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**UNITED CHURCH
OF CHRIST**



UCCB-13-10-ExComm-04 **Consideration of Safe Church Policy**

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UCCB-13-10-ExComm-04 (Adopt Safe Church Policy)

RECOMMENDED ACTION: the adoption of a revised Safe Church Policy as attached and the adoption of a requirement that all UCCB members submit a completed United Church of Christ National Authorized Volunteer Application and Disclosure Form in order to serve on the Board.

BACKGROUND: The proposed revised Safe Church Policy includes a provision allowing a fact-finding team to present investigation results to the Audit Committee of the United Church of Christ Board and to safeguard the attorney-client privilege in an investigation in which a representative of the Office of General Counsel is part of the fact-finding team. Requiring UCCB members to submit a completed National Authorized Volunteer Application and Disclosure Form prior to serving on the UCCB is a good governance practice that is consistent with the Common Personnel Policies, of which the Safe Church Policy comprises a part.

RESOLUTION:

RESOLVED, that the revised Safe Church Policy, as attached hereto, be, and the same hereby is, approved and adopted;

FURTHER RESOLVED, that United Church of Christ Board members, except employees of the United Church of Christ national offices, be, and hereby are, required to submit a completed United Church of Christ National Authorized Volunteer Application and Disclosure Form in order to serve on the United Church of Christ Board;

FURTHER RESOLVED, that officers of the United Church of Christ Board be, and hereby are, authorized and directed to take all such further action, and execute and deliver all such other documents as may be necessary or appropriate to carry out the purposes of this resolution; and

FURTHER RESOLVED, that the funding for the implementation of this resolution will be made in accordance with the overall mandates of the affected agencies and the funds available.

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2.7 SAFE CHURCH POLICY CONCERNING ABUSE PREVENTION

2.7.1 Policy Prohibiting Abuse, Exploitation and Harassment

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

2.7.2 Conduct of our Employees and Volunteers

Consistent with the priesthood of all believers, it is important that every employee, including Authorized Ministers, independent contractors and volunteers 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 the UCC to encourage its employees, independent contractors and volunteers to nurture safety within the work performed on behalf of the UCC 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 employees, volunteers or others by anyone engaged in the work performed on behalf of the UCC is unethical behavior, will not be tolerated by the UCC and will be cause for immediate termination of employment or termination of volunteer role with the UCC. Similarly, Workplace Harassment, as defined in the UCC's Common Personnel Policies at Section 2.2, is strictly prohibited.

2.7.3 Requirements for Commencing and Continuing Employment or Volunteerism

- a. Before beginning their duties, all employees, independent contractors and volunteers may be required to submit an application and/or disclosure form.
- b. Before beginning their duties, all employees, independent contractors or volunteers may be personally interviewed to assess the suitability of their character and qualifications for the position they seek.
- c. Prior to employment, the UCC will conduct a criminal background check and employment reference check for all prospective employees, including, but not limited to, a registered sex offender review for each prospective employee, by searching their name on the Department of Justice website at www.nsopw.gov. The registered sex offender review will be repeated on an annual basis for all employees.

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- d. Prior to assignment as an independent contractor or volunteer, the UCC will conduct a background check which will include at minimum, a registered sex offender review for each independent contractor, or volunteer, by searching their name on the Department of Justice website at www.nsopwv.gov. The registered sex offender review will be repeated on an annual basis for all independent contractors and volunteers.
- e. All employees will be required to attend mandatory workshops on “Harassment, Abuse and Exploitation Prevention” as scheduled by the UCC, not less than once each three year period. Independent contractors and volunteers will be invited to participate in workshops and/or webinars.
- f. All Authorized Ministers employed at the UCC are expected to attend all boundary workshops required by the Association where the Minister currently has standing.

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2.7.4 Additional Requirements for Child and Youth Ministry

- a. The UCC is committed to providing a safe and healthy environment in which young people can learn about and experience God’s love.
- b. In order to promote this, we have established the following guidelines in addition to the general requirements for ministry.
- c. All volunteers who regularly work with children and youth will complete and submit a disclosure document.
- d. 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.
- e. All volunteers, independent contractors and employees who regularly work with children and youth will receive orientation regarding safe church policy and procedures.
- f. It is the practice of the UCC to provide adequate supervision and safeguards for youth activities. In situations where participants are readily visible to each other, there will be no fewer than two unrelated adults present with children. Youth over the age of 14 may assist an unrelated adult in supervising children and youth activities; however, such assistance does not alter the requirement that at least two unrelated adults be present.
- g. Written consent of one parent or guardian of a minor will be required for all activities off the property of the UCC or a UCC affiliated church, and any overnight activities.

2.7.5 Definitions

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).

