

## **BEST PRACTICES FOR HANDLING, ACCESS, AND RETENTION OF MINISTERIAL FILES FOR COMMITTEES ON MINISTRY**

### **Introduction**

Ministerial files contain documentation from throughout the span of a minister's career. These files are maintained in perpetuity, including "active files," files of individuals who currently hold a status or standing<sup>1</sup> in an Association or Conference, and "historical records," files of persons, both living and deceased, who have ever had status or standing in the United Church of Christ. Committees on Ministry are charged with ethically managing these files. The following best practices for handling, access and retention of ministerial files provide guidelines to reduce and eliminate the risk of mishandling documents. This is one important way that Committees on Ministry and judicatory staff maintain covenant with the church.

### **Maintaining Confidentiality of Ministerial Files**

It is essential to create safeguards to ensure that the confidentiality of ministerial files is protected in every situation and use. Ministerial files must be properly secured whether they are in paper or digital format. Who should have access to files? Only those who need to see ministerial files may view files when, and only when, there is a necessity to access them. Staff who are responsible for profile validation, updating information, adding documents to the file and other details of file management require access. COM members may need occasional access when a minister or MID is coming to meet with them for a transfer of standing. Anyone who comes into contact with the contents of a ministerial profile must be aware of and agree to abide by the protocols and policies for confidentiality (see Sample Policy at the end of this resource).

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<sup>1</sup> Standing: having authorization for ministry in the United Church of Christ. Lay or ordained ministers can have standing. Status: in a process with a Committee on Ministry that may lead to authorization.

## **Digitalization of Ministerial Files**

Digitalized documents and files may enhance ease of use and security for Committees on Ministry and staff and eliminate the need for physical storage space. Digitalization also requires particular care and ethical attention to maintaining confidentiality because any web-based storage can allow for easy duplication and distribution. It is essential to create safeguards to ensure that these confidential documents are properly secured and that only those who need to see them have access when, and only when, there is a necessity to access them.

## **General Considerations for Paper Storage**

- Files should be stored in locked, fire-safe file cabinets that are in a climate-controlled room to prevent deterioration of files.
- The room where files are stored should be locked at all times and access to the key should be managed by staff.
- Files should never be stored in private homes, spaces with public access or any location where access is not controlled or is otherwise unsecure.
- There should be documentation by staff when ministerial files are accessed, including date, person accessing file, and which file was accessed.

## **General Considerations for Electronic and Cloud-Based Storage**

When considering the electronic storage of documents, whether on a private server owned by the Conference or Association or using a cloud-based service, Conferences should consider the following issues:

- Conversion to digital storage: As Conferences and Associations make a shift from paper storage to digital storage, they must consider carefully how to convert existing documents in a timely and accurate manner, including the labeling of files. The best solution is to engage a vendor who has experience with confidential digital documentation for this process.
- Ownership of digital accounts containing ministerial files: Any cloud account or private server must be owned by the Conference or Association, and not by an individual or other organization. Ministerial files and documents to be placed in ministerial files should never be stored digitally on personal devices or on a personal server of volunteers or staff.

- The storage account must be secure and access-limited to people who are authorized to view the records. Termination of access must be timely for staff and COM member changes.
- Continuity of access is critical. The process for resetting lost passwords and resolving technical difficulties should be straightforward.
- The entirety of the file should be stored in the same location, and Conference policies must clarify who is responsible for keeping files updated.
- For documents stored in cloud storage systems such as Basecamp or Dropbox, the accounts should be owned and managed by the Conference, with staff appropriately granting access to information as needed to members of COM. It is recommended that files be shared on a private server of the Conference (something like SharePoint), with files moved to Dropbox/Basecamp if/as needed for COM work and then removed promptly when access is no longer required. The time frame for availability should be made clear and adhered to. Access should be based on clear policies set by the Committee on Ministry, rooted in confidentiality and a decision-maker's need to know the information to make an informed decision.
- Conference and Association staff who access or download ministerial files onto their own devices should promptly delete them when they are no longer needed or when their tenure in their position concludes.

### **Each Conference should have a Records Retention Policy**

Every Association, Conference, and Committee on Ministry should have a clear and updated written Ministerial Files Handling, Access, and Retention Policy. This policy should be a part of the orientation of new staff and new COM members, and each staff person and COM member should have a copy of the document they have signed indicating that they have read and understand it.

A records retention policy must:

- Consider the retention and destruction of electronic data as well as paper records,
- Apply to all employees in the Conference as well as to volunteers who are charged with creating or storing records on the Conference's behalf, such as its Board of Directors and Committees.
- Be regularly monitored and enforced.

