

**Pastor Nominating Committee
Privacy Guidelines
(from Personnel Referral Services of the Presbyterian Church U.S.A.)**

There are many means by which a Pastor Nominating Committee (PNC) may decide if a particular person is suitable for the position they are seeking to fill. One important step which requires great sensitivity is the contacting of references. It is possible that the kind of information obtained and the way it is used could result in hardship for the applicant, and, in extreme cases in legal action against potential employers. In 1973, the 185th General Assembly of the former United Presbyterian Church studied this issue and adopted a policy statement on "Privacy and its Protection," (Journal, Part I, p. 535 ff). Although that report was not specifically addressed to PNCs, we suggest that PNCs read it and consider its recommendations.

In concern for fairness, in recognition of every citizen's constitutional rights, and, more importantly, in appreciation of each person's potential for renewal, we offer the following guidelines for your use as your committee prepares to contact references:

Listed below are the two types of references your committee will encounter. It is extremely important for your committee to clearly understand the differences as well as the appropriate procedures to follow when contacting each.

1. **References listed in an applicant's Personal Information Form (PIF)** – Personnel Referral Services instructs applicants that those named in Part I of their Personal Information Form (PIF) be persons who know them and their work and who can respond to inquiries from PNCs, which may be quite numerous. Often those named here include someone in an official capacity, such as the executive or general presbyter or COM chairperson, faculty advisor, former staff, colleague, clerk of session, elder, or church member. Before contacting any of these references your PNC will want to:
 - Contact the applicant to indicate your interest in him/her and to ascertain his or her interest in your position.
 - Obtain permission from the applicant before contacting any member of his or her church or present employing agency.
2. **Secondary References** – These include any persons not named in the PIF by the applicant as a reference. As a general rule, only those persons listed on the PIF should be contacted to provide reference material. However, should your committee need to contact secondary references, the PNC is advised to:
 - Inform the applicant that persons not listed in his or her PIF may be contacted.
 - Allow the applicant to name persons who should not be contacted, and honor that request without prejudice.

- Upon request of the applicant, provide the names of those persons who are to be or have been contacted as secondary references.

In seeking reference material, either in writing or over the telephone, we recommend that the PNC:

- Seek only information which is necessary and relevant to the qualifications for the position as set forth in the Church Information Form.
- Before using any recording device, obtain permission of the person being contacted (federal law).
- Treat telephone or face-to-face conversations, as well as written or taped notes about such conversations, with the same confidentiality as written references.

After reference material is collected, the PNC should:

- Keep all notes, tapes, or other records secure, with access strictly controlled.
- Make certain that information gathered from references about an applicant is not circulated or passed on to any person except the members of the PNC, the Committee on Ministry, and the executive or general presbyter. PIFs, reference materials, or other information about an applicant is provided for your PNC only. It is not helpful to pass any of this information on to any other PNC since situations and needs vary so greatly and relevant information changes so quickly.

After the PNC has completed its search and a person has been installed, the PNC should:

- Destroy all material, including reference material, which was collected by the PNC, except the records of the person who was called.
- Keep the records of the person called in a secure place unavailable to the installed person; this could be either at the presbytery office or at the church. Our risk management counselors tell us that there are misconduct suits, your insurance company will need this documentation to show that your committee has done proper research and screening in employing this individual. This information will protect you from charges of improper hiring practices.

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