

**Unitarian Universalist Congregation  
at Montclair, New Jersey  
“Safe and Civil Congregation” Policy and Procedures**

**ARTICLE I**

**STATEMENT OF POLICY**

Section 1.1 Among the goals of the Unitarian Universalist Congregation at Montclair (the “Congregation”) is the creation of a safe environment in which members of the Congregation can both explore and experience spiritual growth, as well as freely express their individual views and opinions. As Unitarian Universalists, we value the “inherent worth and dignity of every person.”

Section 1.2 In order to fulfill our goals, it is important that the Congregation encourage appropriate behavior at our Congregation premises and events, and that the Congregation strongly discourage all actions, verbal or otherwise, that actually or potentially harm, degrade, intimidate, or violate the safety of members of the Congregation or visitors to Congregation premises and events.

Section 1.3 Accordingly, the Congregation hereby establishes this “Safe and Civil Congregation” policy and procedures (“Policy”) in order to:

- Guide the activities that take place in our Congregational life; and
- Provide for a procedure to deal with conduct that leads to complaints, or which otherwise require that they be formally addressed by the Congregation.

Section 1.4 This policy is provided for the benefit of, and is applicable to, all persons associated with the Congregation or are present on Congregation premises, and is intended to promote a “Safe and Civil Congregation” for every person whether a member, guest, employee or minister of the Congregation, or otherwise.

Section 1.5 Nothing in this Policy shall affect either the right of the Board of Trustees to remove as a member any person whose actions are “inimical to the interests” of the

Congregation, as provided by Article III, Section 2 of the Congregation Bylaws, or the rights of a “called” minister to due process as provided in the by-laws of the Congregation.

Section 1.6 Additionally, the Congregation will endeavor to assure that the physical condition of the Congregation building will allow for the safety of all persons, and the Congregation will institute reasonable safety procedures throughout the building.

## **ARTICLE II**

### **SAFE AND CIVIL CONGREGATION PROCEDURES**

Section 2.1 Our Policy addresses Abuse in a broad context, and Sexual Misconduct as a form of Abuse, as well as “Uncivil Actions”, which is a response to behavior that, while not rising to the level of Abuse, may lead to undesirable consequences. An example of an Uncivil Action is an episode of bad temper by an individual that causes unnecessary offense.

Section 2.2 Definitions.

Where used in this Policy, the following terms shall have the meanings set forth below:

(a) “Abuse” means:

(i) any intentional or reckless act which causes, or creates a substantial risk of serious physical or emotional injury, or that constitutes a criminal offense under the laws of the State of New Jersey; or any intentional or reckless act which inappropriately or unfairly takes advantage of a person under the age of eighteen,

(b) “Sexual Misconduct” means any:

(i) Abuse which is sexual in nature, including but not limited to any sexual involvement or sexual contact by any adult with a person who is under the age of eighteen or who is legally incompetent;

(ii) Harassment, intimidation, or other inappropriate behavior of a sexual or prurient nature that takes place in an employment, mentor, therapist, teacher or similar relationship; harassment, intimidation, or other inappropriate behavior includes but is not limited to, undesired or inappropriate sexually oriented humor or language; unsolicited questions or comments about sexual behavior or preference; unsolicited or unwelcome physical contact or advances; undesired or inappropriate comments about clothing or physical appearance; and/or any communication which has the purpose or effect of creating an intimidating, hostile, or offensive environment; or

(iii) Sexual exploitation, including but not limited to, the development of or the attempt to develop a sexual relationship between ministers, counselors, youth leaders, Congregation religious education teachers, etc. with a person with whom they have a caretaking or confidential role, whether or not there is apparent consent.

(c) “Uncivil Actions” means conduct that is inconsiderate of others’ feelings, displays of temper, and other immoderate behavior that is inconsistent with our responsibility to respect the inherent worth and dignity of our fellow members, and to foster emotional and physical safety in our space.

