

**First Unitarian Universalist Church of Nashville
Policy and Procedures**

Section: <u>General & Administrative,</u> <u>Personnel</u>	Adopted: <u>December, 2007</u>
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GRIEVANCE POLICY AND PROCEDURE

I. Introduction

The grievance procedure established by this policy is available to all friends, members, contractors, and employees of the Church. The Church has adopted other policies regarding certain situations. These include the Honoring the Children Policy, the Policy Against Discrimination, and the Disruptive Behavior Policy. Those policies have been developed with those particular situations in mind and are appropriate for them. Situations addressed by those policies are not covered by this grievance policy. This policy is available for addressing other grievances.

Although this procedure is an important part of the Congregation’s commitment to the just resolution of conflicts, it is by no means the only way to resolve grievances which may arise in our community. Consistent with our commitment to justice, equity, and compassion in human relations, we encourage members, friends, contractors, and employees in conflict to attempt to resolve disagreements directly and informally. The minister is also available for confidential counseling for any member or friend of our Church. Lay ministers may also be able to assist with confidential “listening.” They also may be able to provide referrals to appropriate agencies for counseling.

The Personnel Committee, the Committee on Ministry, the Director of Religious Education Relations Panel, and the Music Director’s Advisory committee are available to informally resolve or to mediate disputes involving any staff member of our church. Members and friends are strongly encouraged to seek this informal mediation before filing a formal written grievance.

A. Guiding Principles

This policy shall be interpreted and implemented in accordance with our Unitarian Universalist principles, including especially our commitment to justice, equity, and compassion in human relations, the inherent worth and dignity of every person, the responsible search for truth, and the use of the democratic process within our congregation. This procedure shall be administered with due regard for the rights of both grievants and of any persons against whom a grievance has been filed.

This policy provides that grievances shall be handled confidentially. However, it should be understood by all that there are limits to this confidentiality. For example, this confidentiality is not recognized by the legal system and thus in a legal proceeding people with knowledge of the events can be compelled to testify. However, if one party to a grievance talks about it, that does not release the members acting in an official capacity for the church, such as the Personnel Committee or the SCP from the obligation of confidentiality.

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At any stage of the grievance process, parties may choose a member or friend of the church to provide moral support and to serve as an informal advisor.

It shall be the responsibility of each member of the Personnel Committee, the grievance panel, and the Board who participates in determining a grievance to recuse herself or himself if the member has a conflict of interest, including but not limited to kinship and close personal friendship to a party, that prevents making an impartial decision, or if the member is or should be a witness.

No director, officer, employee, contractor, committee member, member, or friend of our church should ridicule or other wise denigrate any friend or member because she or he has filed a grievance. Retaliation against anyone for filing a grievance is a violation of this policy and should be brought to the attention of the Personnel Committee (regarding staff) or Board (regarding members) for appropriate action.

B. Definitions

The following terms shall have these meanings in this Grievance Policy:

1. A “grievant” is any person who has filed a grievance under this procedure.
2. A “grievance panel” is comprised of three members of the Safe Congregation Panel designated to hear a particular grievance.
3. The “parties” to a grievance are the grievant or grievants and the person or persons against whom the grievance is filed.
4. The “Safe Congregation Panel (SCP)” is the body of that name elected by the Congregation.

C. Scope

Except for those situations addressed by other written Policies of the Church including those mentioned in the Introduction above, this grievance policy is intended to handle any dispute arising between any members of our community out of church-related activities. This includes friends, members, employees, contractors, officers, directors, and ministers.

II. Steps of the Grievance Procedure

A. Step 1 - Filing and Investigation of the Grievance

Filing. A grievance must be in writing and must be filed with the chair of the Safe Congregation Panel. If a grievance is given to any other employee or committee, they will transmit it to the chair of the SCP. Grievants are encouraged to file the grievance as soon as possible after the events giving rise to the dispute. Although this policy does not set a specific deadline such as thirty days after those events for filing a grievance, it is within the discretion of the SCP to decline to take action on a grievance if it is filed over 90 days after the events. The grievance should specify the conduct, the individuals involved, the date or dates of the relevant events, and any witnesses to the events described.

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Investigation. If the party against whom the grievance is filed is an employee of the church other than a minister, the personnel committee will conduct the step 1 investigation of the grievance. All other grievances will be investigated at step 1 by a grievance panel appointed by the chair of the SCP. The chair of the SCP will give the grievance panel or the personnel committee a deadline by which to complete the investigation.

The investigation at step 1 will be fair and impartial. It will ordinarily be handled in an informal manner, such as an informal meeting rather than a formal hearing, at the discretion of those conducting the investigation. All individuals involved will be given an opportunity to explain their side of the events. All witnesses will be contacted and interviewed. All of the proceedings of the step 1 investigation will be conducted in a confidential manner, unless all parties agree otherwise.

Determination. Deliberations of the personnel committee or the grievance panel will be closed and confidential. A majority vote of a quorum of the personnel committee or of the three members of the grievance panel shall determine the matter. The personnel committee or the grievance panel will make written determinations on the grievance and send a copy to all parties and to the chair of the SCP. The personnel committee and the SCP will maintain for at least two years written records of all grievances filed, and the investigation and resolution of them. The records will be confidential unless all parties and committee members agree otherwise.

In the event the determination is not appealed, the matter will be considered resolved on the basis of the response. Any aspect of the determination that is not appealed and involves discipline of an employee or removal from office of any director, officer, volunteer or committee member shall be referred to the Board of Directors for action. In such case the personnel committee or grievance panel shall forward its records to the Board of Directors.

Appeal. Within ten calendar days of the post-marked (or emailed) date of the determination by the personnel committee or the grievance panel, any party to the grievance may appeal the determination by filing a written notice of appeal with the chair of the SCP. The notice of appeal should state the reasons for the appeal and the substance of the disagreement with the determination. In the event of an appeal of a determination of the personnel committee, it shall transfer all records concerning the grievance to the chair of the SCP. The chair of the SCP shall transfer all records concerning the grievance to the President of the congregation.

B. Step 2 - Board of Directors

The Board shall have the option of considering the appeal as the entire Board or by the creation of a panel for the purpose. The board shall take up the matter for the purpose of deciding who will decide the matter and setting a schedule for the consideration of the grievance at the first regularly scheduled board meeting after the president receives the records.

The decision of the Board on the grievance shall be based on the written records and determination made at the first step, unless there are particular matters that the Board determines are necessary to consider in the interest of fairness. A party may only introduce

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new evidence to the Board if the evidence was not reasonably available to that party during the earlier proceedings. Because the Personnel Committee or the grievance panel had the opportunity to observe the demeanor of the parties and is thus in the best position to resolve disputed issues of fact, the decision of either of them shall be upheld by the Board unless it is contrary to applicable law, the bylaws of the church, or is arbitrary and not based on evidence in the record.

A majority vote of the Board or the Board panel is required to determine the matter. The decision of the Board or Board panel is final and binding on all parties and the church, except if the decision is to dismiss the minister, in which case, the Board's decision shall be submitted to the congregation in accordance with the bylaws of the church. The Board shall return all records to the chair of the SCP after the determination is made.