

IOWA CONFERENCE OF THE UNITED CHURCH OF CHRIST

Title: **POLICY PROHIBITING SEXUAL EXPLOITATION AND HARASSMENT**

Date adopted: April 19, 2008

Dates of revisions: October 24, 2009

Category: 1.4c

The Iowa Conference of the United Church of Christ 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 sexual exploitation and harassment. All persons associated with the Conference and all persons who make use of Conference facilities or participate in Conference-sponsored activities should be aware that the Conference is strongly opposed to all such forms of behavior and that such behavior is expressly prohibited by Conference policy. It is the intention of the Conference 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.

Requirements for Commencing and Continuing Activity on Behalf of the Conference

These requirements shall apply to all paid staff of the Conference, all members of the Board of Directors of the Conference, all chairs of standing Committees of the Conference, all volunteers working with youth in Conference-sponsored activities and all other persons designated from time to time by the Conference Minister. All of these persons are "Covered Persons".

1. Before beginning their duties, all Covered Persons will complete and submit a disclosure form similar to the sample attached hereto as Exhibit A and/or any other form required by the third party vendors to conduct criminal background.
2. Before beginning their duties, all Covered Persons will have personal contact with a representative of the Conference to assess the suitability of their character and qualifications for the position they seek.
3. The Conference will conduct a criminal background check for each Covered Person using the United Church of Christ Insurance Board. This criminal background check will be repeated on an annual basis for all Covered Persons. A criminal background check conducted as part of an Authorized Minister's ministerial profile can be used to fulfill this requirement.
4. After beginning their duties, Covered Persons must complete an approved "safe church" training.

5. Each Covered Person who is an Authorized Minister of the United Church of Christ will attend at least one boundary training workshop every three years.
6. Covered Persons who began the performance of their duties on behalf of the Conference prior to the adoption of this Policy shall be covered by it, but it shall be modified as follows:
 - a. The disclosure form shall be submitted after the policy is adopted.
 - b. The criminal background check will be completed after the policy is adopted.
 - c. Personal interviews will be conducted after the policy is adopted.
 - d. An approved "safe church" training shall be completed after the policy is adopted.

Additional Requirements for Child and Youth Ministry

In addition to the preceding requirements all Covered Persons who work with minors on behalf of the Conference shall be subject to the following additional requirements.

- Such Covered Persons shall have been members of a local church of the Iowa Conference for at least six months prior to becoming a Covered Person.
- Such Covered Persons shall complete and submit a disclosure form similar to the sample attached hereto as Exhibit B and/or any other form required by third party vendors to conduct criminal background check. This disclosure form shall be in lieu of the form referred to above.
- Before beginning their duties, such Covered Persons as are determined by the Conference Minister to be subject to this requirement shall submit to a criminal background check by a third party vendor.
- If a Covered Person will be transporting minors as part of their work, they must submit to a motor vehicle record check conducted by a third party vendor.
- Covered Persons who work with minors on behalf of the Conference must be at least 21 years of age.
- During youth events, there must be at least one adult of the same gender as the youth participants; after that, the Conference will comply with the required adult:youth ratios required by the organization sponsoring the event or the site at which the event is held. If no supervision ratios are required by those entities, then the Conference will adhere to a 1:6 adult:youth ratio.
- Written consent of one parent or guardian of a minor will be required for all 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 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.

Definitions

In addition to those terms identified elsewhere, the following terms shall have the meaning indicated for purposes of this Policy.

Authorized Minister: A person who holds ordained ministerial standing or has been commissioned or licensed by an Association of the United Church of Christ.

Sexual Exploitation: Sexual activity or contact (not limited to sexual intercourse) in which one person takes advantage of the vulnerability of another by causing or allowing that person to engage in sexual behavior with the Covered Person.

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 Conference activity.
- Submission to, or rejection of, such conduct by an individual is used as a basis for evaluation in making personnel or other Conference-related decisions affecting an individual; or
- Such conduct has the purpose or effect of unreasonably interfering with an individual's performance or participation in Conference 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, or invitations received via e-mails, text messages or other electronic media;
 - Verbal contact, such as sexually suggestive or obscene comments, threats, slurs, epithets, jokes about gender-specific traits or sexual propositions;
 - Physical contact, such as intentional touching, pinching, brushing against another's body, impeding or blocking movement, assault or coercing sexual intercourse; and
 - Visual contact, such as leering or staring at another's body; gesturing; or displaying sexually suggestive objects, pictures, cartoons, posters or magazines.

Prohibited 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, Conference leadership, or comfortable participation in the life of the Conference. 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. **Informal resolution of complaints.** A complainant may choose to seek informal resolution of a complaint of sexual exploitation or harassment:
 - A. The complainant can attempt to resolve the matter directly with the respondent, the individual accused of sexual exploitation or harassment.
 - B. The complainant can report the incident to any Authorized Minister, in an effort to resolve the matter informally.
 - C. If the complainant chooses not to seek informal resolution of the complaint or, if informal resolution has been attempted and is not successful, the complainant may seek formal resolution of the complaint.