Section 2.3                    Continuation of the Caring Committee.

(a) The “Caring Committee” is hereby continued. The Caring Committee shall consist of the called Ministers of the Congregation, the Congregation President, the Chair of the Council on Ministries. The Congregation President shall be the Chair of the Caring Committee. In the event a complaint is brought before the Caring Committee, two members of the Congregation (or more in an appropriate case) shall then be selected unanimously by the

Ministers and those two officers to consider that complaint. If the Ministers and the officers are unable to reach unanimity with respect to selection of those members of the Congregation, each shall nominate three individuals, and the two members of the Congregation shall be selected by lots drawn by the President of the Congregation. Insofar as practical, the Caring Committee shall include both male and female members. The identities of the members of the Caring Committee shall be made public to the members of the Congregation by any appropriate means, including the Congregation’s website.

(b) The Caring Committee shall investigate allegations of Abuse and Sexual Misconduct in accordance with this Policy.

**Section 2.4 Safe and Civil Congregation Procedures: Required Documents.**

The following Attachments, copies of which are attached and incorporated into this Policy, are adopted for use in connection with Congregation activities:

- (a) Religious Education Volunteer Information Statement, including Code of Ethics Statement;
- (b) Testament of Good Adult Behavior;
- (c) Accident Report; and
- (d) Education Permission Slip and Medical Release form.

The foregoing documents must be obtained, and where required, signed, as the context requires, as a condition of this Policy. The requirement that these documents be obtained has been approved by the Board of Trustees, and any additional or amended documents must be approved by the Board of Trustees as a condition of use.

Section 2.5 Selection And Screening Of Teachers, Advisors And Others Caring For Children During Congregation Activities.

Section 2.6 Adults who are considered for positions that bring them into positions of responsibility toward children and youth in the Congregation, and at Congregation-sponsored events (including teachers, youth advisors, mentors, chaperones and other such positions) shall meet certain conditions as follows.

(a) A Program Testament of Good Adult Behavior (Attachment B to this Policy) shall be signed by, and a copy provided to, the applicant;

(b) the adult must have been a member or friend of the Congregation for a minimum of six months, or must have established a relationship with the Congregation such that the Minister can waive the requirement in writing. Alternately, the adult may have been a member of another UU congregation for a minimum of six months, which the Congregation shall verify by obtaining references from at least the called Minister of that congregation and one other member of that congregation; and

(c) the adult must attend an approved orientation or training as specified by the Associate Minister.

Section 2.7 Supervision of Teachers, Advisors and others caring for children during Congregation activities

(a) The Congregation hereby confirms that in all ordinary circumstances, there shall be two adult teachers or facilitators in every classroom. Exceptions should only be made in emergencies (such as the sudden illness of a child who requires adult accompaniment out of the classroom), and for as short as possible a duration. If an adult is to be left in sole charge of a class, every effort should be made to contact the Associate Minister, or another

responsible adult to obtain additional coverage so that the two-adult minimum rule can be maintained.

(b) There shall be a minimum ratio of adults to children or youth at every Congregation sponsored event for children and youth:

- (i) Nursery 1:3;
- (ii) Toddler and Pre-School 1:5;
- (iii) K-7<sup>th</sup> 1:8;
- (iv) Jr. & Sr. High 1:10.

These ratios are mandatory for all religious education (“RE”) classes and related activities. These ratios may be waived for other Congregation-sponsored activities if notice is provided to the parents and/or guardians of the children or youth involved and consents are obtained.

Section 2.8 Where reasonably practical, all rooms where classes or events for children are held shall have a clear glass window in the door. For any room without a clear glass window, the door shall remain open during the time children or youth are in the room. Additional requirements may be imposed by the Board of Trustees from time to time.

Section 2.9 During religious instruction hours at the Congregation, there shall be adequate staffing to insure that each classroom can be staffed with two adults. Also, the Associate Minister or her designee shall ordinarily monitor the hallways and classrooms on a roving basis.