*A sample Records Retention Policy for COMs can be found at the end of this resource.*

## Contents of a Ministerial File

A ministerial file for authorized (lay or ordained) includes:

- Record of Local Church membership
- Record of ordination or lay authorization
- Documentation of regular oversight proceedings
- Fitness review documents (if any) to be retained in the minister's file include: COM minutes related to the initiation, initial outcome, outcome, and, as appropriate, records explaining the program of growth and its completion of the Fitness Review; the planned Program of Growth (if any) and documentation of its follow-up and completion. All other documents pertaining to a Fitness Review are retained by the Conference/Association where the Fitness Review was conducted in a separate, sealed or password-protected file. A helpful guide is that documents should be retained so that many years in the future a person with no knowledge of the situation will understand the process and the basis for decisions.
- Dates and accompanying documentation of boundary awareness training, antibias training, Periodic Vocational Support Conversations, continuing education, and any other standing requirements required of the authorized minister (as applicable).
- Most recent UCC Ministerial Profile
- Current Three- or Four-Way Covenant
- Leave of Absence agreements (if any)
- Exempt Standing covenant (if applicable)
- Copy of Ecclesiastical Endorsement (if applicable)
- Credentials or ministerial standing related to ecumenical bodies (if applicable).

Ministerial files do not include materials collected during a Committee on Ministry's processes of discernment with a person holding an ecclesial status (e.g. Member in Discernment, Privilege of Call); these materials are maintained by the Committee on Ministry that conducted the discernment process and are separately archived in perpetuity by that Committee or its Association. When the person is authorized, ordained and/or granted Ordained Ministerial Standing in the United Church of Christ, the documentation of ordination/authorization and ministerial standing comprise the start of the person's ministerial file. If the person is denied ordination or ministerial standing, the documentation of the discernment process and of the

Committee on Ministry's decision is archived; the documentation is made available if, at a future time, the person requests to begin the discernment process anew, whether in the same or a different Conference/Association.

Ministerial files are to be kept in perpetuity whether digital or paper, so whatever paper or electronic storage platform is used must have capacity for longevity. Even when a minister transfers standing to another Conference/Association, relinquishes standing, dies, etc., the ministerial files are kept in perpetuity by every Association and/or Conference where they held standing.

### **Access to Ministerial Files**

Ministerial files, including records of discernment and oversight processes, are the property of the United Church of Christ and may be shared as appropriate across settings and partnerships. While a person may request and be granted access to their ministerial files for review under supervision, they may not retain the original or any copies of their ministerial files. While reviewing their file under supervision, a person may take notes but may not take photographs or otherwise reproduce files or portions of files. Exceptions can be made at the discretion of Conference staff when a document that was formerly in possession of a minister is lost and a replacement copy is requested by the minister, i.e. a CPE certificate.

### **Assigned Role for Responsible Handling and Storage of Ministerial Files**

Each Conference and/or Association designates a specific staff role or roles as responsible for maintaining ministerial files with appropriately limited access. The designated role is responsible for ensuring that new documents are added to ministerial files with confidentiality, timeliness, and in accordance with policies and best practices.

### **Member in Discernment Files**

Committee on Ministry members tasked with decision-making regarding Members in Discernment (MIDs) should have access to discernment files for the duration of their term. The nature of this access may be determined by the Committee, with the understanding that confidentiality must be maintained: contents may not be discussed or shared with non-committee members, and conversation about the contents should generally be confined to Committee on Ministry meetings or other official work of COM members. After a Committee on Ministry member concludes their term, access credentials must

be withdrawn. Single copies of all relevant materials outlined elsewhere in this document are to be stored by the Conference or Association that conducted the process. They are stored separately from a Ministerial File in perpetuity and are not passed along when a minister transfers their standing.

Special care should be taken for the Member in Discernment (MID) Psychological Assessment reports and summaries. Only staff and designated COM leaders/representatives should have on-going access to this document. Only those COM members who will be making decisions regarding the MID should see the psychological assessment summary and they may not retain a permanent copy. If the COM meets in person, paper copies may be passed out during the meeting and then collected at the conclusion of the meeting. If the COM meets on a virtual platform, those present may be shown the document via a screen-share, process the information shared in the meeting, and then remove it from the screen. No screenshots are to be taken and recording and AI note-taking functions should be disabled during this portion of the meeting. These expectations for confidentiality should be included in the Records Retention Policy, and COM members should be reminded of this policy before interaction with such documents. Psychological assessments remain in the MID file, a file that remains in the Association or Conference where the MID has status. This MID file does not transfer to any other Association or Conference and remains in perpetuity with the Association or Conference where the Member in Discernment process was conducted.

