



Utica National Insurance Risk Management Department Bulletin

Sexual Misconduct in Religious Institutions

Implementing a comprehensive screening process for employees and volunteers can help reduce your risk

Recent high-profile news stories continue to bring attention to a very real concern – child sexual abuse and victimization that is happening at the hands of adults entrusted with the care and supervision of children particularly within religious institutions, day care centers, schools and children's camps.

Experts in background screening note that before the age of 18, one in four girls and one in seven boys will be sexually abused. They add that 10 percent of school children are victims of sexual abuse, and 60-70 percent of adults with disabilities are likely to be abused.

Beyond the significant harm to children, instances of child sexual abuse and victimization at the hands of your employees and volunteers threaten to undermine your religious institution's mission, can pose long-term damage to your organization's reputation, necessitate significant legal expense and potentially jeopardize your religious institution's insurability.

The best chance to *avoid* hiring an offender

Reducing the risk of child sexual abuse and victimization takes a multi-faceted risk management approach. Such an approach includes:

- Strong policies prohibiting sexual abuse and misconduct
- Thorough screening and selection of employees and volunteers
- Proper training, monitoring and supervision of employees and volunteers
- Candid evaluations of employees and feedback to volunteers
- A close connection with parents and the community in religious institution-related events/matters
- Vigilance and response to warning signs of sexual abuse and misconduct
- Sound administrative procedures for reporting, investigation and follow through

Background screening experts indicate that the majority of sexual abuse incidents go unreported, *and* most sex offenders do not have a criminal record. In fact, one authority states that less than 5 percent of sex offenders have criminal records. Experts agree that the best chance you have to avoid hiring or otherwise engaging the services of an offender *before* they have access to children is **within the employee/volunteer screening and selection process.**

Instituting a comprehensive background screening program for employees and volunteers can help protect children and your staff, and demonstrate to parents and the community that your religious institution takes the safety and well-being of those in its care and supervision seriously. Plus, this approach provides the added security needed to avoid potential liability for negligent hiring and supervision claims.

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Observations, recommendations and best practices

Utica National's Risk Management professionals recently conducted a review of literature and webinars provided by six leading national providers of background screening services for religious institutions and other industries. Below is a summary of those providers' observations, recommendations and best practices for comprehensive background screening programs and background checks. *(A listing of the providers and the Web address for each is included at the end of this Risk Management Alert.)*

- A comprehensive employee/volunteer screening program is in your organization's best interest, whether or not your state law requires one.
 - Such a program includes:
 - An application (reviewed by legal counsel)
 - Interview (behavioral)
 - Reference checks (documented)
 - Recognizing "red-flag" answers in the applications, interviews and reference checks
 - Background checks *(see section below)*
 - Acceptance or denial of the candidate
 - Orientation of all new staff and volunteers, including a review of your organization's policies, procedures and expectations
 - Annual re-screening of volunteers
 - Recommended six-month waiting period before volunteers are allowed to work with children/elderly

Background Checks

The type and extent of the background check you choose for a particular employee or volunteer may vary, depending on their role and access to children, elderly or disabled individuals within your organization. This may also be dictated by applicable state requirements. Some states require background checks for workers involved in certain programs with children and/or other vulnerable individuals, such as the elderly and disabled. If you are not familiar with the laws in your state, check with a local attorney to learn more.

Your mission is to find "knowable" information through the background check and screening process.

The cost per background check varies, depending on which service provider you work with and, most importantly, the package option(s) you select from their offerings. Another common point that background screening experts make is that there is no single database in the nation complete enough to rely on it alone for a background check. With that in mind, it is recommended that you choose a service that provides different screening options and comprehensive background check services such as:

- Searches on multiple national databases, including a national criminal history database search and a national sex offender registry search. *(Note: Federal crimes are not included in state or county databases.)*
- Multi-state criminal records search.
- A county criminal records check that goes beyond the seven-year limit many companies follow. Ten years is a best practice recommended for all counties of residence within that ten-year period *(Note: Criminal records originate and are most accurate at the local court level. Sexual offense records originate at the local level, but are maintained in each state's sex offender registry. How long records are accessible may vary by jurisdiction.)*
- Social Security Number and address history verification.
- Search of any maiden names or aliases that may show up along the way.
- Motor vehicle records check.

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Background screening experts agree that reliance on background checks alone is inadequate to keep children and other vulnerable individuals within your care safe. However, all service providers reviewed for this Risk Management Alert agree that background checks – in combination with the other screening techniques previously listed – demonstrate that your organization is cautious in its selection practices.

Finally, it is recommended that you become familiar with any state-specific laws that apply to your religious institution regarding any required background screening – and that any comprehensive screening program you institute balances applicants' rights to privacy along with safety and a fair, reasonable approach to employment/volunteer opportunities.

Shepherd's Watch Background Checks

<http://shepherdswatch.group.com>

Reducing the Risk *(a service of Christianity Today International)*

<http://reducingtherisk.com>

iiX *(an ISO Business)*

<http://www.iiX.com/employers.htm>

IntelliCorp <http://www.intellicorp.net>

Safe Hiring Solutions

<http://www.safehiringsolutions.com/>

Praesidium, Inc.

www.Praesidiuminc.com

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