders turn a blind eye to inappropriate, much less predatory, conduct, the institution as a whole *and the governing board as individuals* may be liable both for negligent supervision and for failure to report.

In the past year criminal conviction checks (a.k.a. "criminal record searches," or "criminal background checks") have become increasingly popular as a way for congregations both to identify individuals who may not be suited to work in a religious or caring community, and to limit the liability of the congregation and its leaders. Of course, criminal conviction checks are limited in their scope and must never be seen as anything more than a long-shot rule-out. The guidelines we recommend to congregations and other UUA organizations will require empathy, sensitivity, education, and above all persistence on the part of those charged with recommending the call, hire, or recruitment of a minister, professional leader, or staff member to positions of power and sensitivity in a congregation, a District, or in the UUA.

A Delicate Balance

Respect for personal privacy is a long and honorable tradition in Unitarian Universalist congregations. It is integral to the "free and responsible search for truth and meaning" that we embrace, and to the individualism that has characterized us since Puritan times. During the 1950s and 60s, when many now older members affiliated with Unitarian Universalist congregations, personal privacy was fiercely defended in the face of McCarthyism and stifling social conformity. Security procedures of any kind in a congregational setting thus continue to be found offensive in principle by some Unitarian Universalists.

These guidelines cover two varieties of security procedures. *Background checks*, as we use the term, search public data banks such as criminal conviction records. *Reference checks* seek non-public information, and concentrate on interviewing persons who have acquaintance with the person under consideration.

These guidelines recommend a balance between respect for personal privacy on the one hand and respect for congregations as trust-based communities on the other. Persons in congregational settings expect to be able to be vulnerable; we expect to be safe from exploitation, to be able to "let our guard down." Thus the question criminal conviction checks ask—has this person been convicted of a felony (and in some searches, misdemeanor)?—deserves an accurate answer. Yet an answer in the affirmative is in many cases only an invitation to further exploration. Was the criminal trespass for purposes of burglary, or civil disobedience? Was the drug conviction for selling cocaine or possessing marijuana? Was the

statutory rape conviction of a 40-year-old man with 12-year-old girl, or of an 18-year-old with a 16-year old? How long ago was it? What kind of life has the person lived since? And remembering the differential rates of prosecution and conviction of people of European background and people of color/members of historically marginalized groups, what was the context of the event, and what other factors were involved?

In addition, the requirements of the particular position sought should be relevant to the analysis of an individual's conviction history. For instance, a recent conviction for embezzlement should disqualify an applicant for a position in which the individual will have access to others' finances. Similarly, because of the unique role of ministers in UUA organizations, more extensive and exhaustive review measures are appropriate.

Federal and state law may also impact inquiries into criminal history or other background reviews. For instance, the federal Fair Credit Reporting Act imposes particular authorization and disclosure requirements for background checks conducted by outside agencies, and state law may have additional requirements or limitations. There may also be unique resources in each state that can be utilized for purposes of conducting background checks. These can include offender registries and listings of individuals who have engaged in fraudulent practices.

These guidelines further counsel a do-it-yourself approach to reference checks. The greater the ability of the search committee or hiring body to develop detailed acquaintance with the persons it is considering, the greater its ability to make an informed selection. Reliance on the technical means offered by outside agencies should at all points be considered second best to in-person conversation.

Self-reliance requires imagination. "Google" persons' names to see what, if anything, comes up. Check out the websites of the congregations they are currently serving, even those they have served. By such means you may well unearth valuable new conversation topics by which you can get to know them better.

Recommendations

1. We recommend that all Unitarian Universalist institutions—congregations, Districts, Sponsored Organizations, and the UUA itself—adopt the following guidelines when calling ministers, hiring professional religious leaders and staff, and recruiting volunteers whose work will put them in close contact with children and persons in vulnerable circumstances. We further recommend that the governing board of each institution hold its search, nominating, recommending, credentialing, and hiring bodies (hereafter "committees"), including the UUA Ministerial Fellowship Committee and the Religious Educator Credentialing Committee (hereafter "committees"), accountable for installing procedures in accordance with these policies:

- A. The institution shall only consider persons who have completed an application or questionnaire that includes a year-by-year educational, employment, and military service history going back to age 18. This history should include contact information for the immediate supervisor or other responsible reference for each position; when

that is not possible, perhaps other persons who have known the persons during this time may be identified. For an example of such application see the “Application for Paid or Volunteer Employment” in the Forms section.