### **Ecumenical Ministers Seeking Ministerial Standing**

Materials of candidates from non-UCC traditions seeking Ministerial Standing through Privilege of Call should be handled as described in the Member in Discernment section. The file documenting their Privilege of Call process should be contained in a separate file and kept in the Conference/Association where the Privilege of Call process took place and remain there until perpetuity.

Dual Standing is a temporary form of standing that expires at the conclusion of the ministry for which the minister has dual standing. Thus, the file does not transfer and should be retained. In situations when an ecumenically authorized minister who previously had Dual Standing seeks Dual Standing in another Conference/Association, the file from the first Conference/Association should be copied and shared with the Conference/Association that is currently discerning Dual Standing.



## Endorsement Documents

Details of application materials to be prepared for the Committee on Ministry and the agency requiring endorsement are listed in the Manual on Ministry, Section 2:5, pp. 95-97 (government) and pp. 102-3 (professional). Copies of these materials should be placed in their ministerial file.

As ministers seek continued endorsement via subsequent submissions of materials, copies should be added to their ministerial file.

Minutes from all COM meetings with the minister for the duration of their seeking and holding endorsement should be stored in their ministerial file. While all information related to endorsement should be stored in the ministerial file, only the endorsement letter needs to be included in the ministerial file when transferring standing.

## Transfers of Standing

When a minister's standing is transferred from one Association/Conference to another, it is important for members of the receiving COM to have access to the ministerial file. Only COM members who are charged with making the transfer of standing decision should have temporary access to the file. Once the decision is made, access to the ministerial file by COM members is terminated.

When a Committee on Ministry requests documents from a sending Conference/Association of an authorized minister or one seeking standing, the receiving Committee on Ministry should always make clear to whom documents should be sent. Those who request documents should confirm receipt of documents from the sending Conference/Association as well as the person who receives them.

It is recommended that these confidential ministerial files be securely transferred to only the designated person and, if possible, password protected. A secure alternative is to transfer digital files to the designated individual using a secure cloud-based file transfer service (such as Dropbox or WeTransfer). Paper files should be photocopied and mailed in a sealed envelope by the staff person who is responsible for ministerial files and addressed to the responsible party who receives the ministerial file.

For more on transfers of standing, see [Procedure for Transfer of Ministerial Standing](#).

## **Fitness Review Documentation**

Committee on Ministry members who participate in the Fitness Review process have access to files for the duration of that process. The nature of this access may be determined by the Committee, with the understanding that confidentiality must be maintained: file contents may not be discussed or shared with individuals outside the process. After the review process has concluded, single copies of all relevant materials are to be stored by the Conference or Association, with restricted access. Contents of this file should be retained so that many years in the future a reader of the file with no prior participation in the process will understand the events, all documentation, and the basis for decisions. This includes retaining documentation outlining the Program of Growth (if applicable) and any follow-up.

All documents related to a Fitness Review are maintained in a separate, secure folder labeled "Fitness Review" and labeled with Last Name, First Name, and Year of Fitness Review and retained at the Conference/Association where the Fitness Review was adjudicated. In the ministerial file, a copy of the minutes from the COM that relates to the Fitness Review outcome should be maintained as well as letters to the notified settings and MIQ for both the initiation of the Fitness Review and letters that document initial and final outcomes, the Program of Growth and accompanying documentation as well as any key information from other meetings.

Per Section 2:3 of the 2018 Manual on Ministry, complete documentation of disciplinary proceedings is to be kept in a sealed part of a minister's file, to be accessed only as needed. If maintained digitally, the Fitness Review documentation should be maintained in a separate, password-protected file with a file name as indicated above.



## Sample Retention Policy for Committees on Ministry

Committees on Ministry are entrusted with a significant amount of confidential information about individuals seeking or holding ministerial standing in the United Church of Christ. In general, this information forms the basis for ministerial files for such individuals. This sample policy can guide COMs with expected practices for the maintenance of ministerial files. This policy is meant to align with the Manual on Ministry resource “Guidelines for Digital Document Retention” and the Office of General Counsel resource on Conference file maintenance.<sup>2</sup> It can and may be adapted to align with a Conference’s document retention policy, or it may be used as a guide to create such a policy.

