

Information Sheet

October 2006

For Clergy, Congregations, Associations, and Conferences

Criminal Background Checks

Why Conduct Criminal Background Checks?

The United Church of Christ is committed to creating safe environments where all people are protected from abusive behavior by those who are called to serve. To this end, congregations and authorizing bodies evaluate the backgrounds of clergy that provide ministry in the name of the United Church of Christ. This due diligence has been supported by Parish Life and Leadership in part by means of the voluntary disclosure form that accompanies clergy profiles. We are now enhancing these risk management measures by including criminal background checks as part of the ministerial profile.

The United Church of Christ first began requiring clergy profiles to contain an attached Background Check and Release Form in 1994. This form was updated in 1996 when it became the Background Disclosure Form. Both of these forms asked that clergy self-report any history of suspension or termination of ecclesiastical authorization and any criminal record other than acts of civil disobedience. By conducting criminal background checks, with Oxford Document Management as the provider, the United Church of Christ will become a leader in being the first denomination to require official criminal background checks as a part of their search and call process. Many denominations (Roman Catholic, Lutheran, Presbyterian Church USA, Christian Church (Disciples of Christ), and others) have been conducting criminal background checks on a regional or local basis but have not moved into requiring these checks for all clergy candidates.

Like the ministerial profile and search and call process generally, the inclusion of criminal background checks is an expression of our covenantal responsibility. Criminal background checks as part of the ministerial profile contribute to the United Church of Christ's ability to provide safer environments for all.

The process for conducting criminal background checks was crafted by the Writing Team: Geoffrey Black, Conference Minister, New York Conference, Donald C. Clark, Nationwide Special Counsel, John Deckenback, Conference Minister, Central Atlantic Conference, Richard Sparrow, Minister and Team Leader for Parish Life and Leadership, and Michelle Hintz, Minister for Search and Call, Parish Life and Leadership. Representatives from the Christian Church (Disciples of Christ) and the United Church of Christ Insurance Board were present. The work of creating a process for conducting criminal background checks was done in conversation and cooperation of association and conference staff and at the request of the Council of Conference Ministers.

When Will the Criminal Background Check Process Go Into Effect?

We will begin asking any clergy candidate who begins a ministerial profile after December 15, 2006, to authorize and pay for a criminal background check with Oxford Document Management. There will be a link to the Oxford Document Management website from the Ministerial Profile website, including instructions.

What is the Cost of the Criminal Background Check and What is Included?

The cost for conducting a criminal background check is \$140.00. This fee will cover the following searches: Social Security trace; state and federal criminal convictions for each current and historical state and county of residence and employment on the ministerial profile and as a result of the social security trace; National Criminal Background Directory (38 states are included); the National Sex Offender Public Registry information through www.nsopr.gov.

It is often assumed that criminal background checks are easily done through internet searches. This is not the case. There is currently no comprehensive nationwide, up-to-date repository of criminal history records available to most employers or the general public. Some information (like that contained in the National Crime Information Center) is available only to law enforcement. Criminal history records searches must be conducted at the various jurisdictions that exist throughout the United States where conviction records are initiated and/or compiled.

For each profile requesting preparation and circulation, a social security trace will be performed. Thereafter, a search for criminal records will be made in each of the following jurisdictions/databases:

- Each county of disclosed residence and employment
- Each state of disclosed residence and employment
- Each federal district of disclosed residence
- Any proprietary nationwide database of our vendor
- U.S. Justice Department's link to participating state sex offender registries
- Such additional jurisdictions or resources as may be warranted

Typically the cost of conducting criminal background checks is determined by the number of jurisdictions searched. Since individuals have lived and worked in differing numbers of counties, the cost of doing a criminal background check can vary greatly. In an attempt at equity in the search and call process, a flat fee was negotiated with Oxford Document Management by our Nationwide Special Counsel, Donald C. Clark.

Since these criminal background checks are being required in order to seek a call in the United Church of Christ and are being conducted for the benefit of local calling bodies, the local church (or other calling body) should view the cost of the criminal background check as a reimbursable expense. Upon the extension and acceptance of a call, reimbursement to the candidate for this expense should be written into the call agreement.

Conferences will be asked to amend compensation guidelines to include reimbursement by the calling body of the criminal background check fee. The flat fee pricing creates the greater possibility of a level playing field for all candidates in the search and call process.

Some Guiding Principles

The presence of a criminal conviction in a candidate's history should not result in an automatic rejection of a candidate. Just as the absence of criminal history does not automatically make a candidate fit for a specific call to ministry, neither does the existence of criminal history automatically make a candidate unsuitable for such a call. When evaluating criminal history, all relevant factors should be taken into account. Examples of circumstances that may be considered when evaluating an offense include:

- the nature and seriousness of the offense
- the circumstances under which the offense occurred
- the passage of time since the offense and the absence or presence of additional criminal behavior during this period
- the relationship of the criminal behavior to the responsibilities of the position sought
- the probability that the candidate will repeat harmful behavior associated with the offense
- other evidence of the person's fitness for ministry

The determination of whether a particular criminal offense is serious enough to result in a decision not to extend a call is at the sole discretion of the calling body.