- B. The institution shall only call, hire, accept for service in a sensitive volunteer capacity, or credential a person who has signed and/or agreed to abide by:
- 1) an authorization and release that permits the committee to request and receive information related to any prior activity involving physical harm to or sexual abuse or harassment of any person or the threat of any such conduct. This release shall hold harmless from liability any person or organization that provides information, and shall hold the institution harmless for treating any such information received in the best interests of the institution and the UUA and/or as prescribed by law. For an example of such a release, see “Applicant’s Statement and Release” in the Forms section.
 - 2) a statement disclosing or denying any prior convictions for any crimes, both felonies or misdemeanors (to the extent permitted by law), and pledging to notify the institution of any arrest, charge, conviction, or other relevant information, such as motor vehicle license revocation, in the future. For an example of such a statement see “Voluntary Disclosure Statement” in the Forms section.
 - 3) a statement disclosing or denying any prior activity involving sexual misconduct, physical harm to or sexual abuse or harassment of any person on the basis of sex, race, religion, national origin, sexual orientation, age, or disability. For an example of such a statement see “Voluntary Disclosure Statement” in the Forms section.
 - 4) a Fair Credit Reporting Act Disclosure. For an example of such a statement see “Applicant’s Statement and Release” in the Forms section.
 - 5) the applicable code of professional ethics:
 - for ministers, the UUMA Code of Professional Practice: <http://www.uuma.org/Documents/codeofethics.html>;
 - for religious educators, the LREDA Code of Professional Practices: <http://www.uua.org/lreda/content/code.html>;
 - for church musicians, the UU Musicians Network Code of Ethics: <http://www.uua.org/uumn/coppframe.htm>; and
 - for church administrators, the Association of UU Administrators Code of Ethics: <http://www.auua.org/membership.html>
- C. Where the position to be filled entails the use of a motor vehicle to drive individuals affiliated with the institution on field trips or to doctors’ offices, the institution shall only hire or accept for service persons who have a valid driver’s license and proof of

insurance and who pledge to notify the institution of any license suspension or revocation, conviction for moving violation, or other restriction on driving.

D. The institution shall only credential, hire, or accept for service in a sensitive volunteer capacity, a person whose employment and educational history and, in the case of ministers and professional leaders, history of service has been verified. In addition, all references should be reviewed and contacted.

- 1) The committee shall conduct telephone reference checks, which it may wish to precede with letters of inquiry, with educational institutions, previous employers, and other persons that inquire about the individual's qualifications, performance and conduct. Where appropriate, the committee shall specifically inquire about whether the reference has any concerns about the person's potential to harm others, and whether the person has had any prior incidence of inappropriate conduct such as sexual contact with
 - a) Any individual the person was seeing in a professional or congregational context.
 - b) Any individual under age 18.

2) Special considerations for ministers: Committees shall initially obtain from the minister at least three references for each congregation served. Where a minister has served in multiple interim ministries, and in the case of positions held more than twenty years earlier, two references per congregation may suffice. In interviewing these "named" references, the committee is advised to ask them for additional, "developed" references. Once the minister has agreed to be one of the committee's pre-candidates, and only with the minister's acknowledgement, the committee is encouraged to contact developed references in congregations the minister has previously served. Once the minister has consented to be the committee's candidate, and only with the minister's acknowledgement, the committee is encouraged to contact developed references in the congregation presently served. The UUA Transitions Director and the District Executive should be consulted.

- 2) All transcripts, letters, e-mail messages, and other documents received, and all notes of conversations conducted as a part of the reference check shall be retained as part of the person's personnel record if employed or accepted for service. This file shall be kept in a secure location, for example a locked file cabinet accessible only by the board chair and others as authorized by the Board of Trustees.
- 3) No such documents received in connection with persons who are not employed or accepted for service shall be retained except as mandated by law; those not so retained shall be destroyed.
- 4) In the case of ministers, such documents shall include the "interpretive file summary" prepared by the Transitions Office.

- 5) The committee may arrange with an outside agency to conduct sex offender and criminal background checks and other checks as recommended, depending on the position for which the person is being considered and its specific responsibilities. Such arrangements may require the use of additional disclosure and authorization forms required by the Fair Credit Reporting Act.
- E. In all cases, the reference and background checks are to be conducted by the committee responsible for making the recommendation to call, to hire, or to accept the service of the volunteer. In most cases, to avoid needless inquiry and unnecessary expense, the background check should only be conducted on the committee's finalist. Once the recommendation is made, the results of the reference and background checks are to be delivered to the board chair for retention or destruction.
 - F. We recommend that each outgoing board chair pass on to his/her successor the means of access to material concerning persons currently on the church staff or in its membership.
 - G. We recommend that all congregations compose a church staff covenant, and that all ministers, religious educators, and church staff be required to abide by the covenant as a condition of service.
 - H. We recommend that the UUA conduct all appropriate criminal conviction reviews on its current staff if it has not already done so.
 - I. We recommend that all professional staff—i.e. ministers, religious educators, administrators, and music directors—and all members of the congregational boards of trustees submit themselves to criminal conviction reviews in order to model, as leaders, the conduct they expect of new ordained and lay leaders.
2. We recommend the following agencies from which to obtain services:

The following agencies provide extensive information on their services on line, including the ability to order services on line:

Oxford Document Management Company, Inc.
 655 West Highway 10
 Anoka, MN 55303-1623
 (800) 801-9114
www.oxforddoc.com

Note: The UUA has contracted with this agency to conduct background checks at a reduced cost.