### **Committee on Ministry Document Retention Policy for the \_\_\_\_\_ Association of the \_\_\_\_\_ Conference of the United Church of Christ.**

The Committee on Ministry records of the \_\_\_\_\_ Association/Conference of the United Church of Christ (hereafter “COM”) are important and valuable assets of the Conference and enable the COM to engage its work faithfully and appropriately. This Record Retention Policy explains the procedures to ensure the proper retention, stewardship and, when appropriate, destruction of COM's records. The Conference expects and requires all volunteers and employees to fully comply with this Record Retention Policy.

This Record Retention Policy consists of two parts. The first part explains in narrative format the obligations with respect to the retention of the COM's records and documents. The second part, which is included on the attached Record Retention Table, consists of a list of document types, the minimum length of time for which each document type must be retained, and whether such documents should be passed along to a new Association or Conference when an individual transfers standing. From time to time the Association or Conference may establish additional retention or destruction schedules for specific categories of records in order to ensure legal compliance or to accomplish other objectives. Those schedules are a part of this Record Retention Policy, and compliance with them is required.

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<sup>2</sup> Record Retentions Policies, Office of General Counsel, January 7, 2019.

The medium or format of the records – whether physical or digital – does not change the retention practice and all formats are equally subject to this policy.

### **Records subject to this Record Retention Policy**

The COM's records include: all minutes of meetings; information related to the authorization of individuals seeking status or standing in the Association or Conference, the oversight of individuals holding status or standing in the Association or Conference, and historical records of individuals who have previously held standing in the Association or Conference; fitness review documentation; information gathered as part of the Member in Discernment process (including but not limited to the portfolio and the psychological assessment); and information gathered as part of a Minister's file.

### **The length of time that a record should be retained**

The Record Retention Table attached to this Record Retention Policy sets forth minimum retention periods for several categories of records. In general, the records of a Committee on Ministry and the records contained in an individual's ministerial file should be maintained by the Association or Conference **in perpetuity**, even if the minister transfers their standing outside of the Association or Conference, loses or relinquishes their ministerial standing, or dies. The retention period is as long, or longer, than minimum periods required by federal and state laws and regulations.

### **Psychological Assessments**

Special care should be taken for the Member in Discernment (MID) Psychological Assessment reports and summaries, or for psychological assessments conducted as part of a Fitness Review or related program of growth. Only staff and designated COM leaders/representatives should have on-going access to this document. Only those COM members who will be making decisions regarding the MID or minister should see the psychological assessment report and they may not retain a permanent copy. In some cases, a designated sub-committee of the COM reviews the entire assessment, with a summary being shared with the larger COM as described below.

If the COM meets in person, paper copies of the completed report (or summary) may be passed out during the meeting and then collected at the conclusion of the meeting. If the COM meets on a virtual platform, those present may be shown the report or summary via a screen-share, process the information shared in the meeting, and then remove it from the screen. No

screenshots are to be taken and recording and AI note-taking functions should be disabled during this portion of the meeting. COM members should be reminded of this policy before interaction with such documents. Psychological assessments remain in the MID file, a file that remains in the Association or Conference where the MID has status. This part of the MID file does not transfer to any other Association or Conference and remains in perpetuity with the Association or Conference where the Member in Discernment process was conducted.

### **Criminal Background Checks**

Criminal background checks, when done by the contracted provider for the United Church of Christ, are valid for a period of 18 months. While any background check conducted on someone seeking or holding a status or standing should be retained in perpetuity by the Association or Conference where it was conducted, this document should not be passed to a new Association or Conference upon the transfer of standing if it is outside the 18-month window in order to avoid relying on outdated information.

### **Ecclesiastical Endorsement Documents**

All documentation relating to a minister's request for Ecclesiastical Endorsement, whether for professional or government chaplaincy, should be retained by the Association that granted or recommended endorsement.

### **What should be done upon receipt of a notice of a "Litigation Hold"**

Under the Federal Rules of Civil Procedure, state court procedural requirements and recent court rulings, when the Conference "reasonably anticipates" that it will be the subject of a "legal proceeding" (including a civil lawsuit, criminal charge, or investigation or audit by a governmental agency), whether through the receipt of notification or the receipt of other information identifying the possibility of a legal proceeding, the Conference must take actions to preserve all information and records that may be relevant to the claims made in the legal proceeding. When the Conference informs employees that certain types of information are subject to a "Litigation Hold," those records must be preserved until informed by the Conference's legal counsel that the records are no longer subject to the Litigation Hold. The Litigation Hold supersedes any previously or subsequently established destruction schedules or retention policies (including the remainder of this Record Retention Policy) for the identified records for the full period of the Litigation Hold.