Section 2.10 Parental permission must be obtained in advance for any private meeting concerning Congregation business or lessons between a child or youth, such as meetings between Coming of Age youth and their mentors. Permission may be oral only if approved by a Minister.

Section 2.11 For any child or youth participating in any Congregation-sponsored trip and, if the Congregation is providing chaperones, for any Congregation event that will be attended by the child or youth without their parents, parental permission and medical release forms must be signed and received in advance (Attachment D).

Section 2.12 For the further protection of children and youth who attend the Congregation, those congregants with a history of confirmed Abuse or Sexual Misconduct shall be subject to permanent restrictions as determined by the Board of Trustees in consultation with the Ministers. Such restrictions may include, but are not limited to, being accompanied by an approved chaperone at all times while on Congregation premises. On a case by case basis, the Board, in consultation with the Ministers, may bar individuals with a history of confirmed Abuse or Sexual Misconduct from Congregation premises and attendance at Congregation sponsored functions.

### **ARTICLE III**

#### **PROCEDURES REGARDING INCIDENTS INVOLVING ADULTS**

Section 3.1 Any called Minister, Congregation employee, or member who receives a report of Abuse or Sexual Misconduct toward an adult, or who believes an adult has been the subject of Abuse or Sexual Misconduct, either on Congregation property or at any Congregation sponsored event, should immediately report the matter to a member of the Board of Trustees, a Minister, the Council on Ministry or the Caring Committee. The person reporting the incident should not disclose to any other person that they are making such report, including the person(s) who are the object of a complaint.

Section 3.2 As soon as reasonably possible after a report has been received, the President shall be informed, and shall convene the Caring Committee, which shall be advised of all

available information concerning the incident(s), including the names of the complainant and the accused party. The Caring Committee shall then establish an investigative plan to determine an appropriate response to both the complainant and the accused party. Should the Caring Committee determine that any Committee member should not participate in the process for any reason, such person shall be excused.

Section 3.3 While the Caring Committee will, to the extent reasonably possible, preserve the confidentiality of the information it gathers, and release same only on a need-to-know basis, the investigation of such an accusation should normally include a discussion with the accused party and speaking with individuals with knowledge of the circumstances of the complaint. Reasonable care shall be taken by the Caring Committee to preserve confidentiality for all persons connected to the investigation. Following the investigation, the Caring Committee shall provide the affected parties with the Committee’s conclusion. Such a conclusion shall be in writing if requested by any party, or if the Committee recommends any action that requires approval by the Board of Trustees.

Section 3.4 At the conclusion of the process, the Caring Committee shall notify the Board of Trustees that a report of misconduct was received and investigated, and of the Committee’s conclusion. In the event the Committee recommends to the Board that any action be taken with respect to the report, the Board will be provided with such information necessary to consider such action. If, upon receipt of such information, the Board agrees with the Caring Committee’s recommendation, the accused party shall be given written notice of the Board consideration of the matter and provided an opportunity to be heard, either in person or in writing, as the Board shall deem appropriate. In the event that the Caring Committee recommends that an individual

be removed from the membership roll, the Board of Trustees must vote on the recommendation following such hearing. The removal of a person from the membership rolls by the Board of Trustees shall be by two-thirds vote of those present. In all cases, the Board may recommend action less severe than removal from the membership roll, such as censure, by a majority vote of the Board.

Section 3.5 As an alternative to a specific recommendation regarding the complaint, the Committee may recommend that the Board adopt revised policies and procedures of general application. In that event, the disclosure of confidential communication may not be required. The final decision regarding the issue of confidentiality, however, shall lie with the Board of Trustees.

## **ARTICLE IV**

### **PROCEDURES REGARDING INCIDENTS INVOLVING CHILDREN AND YOUTH**

Section 4.1 The following additional procedures apply in the case of reported Incidents Involving Children and Youth (persons under eighteen years of age).

