

## **Grievance Policy and Procedure First Mennonite Church, Indianapolis**

### **Policy**

In keeping with our mission to be “A welcoming faith community committed to making peace, seeking justice, serving as the hands, heart, and voice of Christ,” First Mennonite Church (FMC) shall have a practice for addressing problem behaviors and allegations of misconduct involving FMC staff. The goal is to reduce hurt or harm to members of congregation or community. Cases that do not involve staff shall follow the guidelines in Agreeing and Disagreeing in Love from Mennonite Church USA and procedures in the First Mennonite Church’s Keeping FMC Safe.

The purpose of this practice is to ensure that FMC is a safe and peaceable community that respects the dignity of all people as God’s beloved daughters and sons. Individuals from within the congregation and from the surrounding community may utilize this policy and procedure.

Interactions in our life together can result in challenging situations. Addressing these challenges in a constructive manner preserves human dignity, enhances community health and helps us grow as Christians. Failing to tend to these encounters in appropriate ways can harm individuals and our community.

The Administrative Relations Committee (ARC) shall be responsible for the Grievance Policy and Procedure and may form an ad hoc group to tend concerns as needed. The ARC is accountable to the Trustees and is encouraged to consult with them at any point for guidance. The ARC will remain responsible for this process to completion, even though a sub-group may be formed.

Responses shall be guided by the following principles of Christian community.

- Engaging in direct address (Matthew 18.15-20)<sup>1</sup>
- Protecting persons with less power (Luke 1.52)
- Forbearing one another in love (Ephesians 4.1-6)
- Restoring in a spirit of gentleness (Galatians 6.1-2)

While this Grievance Policy and Procedure applies to all paid staff, we recognize that our pastors are to be held to a higher standard. In most cases they are ordained, and hold licenses and credentials. And they have met qualifications for ministry and have been educated and trained for this role as

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<sup>1</sup> Historically, Mennonites have appealed to Matthew 18 as the preferred biblical approach to conflict. Matthew 18 encourages a grievant to approach his or her offender directly and privately before drawing others into the dispute. This approach carries the potential of resolving conflict while attending directly to the relationship, increasing trust between parties, strengthening interpersonal conflict resolution skills and inter-cultural competence skills, and avoiding undue escalations of situations that can be re-solved easily. However, in situations where there are significant imbalances of power and/or where the grievant feels physically or emotionally unsafe in addressing the offender, having to take a direct approach can disempower the grievant, exacerbate the conflict, and foster conflict avoidance, all of which undermine the well-being of the wider community. Anabaptist Mennonite Biblical Seminary, Handbook, 25-26.

representative of the church. Standards of conduct that shall be upheld for pastors are outlined under “Ethical Practice for Pastoral Ministry” in the Mennonite Church polity manual.<sup>2</sup>

Pastors and participants need to be aware of how power is exercised in the congregation.<sup>3</sup> Within the church, pastors are entrusted with power to benefit those they serve. This power, given by the congregation and held by the pastor, can be misused. For a description of the ethical use of power in pastoral ministry, see *A Shared Understanding of Church Leadership: Polity Manual for Mennonite Church Canada and Mennonite Church USA*, 60-61.

### **Procedure\***

When a person discusses a situation regarding a paid staff member with a leader in the congregation, the leader will confirm that the person views the situation as a complaint and will be sure they are aware of this policy and that they wish to follow the policy. If so, it will be documented in writing by either the grievant or the church leader. Care will be taken to ensure that the situation is captured adequately. This procedure is initiated when the congregational leader involves ARC by giving them the written report. A member of the ARC is assigned to determine what level (listed below) of procedure to initiate with the intent that a resolution will be obtained within 90 days of the allegation. In some cases, the levels will be followed in order, or level three may be determined as the appropriate starting point. FMC staff will always be aware of any grievances that are documented in their personnel file. Any grievance – level one, two, or three – will be documented in staff personnel file. ARC will review personnel files for patterns of prior grievances.

When allegations of abuse are made that involve children or youth, procedures in the document *Keeping FMC Safe* shall be followed. When other allegations of misconduct (Misconduct is defined in the publication, *A Shared Understanding of Church Leadership: Polity Manual for Mennonite Church USA* on pages 60-70.) are made concerning one of our ministers, FMC shall consult with Indiana-Michigan Mennonite Conference or other MCUSA leaders.

A third party may initiate a grievance process against a staff member on behalf of a person who wishes not to come forward. For example, if a third party is a witness to instances of bullying or a pattern of racist comments that go unaddressed, that third party may initiate a grievance process with or without the second party’s participation. In this instance, the third party and the accused staff member become the parties referred to below.