- II. **Formal resolution of complaints.**
 - A. Formal complaints of Sexual Exploitation or Harassment shall be made in writing to the Conference Minister. If the complaint is against the Conference Minister, it shall be made to the senior Associate Conference Minister. The person who receives the formal complaint shall be referred to as the "Presiding Officer".
 - B. Upon receipt of a formal complaint, the Presiding Officer shall appoint a committee of not less than two members, at least one of whom shall be male and one of whom shall be female. This committee shall be called the "Response Team".
 - C. The Response Team shall institute formal proceedings which shall include the following steps:
 - (1) The Response Team shall conduct an investigation of the complaint and shall keep the Presiding Officer fully advised of the progress of the investigation.
 - (2) In its investigation, 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 Presiding Officer.

(3) The Presiding Officer 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 Conference 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; or

(iv) dismissal from employment or authorized volunteer position.

b. Finding that sexual exploitation or harassment did not occur.

(4) If the complaint is made against the Conference Minister, then the Senior Associate Conference Minister, as Presiding Officer, shall present his or her findings and recommendations for further action to the Board of Directors of the Conference which shall adopt, reject or modify the findings and/or recommendations as it deems appropriate.

D. The Response Team may, with the prior approval of the Presiding Officer, seek the advice of legal counsel or others to advise it in performing its functions.

E. A written summary of formal complaint proceedings shall be maintained by the Conference.

III. **Who may complain.** 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.

IV. **No adverse actions.** No person bringing a sexual harassment or exploitation complaint or assisting in investigating such a complaint will be adversely affected in terms and conditions of employment or volunteer status, or otherwise discriminated against or punished

V. **Right of Appeal.** If the complainant or respondent, other than the Conference Minister, is not satisfied with the disposition of the matter by the Presiding Officer, he or she has the right to appeal to the Board of Directors of the Conference within five (5) business days after being notified of the decision of the Presiding Officer. Any such appeal shall be in writing. The subject of any such appeal to the Board of Directors 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 Board of Directors will be the final resolution of the matter. If the Board of Directors determines that the procedures of this policy were not followed, it will refer the matter back to the Presiding Officer to complete the processing of the complaint in accordance with these procedures.

Child Abuse

Apart from any legal requirements, the Iowa Conference will make a report to appropriate authorities, including but not limited to the Iowa Department of Human Services, if at any time the Conference has reasonable cause to believe that a minor may be an abused or neglected child. Any Covered Person who, in the context of their Conference role, becomes aware of facts or circumstances suggesting 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 Conference Minister or the appropriate Associate Conference Minister so that the Conference may take appropriate action in a timely manner.

Authorized Ministers

Apart from any disposition of a complaint by the Conference, all allegations of behavior which call into question the fitness for ministry of any Authorized Minister will promptly be forwarded to the appropriate committee of the Association in which such Authorized Minister has his or her standing.

CERTIFICATE OF ADOPTION

This Policy Prohibiting Sexual Exploitation and Harassment was adopted by the Board of Directors of the Iowa Conference on April 19, 2008;

Secretary

Exhibit A

Iowa Conference Application and Disclosure Form

Name: Last First Middle

Address: Street City/State Zip
code

Daytime Phone Evening Phone Email

Reference:

Name

Address City/State Zip code

Telephone Email

I am a member of the following church:

I have been a member 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 and minor traffic offenses)

_____ 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.

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 employment or authorized volunteer positions in the Iowa Conference require honesty, integrity and truthfulness for the health of the Conference. 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 employees and volunteers and the organization they seek to serve. To that end, I authorize the Iowa Conference 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.

Iowa Conference employment and 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 the Iowa Conference 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 the Iowa Conference 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 Iowa Conference Policy Prohibiting Sexual Exploitation and Harassment.

(PRINT NAME & SIGN)

DATE

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

- Criminal background check performed on _____
- Personal contact made by staff on _____
- Reference and background inquiries completed on _____
- "Safe church" training completed on _____

Exhibit B

Iowa Conference
Iowa Conference Application and Disclosure Form (Youth Volunteers and Employees)

Name: Last First Middle

Address: Street City/State Zip code

Daytime Phone Evening Phone Email

Reference:

Name

Address City/State Zip code

Telephone Email

I am a member of the following church:

I have been a member 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 and minor traffic offenses)

_____ 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.

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.)

I have a valid drivers' license?

_____ True

_____ Not True

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 employment or authorized volunteer positions in the Iowa Conference require honesty, integrity and truthfulness for the health of the Conference. 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 employees and volunteers and the organization they seek to serve. To that end, I authorize the Iowa Conference 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.

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(PRINT NAME & SIGN)

DATE

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

DATE

- Criminal background check performed on _____
- Personal contact made by staff on _____
- Reference and background inquiries completed on _____
- "Safe church" training completed on _____