Section 4.2 Any Congregation member, teacher, youth advisor, chaperones or staff member of the Congregation having reasonable cause to believe that a child or youth has been subjected to Abuse shall have an obligation to report same immediately to a member of the Board of Trustees, a Minister, the Council on Ministry, or the Caring Committee.

Section 4.3 When considering whether an event is reportable, it is Congregation policy that anyone who has concerns is strongly encouraged to report them. Any behavior that potentially harms a child’s health, welfare or safety or potentially puts a child’s health, welfare or safety at risk should be reported.

Section 4.4 The Caring Committee will handle all reports of Abuse or Sexual Misconduct regarding a child or youth according to the same procedures as those applicable to complaints involving adults, except that:

(a) The identity of the individuals involved shall be maintained as strictly confidential, and shall not be made publicly available except as required by applicable law, provided, however, that the child or youth’s parent(s) or other legal guardian(s), and any other persons to whom disclosure of the information would be appropriate in order to provide supervision or care of such child or youth, for example, their religious education teacher, shall be informed unless, in the reasonable opinion of the chairperson of the Caring Committee, such disclosure would endanger the health or welfare of the child/youth;

(b) The chairperson of the Caring Committee, at the expense of the Congregation, may consult with counsel regarding the Congregation’s obligations and options;

(c) The matter shall be reported to the New Jersey Division of Youth and Family Services (“DYFS”), or law enforcement, in accordance with N.J.S.A. §9:6-8.10, which provides:

Any person having reasonable cause to believe that a child has been subjected to child abuse or acts of child abuse shall report the same immediately to the Division of Youth and Family Services by telephone or otherwise. Such reports, where possible, shall contain the names and addresses of the child and his parent, guardian, or other person having custody and control of the child and, if known, the child's age, the nature and possible extent of the child's injuries, abuse or maltreatment, including any evidence of previous injuries, abuse or maltreatment, and any other information that the person believes may be helpful with respect to the child abuse and the identity of the perpetrator.

Section 4.5 During the pendency of an investigation, or if abusive behavior is substantiated following an investigation, the alleged offender may not continue to have responsibilities for children and youth in Congregation-related activities, except as set forth in this Policy.

(a) If a matter is referred to DYFS, the alleged offender must report the results of DYFS’ investigation to the Caring Committee immediately upon receipt. The alleged offender will not be eligible for lifting of restrictions until such results are reported;

(b) If abusive behavior is suspected or substantiated, the perpetrator must not have any unsupervised contact with children or youth within the Congregation or in Congregation-related activities;

(c) During the pendency of an investigation, the alleged offender must agree (A) to forego unsupervised contact with children and youth, (B) not to function as a chaperone, mentor, advisor or teacher for children or youth events within the Congregation, and (C) if the investigation involves allegations of abusive or neglectful behavior, or if the Caring Committee otherwise requires, to sign and comply fully with a written agreement that has been approved by the Board of Trustees, governing the alleged offender’s contact with children and youth. The offender’s failure or refusal strictly to comply with any of these requirements shall result in their being barred from Congregation premises and from all Congregation events, activities and programs; and

(d) If Abuse by the alleged offender is substantiated by DYFS, but the Board of Trustees nevertheless agrees to permit continued membership in the Congregation, the alleged offender will also be required to sign and comply fully with a written agreement that has been approved by the Board of Trustees, governing the alleged offender’s contact with children and

youth The alleged offender’s failure strictly to comply with the terms of such agreement shall be grounds for the Board of Trustees to require their temporary or permanent exclusion from the Congregation, and from Congregation premises and functions.

(e) If a member is to be excluded from the Congregation for any period of time, the reasons shall be stated writing, as well as any possible conditions for future return.