### **Level One: Direct address**

Most conflicts and grievances that inevitably arise in social situations can be resolved through one-on-one personal encounter. Offenses that arise from misunderstandings or unintentional hurts are best addressed in this way. Either party can initiate such an encounter. As mentioned above, the process may also begin at level two or three.

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<sup>2</sup> *A Shared Understanding of Church Leadership: Polity Manual for Mennonite Church USA* (MennoMedia, 2014), 60-70. Available in the library, or online: [http://mennoniteusa.org/wp-content/uploads/2015/05/A\\_Shared\\_Understanding\\_of\\_Church\\_Leadership.pdf](http://mennoniteusa.org/wp-content/uploads/2015/05/A_Shared_Understanding_of_Church_Leadership.pdf)

<sup>3</sup> In our culture sources of power include age (adulthood), gender (male), sexual orientation (heterosexual), race (Caucasian), physical resources (ability, size, strength), economic resources (wealth, job skills, credentials), intellectual resources (information, knowledge, etc.), psychological resources (breadth of life experience, stability), social resources (support, community contacts), and life circumstances (security, well-being). Rev. Patricia L. Liberty, *Power and Vulnerability in Ministerial Relationships*.

### **Level Two: Advocacy**

If the grievant or the staff member feels unheard or unfairly treated in the direct address or if the grievant feels unsafe initiating a direct address, he or she may request the assistance of an advocate. The purpose of an advocate is to provide moral or emotional support for the person who seeks their help (grievant or staff member) and to serve as an active listener to the discussion between the parties as they work toward resolution. Either party may choose an individual within FMC who has received appropriate training or is viewed as competent to serve in this role.

### **Level Three: Mediation**

If the first two levels of intervention prove unsuccessful, or if either party alleges that the nature of the offense mandates bypassing the first two levels, either party may request a mediator. A member of ARC will ensure that the grievance procedures laid out below are followed and that the process is prompt, thorough, and impartial. A member of the ARC will normally serve as mediator. However, either party may request that an alternate person within or outside of the FMC community serve in this capacity.

The first step in any mediation process is for the mediator to inform the staff member about the grievance, if the staff member does not already know. The mediator should then initiate an information gathering process in which both parties provide as many of the following details as possible:

- names of the grievant and the staff member;
- type of grievance alleged;
- details of the complaint, including names, dates, locations, and other relevant particulars;
- description of actions taken thus far to address the grievance;
- the desired outcome.
- The mediator will then meet with both parties, along with another member of the ARC, who will serve as a witness to the proceedings and note taker. The grievant and the staff member may each invite an advocate, should they wish to do so. Advocates may contribute minimally to the proceedings unless or until the mediator determines that one or more of the advocates is doing more to exacerbate the conflict than to resolve it.

The mediation sessions will proceed in the following manner:

- The mediator will set out the procedure for discussion, ensuring that both parties have equal opportunity to be heard, understood, and actively involved in finding a resolution to the complaint.
- An orderly, full, frank, and fair conversation about the grievance will allow all parties to come to a fuller understanding of the situation.
- If a resolution to the complaint can be found that is satisfactory to both parties, the mediator will close the session by verbally stating the understandings, outcomes, and commitments made.
- If a subsequent meeting is needed to reach a satisfactory outcome, another date is scheduled.

A written report of the mediation process, including the stated understandings, outcomes, and commitments reached, will be submitted to both parties for correction and signature. The process of arriving at documentation deemed accurate and fair by both parties may itself take some negotiation.

The final signed documents will be submitted to the ARC and included in the staff's personnel file. The outcome of the mediation will be reported to the Trustees who will determine what communication

back to the congregation is needed. In consultation with former Trustees, current Trustees will communicate to congregation if there is a second grievance of the same kind in five years.

**Definitions**

<i>Grievance</i>	An actual or perceived wrong or ground of complaint.
<i>Problem behaviors</i>	Actions that disrespect others or disrupt relationships or ministry in the congregation.
<i>Misconduct</i>	Actions listed in A Shared Understanding of Church Leadership: Polity Manual for Mennonite Church Canada and Mennonite Church USA (MennoMedia, 2014), 60-70. <i>Examples of Misconduct:</i> <ul style="list-style-type: none"><li>• Violations of confidentiality</li><li>• Use of technology for illegal or immoral purposes</li><li>• Pornography</li><li>• Intentional deceptions or dishonesty</li><li>• Acts of physical, emotional, or spiritual violence</li><li>• Sexual abuse, sexual violence or sexual harassment</li><li>• The effort to harm the leadership of another pastor</li></ul>
Staff	Pastors, Interns and any other employees of FMC/persons paid by FMC.

\*The procedures above are adapted from Anabaptist Mennonite Biblical Seminary Handbook