

COMs, CPMs and Confidentiality

MYTH #1: Confidentiality means secrecy.

MYTH #2: If you get confidential information, you cannot use it.

FACT #1: The deliberations of the Committee on Ministry or Preparation for Ministry should be considered confidential. You will report the actions of the committee to council and/or presbytery, but the deliberations should be treated as confidential and any background or supporting information shared during the reporting should be carefully considered. Once you report information, it is public, unless it occurs in the context of an executive or private session of the group to whom you are reporting. Any files which you keep should be secured, maintained carefully, and accessible only to qualified persons (those the committee approves).

Qualified Confidentiality. COMs and CPMs have “qualified confidentiality.” That means that you cannot “publish” or broadly and indiscriminately disseminate confidential information, but you can share it with the people who NEED TO KNOW. This MAY be other members of the committee during a meeting or other committee proceedings, the Executive/General Presbyter, the Stated Clerk, or a Pastor Nominating Committee. In the case of a CPM, this may also include the Session and/or Session Liaison of the Inquirer or Candidate. Occasionally, this may also include an Advisor or other seminary contact.

Dealing with Confidential Information. It is important that the committee and individuals deal responsibly with confidential information. It is never appropriate to debrief a committee meeting, a consultation with a church, pastor, or candidate/inquirer on a sensitive or conflictual situation, or any other work on behalf of the committee with anyone other than those specifically defined by the committee (e.g. other members of the committee, the Executive/General Presbyter, the Stated Clerk, Session Liaison). If the committee contracts with an outside consultant or resource person, it may need to share specific confidential information, in which case that person then is obligated to apply the same rules of confidentiality (or even more strict ones depending on the person’s profession) that the committee expects of itself and its members.

Defamation, Slander, and Libel. Nothing is defamation if it is TRUE and not spread with MALICE or “careless disregard of the facts.” The same is true for slander and libel (oral or written testimony, respectively). It is very important that the information shared during the search process and during any committee deliberations or work with congregations, pastors, and inquirers/candidates be TRUE to be best of your knowledge and investigations. If you are unsure of the veracity of any information, it is best not to share or act upon it. RUMORS should never be spread. Even if what is shared is not technically illegal, remember that perception is often more powerful than truth.

Reference Checking. Both the Executive/General Presbyter and the committee members may be involved in the reference checking process during pastoral searches. If there is a Candidate

among those being considered by the PNC, it is likely that the moderator of the CPM of Care will be contacted for a reference. While reference checks are most often done for individuals, it is possible that a candidate may initiate a “reference check” on a congregation where he or she is considering a call. Any Confidentiality Policy which the presbytery may have approved should relate specifically to the nature of confidentiality in the search process (The Synod has such a policy which can serve as a model if the presbytery has not approved one). Until such time as the committee meets to determine the appropriateness of a final candidate, any information regarding a candidate which you receive through reference checks should be considered as “information for decision-makers.” You should solicit factual information and should share it with the PNC as such. It is not your role to interpret or judge the information you receive – it is the PNC’s role to make those judgments. Your concern should be to facilitate a good match.

During the annual consultation process, references are sought for inquirers and Candidates from seminary faculty and persons with whom they have worked during Field Education placements. The same cautions are appropriate for CPMs during this process as for COMs during the search process.

Secondary Reference Checks. When a PNC or search committee determines those candidates for whom they will do reference checks, it is not unusual for the checks to go beyond the primary references provided by the candidates on the PIF or resume. It is important to receive written permission from candidates to seek secondary references. If reference checks result in confusing or contradictory information, it is especially important to resolve those inconsistencies. Normally one would begin by raising the identified issue with the candidate and then pursuing additional reference checks as necessary until you and/or the PNC feel comfortable with the information you have.

If a CPM is dealing with a Candidate or Inquirer with whom they are having difficulties, they may seek additional input from persons not suggested by the Candidate/Inquirer. The same cautions are appropriate for CPMs as for COMs, as this would constitute a secondary reference.

Sources of Information. Whenever information is solicited or received, the committee and/or members should assure themselves of the trustworthiness of the informant or source of information. In many cases, you will need to trust your informant is providing you with accurate and truthful information. If there is any question about the source of information, question also the information you receive.

Mandatory Reporting. Legally, the committee on Ministry is not a mandatory reporter. however, there may be individuals on the committee (pastors, teachers, social workers, etc.) who are deemed to be mandatory reporters because of other work or affiliation. Clergy are mandatory reporters of child abuse at least in Minnesota.

When a Member Is Involved. COM and CPM members should always exercise great discretion when the committee turns to their congregation, particularly if the issue is controversial. The best rule is to clearly define those circumstances when a member should excuse him/herself from the meeting to allow the committee to have an open and unfettered discussion.