Calling bodies may have reservations about a candidate who makes a false statement of any material fact or attempts any deception or fraud with respect to the candidate's criminal history.

Fairness in the Process

The search of public records provided for by this policy is intended to be a verification of information long required to be self-disclosed on the ministerial profile and considered by calling bodies. There is no reason to expect that information will surface in a criminal background check that has not already been self-disclosed by the candidate on the Background Disclosure form.

Before a criminal background check report is obtained, the candidate will need to give prior consent for the criminal background check to be conducted and for the dissemination of its results. Candidates will have an opportunity to view their report and challenge inaccuracies before the results are disseminated along with their ministerial profile. Information contained in the report is limited to criminal convictions and does not include a credit history. Information contained in a criminal background check varies from state to state.

Process for Criminal Background Checks

The United Church of Christ

1. A person authorized to do so goes to the UCC ministerial profile website (<http://www.ucc.org/ministers/index2.html>) to create/update a profile.
2. One the webpage will be a step-by-step outline of the minister's search and call process, including the criminal background check.
3. In the process will be links to: (a) Criminal Background process, including reasons for, procedure, cost, etc.; and (b) ministerial profile.
4. The Criminal Background Check history, process, timeline, cost:
 - a. The United Church of Christ became a leader among other denominations and faith groups in 1994 when a Self-Disclosure and Background Check and Release Form was made a require part of each ministerial profile. In the intervening years, that has become standard with other mainline denominations, while partner churches and others (ELCA, PCUSA, RCA, Episcopal, UMC, ABC, and Roman Catholic) have instituted Criminal Background Checks as a part of their search and call, placement, and appointment processes. In 2004, conference/association staff, Committees on Ministry, National Council, and Parish Life and Leadership began exploring the relevance, need, benefits, and concerns of including criminal history verification as part of the Search and Call Process. It was determined that Oxford Document Management (<http://www.oxforddoc.com/>) in Anoka, Minnesota, could best provide a comprehensive Criminal Background Check and would do so at a negotiated flat fee of \$140.
 - b. Ordained and Licensed UCC ministers with standing, Christian Church (Disciples of Christ) ministers with Ordained Ministerial Partner Standing, and authorized persons In Care, when creating or updating a ministerial profile will initiate a Criminal Background Check through Oxford Document Management at this site: <http://test.oxforddoc.com/ucc/welcomeUCC.asp>
 - c. As the CBC process takes approximately a month before a report is generated, ministers are encouraged to request a CBC before they begin work on their ministerial profile.
 - d. After all information is completed on the Oxford Document Management site, credit card information needs to be entered, covering the \$140 cost of the Criminal Background Check.
 - e. Electronically submit the Criminal Background Check request form, with payment, to Oxford Document Management.

5. The Criminal report is sent to Parish Life and Leadership.
6. When the ministerial profile is complete, the Criminal Background Check report is attached to the profile.
 - a. A visual check is made by Parish Life and Leadership staff to see if there are any discrepancies between the self-disclosure and the Criminal Background Check report. If there are none, the review profile is sent to the minister and to the minister's conference/association staff for both to review.
 - b. If there are any problems, inaccuracies, concerns from either's perspective, Parish Life and Leadership will be notified not to circulate the profile until the issue is resolved.
 - c. If there are no problems, the profile will be circulated upon approval by both the conference/association staff and the minister.
 - d. If there are any discrepancies, Parish Life and Leadership will alert the conference/association staff person to watch for that.
 - e. The conference/association staff person will sit down with the minister to talk about the discrepancies.
 - f. Once discrepancies have been discussed dealt with and both the candidate and the conference/association staff are satisfied with the profile, it can be released for circulation.
7. After 18 months of circulation, an email will be automatically generated to the minister stating that within two months the Criminal Background Check will need to be replaced by a new one (the shelf life of a Criminal Background Check is 18 months).
 - a. The email will give the link to the ministerial profile webpage (<http://www.ucc.org/ministers/index2.html>) where the person will find the information about and access to the Oxford Document website.
 - b. (<http://test.oxforddoc.com/ucc/welcomeUCC.asp>) where a new Criminal Background Check can be requested.
 - c. Required information is given to Oxford Document Management and payment of \$140 is submitted.
8. The process continues to #5, above.

Additional points...

1. Licensed Ministers can use the ministerial profile process with Criminal Background Checks if this is required or requested by conference/association staff and/or Committees on Ministry. The same process will be followed as listed above, with the exception that the profiles of Licensed Ministers are not circulated beyond their association or conference.
2. Interim Ministers who are required to use the ministerial profile system will also complete the Criminal Background Check process, and the reports will be circulated with their ministerial profiles in the same way as settled clergy.
3. The Pastoral Call Agreement (<http://www.ucc.org/ministers/call.pdf>) will be rewritten to include reimbursement to the minister for the cost of Criminal Background Checks, with such reimbursement coming from church administrative expense, rather than ministerial compensation. Conference/association staff will work with calling bodies to understand and honor this.