Church Mutual Insurance Company's Screen Now program, with services provided by ChoicePoint
 3000 Schuster Lane

P.O. Box 357
 Merrill, Wisconsin 54452
 (800) 554-2642
<http://www.churchmutual.com/>

CORI check—Criminal Offender Record Information (Massachusetts only)
http://www.qualitychildcare.org/licensing_howto.shtml

3. Interpretation and Evaluation

- A. A committee in receipt of information about a person that is cause for concern should consider the information in the context of the person's candor with the committee, previous steps taken by the person and others to address the issue, and steps taken to address whatever consequences it may have had for others and to prevent future problems. Lack of candor or honesty on an application form –e.g., a denial of any criminal convictions when a background check reveals otherwise – should usually result in rejection of the person or termination of the employee unless the individual is able to provide a very persuasive and adequate explanation for the discrepancy.
- B. When a person has a criminal conviction history, the impact of such a conviction history may vary depending on the unique circumstances presented in each case. For instance, the hiring authority must consider the nature of the crimes committed and their relationship to the job in question. The hiring authority must also evaluate whether the person could perform acceptably in spite of the conviction or whether the person can adhere to certain clear agreed upon limits or boundaries to their activities within the church community. Thus, the hiring authority should consider a person's efforts at rehabilitation, work record, and the remoteness in time of the conviction. These factors may provide facts to support a decision to hire a person despite his/her conviction history.
- C. We recommend that the UUA allocate funds for and require the following staff to obtain advanced training in personnel evaluation in order to assist committees in interpreting and evaluating the information they obtain:
 - Transitions Director and Religious Education Credentialing Director, MPL
 - Lay Leadership Development Director and Young Adult and Campus Ministry Director, CS
 - Youth Office Director, LFD
 - Field staff and District Services Director, DS
- D. We recommend that every committee schedule a session facilitated by a person with advanced training in personnel evaluation in which the essential and recommended questions (see Appendix B) are a topic for discussion. See the *Creating Safe Congregations Workbook II*, to be issued soon.

4. When the news is bad

There will be occasions—may they be rare!—when the results of the criminal conviction check rule the person out of consideration. The temptation at this point may be to tell a “white lie,” so as to avoid the difficult conversation that must take place. Don’t succumb! As theologian Langdon Gilkey was fond of saying, “Religion is where we deal with the negativities.” In dealing with the negativities sensitively, even tenderly, while no less firmly, we affirm ourselves and our faith communities as *both* compassionate *and* responsible. Living, as we must, in the world as we find it, sometimes the best we can hope for is an environment in which misbehavior is named, consequences exacted, rehabilitation encouraged, and recovery respected, and in which covenants are authentic compounds of realism, respect, and redemption.

5. We recommend that the UUA negotiate with a provider a variety of “UUA background check packages” for the various congregational positions, and that it maintain on-line links to the recommended agencies on uua.org. The intent is to make the background check relatively easy to carry out and reasonable in price to help congregations ensure they are taking appropriate steps to protect children, youth, and vulnerable adults in their congregation *and* ensure the healthy functioning of the congregation at large. It is important to remember that these recommendations are not intended to serve as the maximum level of screening or review for potential employees or volunteers. Each organization must take responsibility for determining appropriate screening and hiring practices according to their unique circumstances in support of their UU mission. Once a hiring decision is made it is also important that appropriate policies be adopted to minimize the potential for harm and that appropriate supervision and oversight of all operations and individuals in ongoing.

Appendix A – FAQ

1. Question: If a previous employer won't give any information about the person's performance, what are our options?

Answer: You cannot force a former employer to provide you with information. However, you should ask as many questions as possible to ensure that you have explored possible avenues of information. Make a written note of the questions asked even if there is no response. You have fulfilled your responsibility for checking an applicant's references if you ask the necessary questions, even if the response is not informative.

2. Question: What should congregations do to keep secure the personnel records of the minister, professional leadership, church staff, and volunteers?

Answer: Personnel records, including applications and reference checks, must be maintained in a locked filing system administered by human resources or staff with similar responsibilities. Personnel files should not be generally accessible; an individual must have authorization prior to gaining access to another employee's or volunteer's file. Material such as medical records and criminal history documents should be maintained in a locked filing system separate from the main personnel files.