## Disposal of Documents

If this Policy no longer requires the retention of a document, then the document may be discarded. Consider the following factors when deciding when and how to discard a document:

- Documents containing confidential or potentially sensitive information should be shredded before they are discarded.
- Confidential information held on media that cannot be shredded must be destroyed in a manner that ensures the information can no longer be retrieved from the medium.
- If there is doubt as to how to properly dispose of a particular document, shred the document before disposing of it.
- All other non-confidential documents and shredded confidential materials should be discarded in waste or recycling bins that are regularly emptied.

## Volunteer Discipline for Non-Compliance

Failure to comply with all terms and requirements in this Record Retention Policy may result in disciplinary action, including suspension or termination of your volunteer responsibilities on the Committee on Ministry.

Questions about this policy should be referred to the Conference Minister.

The Committee on Ministry of the [name of Association and Conference] has reviewed and adopted this policy on [date].

I, the undersigned, certify that I have carefully read, understand and agree to abide by the terms and requirements of this Record Retention Policy and the attached Table.

Signed: \_\_\_\_\_ Date: \_\_\_\_\_

\_\_\_\_\_ Conference

## Committee on Ministry Record Retention Table

In general, Committee on Ministry records should be maintained in perpetuity. If there is an instance in which some records are no longer required to be maintained, a log of items destroyed will be signed off by two individuals. The records will be shredded after the dual verification is made. No records will be destroyed without the approval of the Conference Minister.

### Committee on Ministry Documents

*Minutes of all COM Meetings* – permanent; note that copies of minutes that relate to an individual seeking or holding status or standing in the UCC should also be placed in the individual's file.

*Files of Authorized Ministers currently serving in the Association or Conference (includes those who hold Ordained Ministerial Standing, Ordained Ministerial Partner Standing, Dual Standing, Commissioning, Lay Ministerial Standing, and Licensure)* – permanent

Please note that these files should include the following items, all of which are sent to a new Association or Conference if the authorized minister transfers their standing:

- Record of Local Church Membership
- Record of ordination or other authorization
- Documentation of regular oversight proceedings
- Documentation of disciplinary proceedings, including relevant minutes of meetings related to disciplinary proceedings (concluded fitness review materials are included as a packet in the file, to be accessed only when needed)
- Dates of boundary awareness training and continuing education
- Most recent UCC Ministerial Profile
- Current three- or Four-Way Covenant
- Leave of Absence agreements (if any)
- Exempt Standing Covenant (if applicable)
- Copy of Ecclesiastical Endorsement (if applicable)
- Credentials of Ministerial Standing relating to ecumenical bodies (if applicable)

*Files of Authorized Minister who are Inactive/Transferred (includes those ministers who: previously served in the Association/Conference; resigned their standing; had their standing terminated; or hold Exempt Standing) – permanent*

*Files of Authorized Minister Files, who are deceased - permanent*

*Files of current and previous Members in Discernment – permanent; copies of **starred** items are sent to a new Association or Conference when the minister is granted status or standing in a new Association or Conference (originals are retained):*

- Member in Discernment Application, including the following:
  - Spiritual Journey Statement\*
  - Statement of understanding of their call in and on behalf of the United Church of Christ\*
  - Resume or portfolio\*
  - Documentation of educational and professional training\*
  - Written letters of support to enter the MID process\*
  - Self-disclosure statement\*
- COM minutes related to receiving the individual as a Member in Discernment\*
- Psychological Assessment
- Criminal Background Check
- Education and Formation plan\*
- Annual progress reports\*
- Boundary Awareness Training\* (most recent to be transferred)
- Anti-Racism Training\* (most recent to be transferred)
- Draft of UCC Ministerial Profile\*
- Minutes of ordination interview\*
- Minutes of Ecclesiastical Council\*

*Files of Individuals Seeking Ministerial Standing (includes those seeking Dual Standing, Ordained Ministerial Partner Standing, Lay Ministerial Standing, Licensure, or Privilege of Call) – permanent; **starred** items are sent to a new Association if the individual is granted status or standing in a new Association*

- Spiritual Journey Statement\*
- Statement of understanding of their call in and on behalf of the United Church of Christ\*
- Resume or portfolio\*



- Documentation of educational and professional training\*
- Written letters of support to enter the process\*
- Documentation attesting to current ministerial standing in an ecumenical body\*
- Self-disclosure statement\*
- Psychological Assessment
- Criminal Background Check
- Education and Formation plan\*
- Annual progress reports\*
- Boundary Awareness Training\*
- Anti-Racism Training\*
- Draft of UCC Ministerial Profile\*
- Minutes of Ecclesiastical Council, if appropriate, or of COM granting standing\*