



# Grievance and Conflict Resolution Guidelines for Congregations

Annotated (on p.8) and adopted by Brunswick UC Church Council, July 2019

---

## 1.0 Introduction

The Congregation is committed to providing a safe environment where the dignity of every individual is respected and therefore has a commitment to dealing promptly with matters of **conflict** brought about by **unwanted behaviour and conduct**, and the prompt and fair resolution of **grievances** and **disputes**. This document outlines the procedures to be followed to resolve such conflicts within the life of the congregation.

This document is to be read in conjunction with the [Code of Conduct to Prevent Abuse](#), the UCA's [Manual for Meetings](#), and the [Regulations](#) of the Uniting Church in Australia as amended in November 2013 (see especially section 3.1.1, purpose and responsibilities of a congregation.)

Standards of behaviour at meetings are described in the Manual for Meetings. Standards of behaviour for interpersonal contact are described in the Code of Conduct to Prevent Abuse.

If the matter concerns sexual misconduct by a Member or Adherent then the UCA Assembly policy for the prevention of sexual misconduct must be used instead of these guidelines. .

### Our Calling

As a people journeying together we affirm our calling under God:

- to preach Christ the crucified and risen one and confess him as Lord
- to bear witness to the unity of faith and life in Christ, rising above cultural, economic, national and racial boundaries
- to engage in fearless prophetic ministry in relation to social evils which deny God's active will for justice and peace
- to act with God alongside the oppressed, the hurt and the poor
- to accept responsibility for the wise use and conservation of the finite resources of this earth for the benefit of all
- to recognise, treasure and use the gifts of the Spirit given to all God's people for ministering
- to recognise the gift of diversity that comes from being a multicultural church
- to be 'a fellowship of reconciliation, a body within which the diverse gifts of its members are used for the building up of the whole, an instrument through which Christ may work and bear witness to himself' (Basis of Union para 3)
- and to live a creative, adventurous life of faith, characterised by openness, flexibility, hope and joy.

Consideration should be given to our calling when seeking guidance and interpretation surrounding this procedure.



### **Guideline Principles**

- (a) Sharing different opinions and ideas respectfully is an essential part of our life together. A shared commitment to abide by the rules of common courtesy and to address unwelcome behaviours as they happen will enable the community to flourish.
- (b) “Unwelcome behaviour” is about the perception and experience of the person on the receiving end of the behaviour, not simply the intention of the other person or group.
- (c) The desired outcome is reconciliation through discussing disputes and issues of conflict in a safe, constructive and respectful way. If this is not possible, then the aim is to find a constructive and respectful outcome that allows all parties to be cared for. Pastoral care is to be offered at all stages of the dispute resolution process.
- (d) The importance of procedural fairness (in all processes) and of natural justice (in investigative or determinative processes)
- (e) Equity
- (f) Understanding of power
- (g) Understanding of how culture and language shape how conflict is understood and resolved. Where possible participants in these processes will be able to work through the processes in their preferred language.

### **Church Councillors & Elders**

All Church Councillors, Elders, and other congregational leaders have a responsibility to help maintain a congregation that is free of all forms of unwanted behaviour.

This responsibility includes:

- complying with the Congregation’s ‘Code of Conduct to Prevent Abuse’ which provides a framework for treating all individuals with dignity and respect
- proactively supporting initiatives which are designed to raise awareness of procedures, and issues related to unwanted behaviour, including attending education sessions as required
- encouraging any person who has concerns about possible unfair treatment to read this procedure, as well as advising them that assistance can be accessed from Presbytery Pastoral Care Person
- acting promptly where behaviour that could constitute bullying or harassment has been observed, either advising the person(s) involved that the behaviour could give offence and to cease immediately or seeking advice from their Presbytery Pastoral Care Person
- respecting the rights of all parties in line with procedural fairness. This includes refraining from starting or engaging in gossip about the situation or the people who may be involved
- refraining from victimisation of any person associated with dispute processes

### **Consequences of unresolved disputes**

While in the Basis of Union we say that we are a fellowship of reconciliation, sometimes it is not possible for a particular congregation and an individual to resolve a dispute despite their best efforts. When this happens it can be disappointing and hurtful for everyone involved. However it can also be liberating to separate the parties involved in a dispute and to



encourage other forms of involvement with a different church community where the person can worship God in peace. It is not a failure of an individual or a process if someone leaves the congregation; compared to experiencing unresolved ongoing conflict, it may be the best way forward for all concerned.

## 2.0 Procedure in Practice

The following step-by-step procedure is summarised in the attached “Process Flow Chart.” Definitions of key terms can be found in section 3, Additional Information (below).

### Step One - Early dialogue

First, as soon as possible after the event go to the person directly and tell them how you are feeling about the unwanted behaviour. You do not have to do this alone. You may choose to take an Elder or a friend with you. You may also choose to call one of the Pastoral Care Persons in your Presbytery. They may offer advice on how to approach the conversation, as well as explaining the later steps if your dialogue is not successful.

If members of the congregation or Church Council become aware of a conflict (whether overt or simmering) that’s damaging relationships and/or the life and mission of the congregation, they should encourage the parties to engage in such a dialogue.

### Step Two – Conversation assisted by the Church Council

If this does not achieve change (such as an apology and an undertaking to behave differently in future) then take the matter to the Church Council as a dispute or grievance that needs to be resolved. This should be in the form of a written complaint.