**ARTICLE V**  
**PROCEDURES IN THOSE CASES WHERE A MEMBER OF THE CONGREGATION,  
OR AN INDIVIDUAL WHO ATTENDS CONGREGATIONAL EVENTS WITH A  
MEMBER, HAS A KNOWN RECORD OF SEXUAL MISCONDUCT AND/OR  
CRIMINAL RECORD INVOLVING ABUSE OF ANY KIND**

Section 5.1 Because we “affirm the inherent worth and dignity of every person” the Congregation does not believe any person should be automatically excluded from membership in the congregation, or attending congregational events, solely because of their prior actions. At the same time, the Congregation seeks to ensure the well-being and safety of all of our participants, especially the most vulnerable, recognizing that recidivism is not unknown for individuals with a history of engaging in certain kinds of Abusive behavior. We therefore will welcome him or her in our space and at our events, but his/her participation will be limited in ways to ensure the safety of all, and in particular children and youth.

Section 5.2 Accordingly, prior to attending or participating, the Caring Committee will make efforts to determine whether the possibility of recidivism justifies taking steps to reduce the potential for future Abusive episodes, including creating a covenant for the individual to sign that will place appropriate restrictions on their access, including denial of access at certain events and places

Section 5.3 Those selected individuals, including members, who decline to accept the Caring Committee’s conditions will be invited to leave congregational sites and events, and/or denied access to current or future events. Such refusal may justify a call to the local police for assistance.

Section 5.4 Any such agreement will be reviewed by the Response Team and will be kept in a locked file by the Minister. Such information will be revealed to others on a need-to-know basis. Those with a need to know will include the RE teachers in the program and parents or other parties responsible for children and youth within the congregation.

## **ARTICLE VI**

### **PROCEDURES IN THE EVENT OF UNCIVIL ACTIONS**

Section 6.1 Any Congregation member, teacher, youth advisor, chaperones or staff member of the Congregation may report an incident believed to potentially involve an Uncivil Action or Actions by a member or guest to a member of the Board of Trustees, a Minister, the Council on Ministry, or the Caring Committee.

Section 6.2 When considering whether an event is reportable, it is Congregation policy that anyone who has concerns is strongly encouraged to report them. The Caring Committee will handle all reports of Uncivil Actions, in which case:

(a) The identity of the individuals involved shall be maintained as strictly confidential;

(b) If Uncivil Actions are substantiated, the Caring Committee shall make a recommendation to the Board of Trustees regarding the appropriate action to be taken, which action may include excluding such person or member from the Congregation events or premises

for any period of time, and any advisable conditions for their future return.

(c) The Board of Trustees shall accept the recommendation of the Caring Committee unless a majority of the entire Board of Trustees (as distinct from a majority of the members present at a meeting) votes to reject such recommendation.

(d) The Caring Committee shall have discretion with respect to the future handling of the issues, including the enforcement of any recommended action, but may seek input from the Board of Trustees in appropriate cases, and shall seek input from the Board of Trustees if Uncivil Actions escalate to subsequent episodes of suspected Abuse by the individual or individuals involved.

## **ARTICLE VII**

### **OTHER MATTERS**

Section 7.1 All materials regarding an unsubstantiated complaint shall be destroyed three (3) years following the conclusion of the investigation unless the chairperson of the Caring Committee designates that they be maintained.

Section 7.2 Any complaint that involves a Minister, Trustee, or employee of the Congregation shall be reported to the Congregation’s insurance agent or broker for a determination whether to place the Congregation’s liability insurance carrier on notice of a possible claim or suit.

**Attachment A**

**RELIGIOUS EDUCATION VOLUNTEER INFORMATION STATEMENT,  
INCLUDING CODE OF ETHICS STATEMENT**

**Attachment B**

**TESTAMENT OF GOOD ADULT BEHAVIOR**

**Attachment C**

**ACCIDENT REPORT**

**Attachment D**

**EDUCATION PERMISSION SLIP AND MEDICAL RELEASE FORM**