3. Question: We understand that the Ministerial Fellowship Committee requires that ministers report all criminal convictions, former or current. What is the purpose of this rule? Should our congregation make a similar requirement?

Answer: As explained above in the Responsible Staffing policy, a history of criminal convictions may be relevant to an applicant's suitability for a particular position. For instance, an individual with a history of sexual abuse convictions would not be suitable for a ministerial position. In some situations, a congregation could be considered negligent and legally liable if it hired an individual with a criminal conviction history and it did not take appropriate steps to ensure that such conduct would not be repeated. Hence, we recommend that congregations do full criminal conviction histories for anyone seeking a position as minister or professional leader. In addition, each congregation should require all staff to provide immediate notice of at least any criminal convictions, and any arrests or institution of legal proceedings of any kind to the extent required by state law, arising during employment.

4. Question: How do we go about reference and background checks when the person has spent significant time abroad?

Answer: The mere fact that an individual has spent time abroad does not alter the responsibility to conduct a review of the individual's qualifications, performance, and conduct. Although the resources for such review may be more limited, background checks should be conducted using the resources reasonably available.

5. Question: Are there any questions which under federal or state law the committee cannot ask of persons for positions in
- a. Ministry
 - b. Religious professions
 - c. Staff

Answer: General guidelines about impermissible areas of inquiry can be found on the website for the U.S. Equal Employment Opportunity Commission, www.eeoc.gov. Impermissible areas of inquiry may involve an applicant's status as a disabled individual (see the EEOC's Enforcement Guidance on Pre-employment Disability Related Questions and Medical Examinations) or matters such as race/color and national origin. Local anti-discrimination agencies may also provide additional information on permissible areas of inquiry.

Appendix B – Reference Checks – Essential and Recommended Questions

ESSENTIAL QUESTIONS FOR PERSONS UNDER CONSIDERATION FOR POSITIONS IN MINISTRY, RELIGIOUS EDUCATION, CHURCH MUSIC, CHURCH ADMINISTRATION, AND CONTACT WITH VULNERABLE PEOPLE

Adapt, as appropriate, if talking with a *personal* reference versus and *employment* reference.)

Hello. My name is _____. I'm a member of (name of congregation). (Name of candidate) has applied for the position of (name of position) within our congregation. I have the responsibility to contact individuals who know (him / her) to better understand if (he / she) is a good match for the job.

May I ask you some questions?

1. What is your relationship with (name of candidate)? _____
2. How long have you known him/her? _____
3. Describe the work for which he/she was responsible? _____
4. On a scale of 10 with 10 being the highest, how well did he/she perform in the job? _____. Please elaborate, sharing his/her strongest attributes and areas in which he/she could have performed better.

5. What was/is his/her reason for leaving your employ?

6. Would you consider rehiring (name of candidate), if the occasion arose? _____ If no, please explain why? _____
7. To your knowledge, has he/she ever been accused of any behaviors that would be considered unethical, inappropriate, illegal? _____ Please explain: _____
8. (Name of candidate) will be working with children. Is there any reason to believe that children would not be safe with him/her? _____ If yes, please explain:

ADDITIONAL RECOMMENDED QUESTIONS FOR NON-MINISTERIAL CANDIDATES:

How would you describe the applicant's relationship with others? (If talking with a former employer, you might ask specifically about relationships with coworkers, subordinates (if applicable), and with supervisor. _____

Does the candidate have a positive or a negative attitude? Please elaborate:

The position for which he/she is being considered is (elaborate). How well would you expect him/her to perform in this role? _____.

Are there any other comments you wish to make about this candidate?
_____.

ADDITIONAL RECOMMENDED QUESTIONS FOR MINISTERIAL CANDIDATES

(adapted from the Ministerial Settlement Resources Guide of the UUA. For full text, go to: <http://www.uua.org/programs/ministry/settlement/resourceguide/XII.html>)

1. As far as you know does _____ have clear personal and professional boundaries? i.e. can they say no when too many demands are put upon her/his personal time?
2. Does _____ tend to have a strong support system?
3. Does _____ have strong family ties?
4. Is _____ warm and available to her/his congregants?
5. Is _____ a strong leader?
6. Does _____ implement the vision of the congregation with clarity?
7. Is _____ strong on pastoral care? Describe please.
8. Have you known of a personal life crisis that _____ has had and how did he/she handle it?
9. Have you experienced or do you have a perception of how _____ would handle a difference of opinion issues with a congregant?
10. Have you experienced or do you have a perception of how _____ would handle a difficult pastoral care issue?
11. What is the most significant contribution that _____ has made to the UU ministry?
12. What has been the greatest challenge presented to _____?

13. Is there anything in his/her personal and professional life that we should know?

14. Would you want _____ as your minister?

15. At this point ask the Reference to add whatever they wish to the reference.