

Sample Sex Offender Attendance Policy

NOTE: This document should be used in association with the information provided in the white paper, entitled: **Tough Issues: Registered Sex Offenders in Ministry Activities**. The white paper provides detailed information about developing policies and procedures to assess the background of sex offenders and supervise their behavior while on church property.

While this ministry is committed to being a community open to those who are in need, especially in times of serious personal trouble, it is also committed to protecting its members from the misconduct of others. As such, we are committed to creating and maintaining ministries, facilities, and a community in which members, visitors, staff, volunteers, and other participants can enjoy an atmosphere free from all forms of discrimination, harassment, exploitation, or intimidation.

In light of these commitments, we establish the following practices:

- This ministry will cooperate with legal authorities regarding the participation of persons with a history of sexual convictions in ministry activities.
- No person with any sexual offense on their record will be appointed to any position in this ministry.
- All persons known to have been accused or convicted of sex offenses must comply with the terms of this policy.

This ministry will periodically review this policy and ministry enforcement of this policy.

I. INVESTIGATION AND DISCLOSURE

Once each calendar year, as a condition of continued service, all staff, officers, employees, and volunteers will submit an application form listing all criminal investigations, arrests, or convictions, and authorizing the ministry to conduct criminal background investigations. All names shall be cross-referenced against state and federal sex offender registries. This disclosure also will be required of anyone new to a position or employment if the initial date of requirement has passed.

The ministry further reserves the right to research all public information databases, including, but not limited to, court records, sex offender registries, department of corrections records, and any other repositories of public information regarding any ministry member, guest, staff member, volunteer, or other participant in any ministry activity.

All persons identified through the foregoing investigation and disclosure, or through other private or public information, to have a record of convictions related to any sexual offense will be referred to the response team. Upon receipt of a referral, the response team will convene to conduct a thorough investigation and make recommendations to the ministry's governing body. The ministry's governing body shall implement the recommendations of the response team and take other actions, as appropriate.

II. RESPONSE TEAM

- A. The response team will consist of three (3) members and will be convened on an as-needed basis to address complaints and concerns that arise in relation to this policy. The response team will be familiar with the terms and procedures of both this policy and the ministry's abuse prevention policy. Response team members must submit to the screening procedures established in the ministry's abuse prevention program.
1. The response team will consist of _____
_____.
 2. In the event a complaint involves a member of the response team or a member of the response team is unable to participate in proceedings, a fourth member will be appointed by the remaining members of the response team.
 3. All response team deliberations will be strictly confidential, prior to delivery of any final recommendation. Materials related to response team investigations will be treated with care and kept in a limited-access secured file.
- B. Upon receipt of a referral, the response team will convene to institute formal proceedings, which shall include, but not be limited to, the following:
1. The response team will gather statements or other information from the individuals who are the subject of the referral. The team also may gather statements from others who may have pertinent information, including relevant, qualified professionals and legal authorities.
 2. The response team will make determinations and take actions appropriate to resolve the matter.
 - a. If the response team determines that the referral is unfounded, it will indicate its determination to the ministry's governing body, which will deem the matter resolved unless additional information is discovered.
 - b. If the response team determines that the referral is well-founded, it will take the following actions:
 - i. Contact appropriate legal authorities to determine whether the referred person is permitted to participate in ministry activities and any additional legal restrictions imposed on them.
 - ii. Require the referred person to execute a *Contingent Participation Agreement* with terms established by the response team.
 - iii. Recommend that the ministry's governing body, with the assistance of legal counsel, terminate the referred person's employment or volunteer service (if applicable).

- iv. Any additional actions determined by the response team to be appropriate, including, but not limited to:
 - a) A formal reprimand, with defined expectations for changed behavior.
 - b) Recommending/requiring psychological or psychiatric assessment, counseling, and/or treatment.
 - c) Probationary standing, with the terms of the probation clearly defined.
 - d) Exclusion from ministry activities.
 - e) Cooperation with criminal proceedings.
 - f) The drafting of a public statement to be delivered to ministry participants by the ministry's governing body.
- v. If the response team determines that the referred person does not have a record of convictions related to any sexual offense, but nonetheless determines that the person may pose a threat to others, it will take any of the actions in this section it deems appropriate.

3. The response team may seek the advice of legal counsel or others for advice in performing its functions.

4. The ministry's governing body or the response team may, at their discretion, request that the referred person not participate in ministry activities until the matter is resolved.

C. A confidential written record of the response team proceedings will be maintained. This record will be available to both parties in any litigation involving conduct by the referred person related to the subject matter of the referral. The record also will be available to any party who can produce a subpoena for its release.

D. Failure to cooperate fully with a response team investigation or to fully comply with response team recommendations will be grounds for exclusion from participation in ministry activities, and/or exclusion from ministry membership.

III. CONTINGENT PARTICIPATION AGREEMENTS

Upon determining that referral is well-founded, the response team will require, in consideration for being permitted to participate in ministry activities, that the referred person execute a *Contingent Participation Agreement*, under terms established by the response team.

The *Contingent Participation Agreement* will detail the conditions under which a referred person will be permitted to participate in ministry activities. These conditions will include a list of ministry activities/areas where the referred person may/may not participate/enter. In addition, any such agreement will

include the assignment of a designated chaperone and the condition that the referred person must comply with the instructions of their designated chaperone. Violation of these conditions on the part of the offender will result in their exclusion from future activities.

IV. DESIGNATED CHAPERONE TEAM

- A. The designated chaperone team will be led by the Designated Chaperone Director, who will be an employee of the ministry appointed by the ministry's governing body.
- B. The designated chaperone team will consist of a sufficient number of members to ensure coverage for all persons subject to their supervision. Designated chaperones will be familiar with the terms of their charge's *Contingent Participation Agreements*.
 - 1. The designated chaperone team will consist of volunteers from the ministry appointed by the response team. Members of the response team may also serve as designated chaperones.
 - 2. Under no circumstances will a designated chaperone be assigned to a referred person to whom they are related.
- C. Designated chaperones will be in the same room as their referred persons at all times during the referred person's participation in ministry activities or presence in ministry areas.
- D. Designated chaperones may observe up to three referred persons at one time, provided those persons remain in the same areas.
- E. Designated chaperones may arrange for their referred persons to be monitored by other designated chaperones on an as-needed basis, with the prior approval of the Designated Chaperone Director.
- F. Designated chaperones will maintain a log of their activities with their assigned referred persons, recording when the referred person arrived, when they departed, and any times when the designated chaperone and referred person became separated. This log will be submitted to the Designated Chaperone Director on a regular basis.

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