Independent Contractor: a person who is contracted by the UCC to perform services that ordinarily would be performed by a UCC employee, normally on a short term or

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temporary basis. An independent contractor, for purposes of this policy, does not include a vendor or third party who supplies goods or services to the UCC (i.e. attorneys, auditors, suppliers of equipment/office supplies, caterers, musicians, etc.).

Sexual Exploitation: sexual activity or conduct (not limited to sexual intercourse) in which a person takes advantage of the vulnerability of the person being served by causing that person to engage in sexual behavior with the UCC employee or volunteer.

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 either explicitly or implicitly a term or condition or circumstance of instruction, employment or participation in any UCC activity.

Submission to, or rejection of, such conduct by an individual is used as a basis for evaluation in making personnel or UCC related decisions affecting an individual; or

Such conduct has the purpose or effect of unreasonably interfering with an individual's performance or participation in UCC 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, text messages, instant messages, 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.

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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, leadership opportunities, or comfortable participation in the life of the UCC. 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.

2.7.6 Procedures for Handling Complaints of Sexual Exploitation or Harassment

- A. The Human Resources office will lead the investigation into and respond to any complaints under this policy. These persons are familiar with the terms of this policy as well as the established policies and of the UCC for addressing concerns, complaints and grievances, as set forth at paragraph 8.1 of the Common Personnel Policies.
- 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. If the complainant is an employee or volunteer of the UCC, the complainant can raise the concern with their supervisor.
 3. If an informal resolution of the complaint does not seem wise, appropriate, possible, or does not succeed, the complainant may bring their concerns to their supervisor or the Human Resources office.
- C. Human Resources and an appropriate UCC representative ("the fact finding team") such as the Office of General Counsel shall work cooperatively in the fact finding process and will interview and gather information from persons who may have pertinent information. Upon conclusion of the fact-finding process, a report will be presented by the fact-finding team to the complainant and the appropriate Executive (member of the Collegium) and/or to the Audit Committee of the United Church of Christ Board ("UCCB").
- D. The fact-finding team shall make determinations and make recommendations to the appropriate member of the Collegium and/or the Audit Committee of the UCCB to resolve the matter. These may include, but are not limited to:
 1. finding that the 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:
 - a. a formal reprimand, with defined expectations for changed behavior;

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- b. recommending or requiring psychological or psychiatric assessment, counseling and/or treatment;
 - c. probationary standing, with the terms of the probation clearly defined;
 - d. dismissal from employment or volunteer position.
2. finding that sexual exploitation or harassment did not occur.
 3. The fact-finding team and the appropriate ministry Executive (member of the Collegium) who will determine the appropriate actions to resolve the matter may seek the advice of legal counsel or others to advise it in performing its functions.
- E. A written summary of the Fact-Finding Team's investigation and recommendations will be maintained. If the appropriate UCC representative as required by 2.7.6 (C) is a representative of the Office of General Counsel, the Office of General Counsel shall write the summary of the Fact-Finding Team's investigation and shall maintain such summary in the Office of General Counsel.
- F. 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 UCC may initiate or proceed with the formal complaint process.
- G. 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 occurred.
- H. 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 discriminates against or discharged.
- I. The appeal process for any complaint under this policy is set forth at section 8.5 of the Common Personnel Policies.

2.7.7 Child Abuse

Apart from any legal requirements the UCC will make a report to the appropriate authorities, including but not limited to the Ohio Department of Job & Family Services, if at any time the UCC has reasonable cause to believe that a minor may be an abused or neglected child. Any employee of the UCC who becomes aware of the facts or circumstances that child abuse or neglect has occurred or that there exists a substantial risk that child abuse or neglect may occur in the reasonably foreseeable future shall immediately report the matter to the Human Resources Office so that the UCC may take appropriate action in a timely manner, or you may call the 614-466-9274, toll-free at 1-

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800-25-Abuse. Volunteers who regularly reside or work in Ohio are to report child abuse or neglect to the Human Resources Office or the 614-466-9274, toll-free at 1-800-25-Abuse. *Volunteers who do not regularly reside or work in Ohio are required to follow the law of the state of their primary residence or regular place of work.*

2.7.8 Clergy

Apart from any disposition of the matter by the UCC, all allegations of behavior which call into question the fitness for ministry of any Authorized Minister will promptly be forwarded to the Association where the Minister currently has standing.

2.7.9 Confidentiality

Except as set forth in 2.7.7 and 2.7.8, information concerning a complaint will be received in confidence. Supervisors and other members of the staff will discuss a complaint only with those individuals who are involved in the investigation and resolution of the complaint. Confidentiality will be maintained to the extent practicable and appropriate under the circumstances to protect the privacy of persons involved.

2.7.10 Additional Resources

Additional resources and information regarding the UCC's Safe Church policy may be found at: http://www.insuranceboard.org/safety_solutions/safe_conduct_workbench.aspx