The Church Council is bound to address the grievance and make a reasonable attempt to restore relationships, including relationships with the church, to the extent possible (see Regulation 5.2.1). This will usually require resolving the matter in a lasting way that is acceptable to all parties. The Church Council is also responsible, along with the Minister in placement (if there is one), to ensure that all parties are receiving pastoral care throughout the process.

To address the grievance or conflict, a conversation could be convened by the Chair of Church Council, and/or by one or two other members of the Council where appropriate. The Church Council may seek guidance and support in shaping this conversation, and other information about these guidelines and relevant Regulations of the church, from a Presbytery Pastoral Care Person. It may be helpful, for example, for the Chairperson and/or other members of Church Council to meet separately with the parties before bringing them together for a round-table conversation.

The conversation may involve all parties to the Complaint (each of whom may also bring a support person). Church Councils may develop their own process for these conversations to suit their situation, but are encouraged to draw on the principles of mediation, conciliation, restorative justice or other such models of dialogue-based conflict resolution. The conversation is not an investigation or determination of right and wrong, but should focus instead on:

- allowing people to express themselves respectfully
- exploring misunderstandings



- promoting collaborative problem solving and empowerment where needed
- providing options about how worshipping, meeting and volunteering together can be done harmoniously
- confirming the importance of respectful communication and what that looks like
- reflecting on the Church's ethos
- exploring ways disagreements can be resolved if they arise in the future
- writing plans and agreements as necessary.

If agreement is reached, all relevant parties are to trial the agreed new behaviours and/or arrangements. It is recommended that the Church Council follow up with the parties to monitor and support their implementation of the agreement.

### **Step Three – external Mediation**

If the parties are not able to resolve the grievance or conflict with the assistance of Church Council, or if an apparent resolution cannot be sustained, dissatisfied parties may lodge a written Request for Mediation with the Chair of Church Council. If the complaint involves the Chairperson, the Request may be lodged with the Secretary. Within a reasonable timeframe of receiving such a Request, the Church Council should notify the parties involved and refer the matter to a Presbytery Pastoral Care Person.

The Presbytery Pastoral Care person may either conduct or arrange Mediation. It is recommended that the Mediator in either case be a person outside the congregation with appropriate skills and awareness of the Uniting Church ethos (the Synod has a panel of such Mediators). The process of the Mediation will be determined by the Mediator, but will reflect the same principles and goals as the conversation(s) convened by Church Council (see the dot point list in Step 2, above). The Mediator will use his or her professional skills to assist the parties to resolve the issues between them, but will not determine (or pressure the parties to accept) a particular outcome.

Where there is a cost associated with the mediation, it will be paid by the Church Council. The Council may choose to request that the parties make a contribution towards this cost, although it has no authority to compel them to do so.

Throughout this stage Church Council and the Minister in placement (if any) will continue to ensure that pastoral care is provided to all parties to the conflict.

### **Step Four – Discipline Process**

If the matter is not able to be resolved through direct dialogue, Council-assisted conversation or external Mediation, then any party may request in writing that the Church Council take formal disciplinary action against another party under Regulation 5.2.1 and 5.2.2, which state:

**5.2.1 (a)** In cases where:

- (i) in the opinion of the Church Council, any member of the Church appears to disregard the privileges and obligations of membership or to disregard the discipline of the Church; or
- (ii) a formal complaint has been received about a member by a member of the Church Council;



the Council shall endeavour by visitation and pastoral counsel to restore the relationship of the member to the life of the Church.

*[Note: this requirement is addressed in Step 2 of the procedure outlined above]*

b) Any member who declines to renew a satisfactory relationship with the life of the Church will be advised of the possibility that the name of that member may be removed from the membership roll and shall be given opportunity either in person or in writing to make a submission on the matter to the Church Council.

*[Note: To trigger this step, the Church Council will need to form an initial view as to whether one or more parties appear to have “declined to renew a satisfactory relationship with the life of the Church.” To form such a view, the Council as a whole will need to be informed about the matter by the Chair and/or any other members involved in the conversation process. The Council may also wish to hear directly from the parties. Note, however, that the content of the Mediation and the conduct of the parties within the Mediation process will usually be confidential, and the Council will likely know only that it has been unsuccessful in resolving the dispute.]*

c) Should that member be a member of the Church Council, and that member declines to renew a satisfactory relationship with the life of the Church subsequent to visitation and pastoral counsel in accordance with Regulation 5.2.1(a) that member may be requested by the Church Council to resign his or her position to that body and cease all responsibilities associated with that position prior to a decision being made regarding removal of the name of that member from the membership roll.

*Note: Additional procedures regarding the removal of Elders and Church Councillors can be found in Regulation 3.3.3. Note the addition of section 3.3.3(d) which states: “If in the opinion of the Church Council there are concerns about the behaviour of an Elder or Church Councillor whether in person or through cyber bullying (with reference to paragraph 1.6 of the Manual for Meetings) the Church Council may refer the matter to the Presbytery Pastoral Relations Committee to determine if the Elder or Church Councillor shall be removed from office. The decision of the Presbytery Pastoral Relations Committee shall be final.”*

**5.2.2** Where the Church Council has determined that the member has failed to respond to pastoral care and invitation to renew satisfactory relationship with the life of the Church, the Church Council may:

- a) suspend the rights and privileges of membership; or
- b) remove the name of the member from the membership roll.

The member shall be notified in writing of any such action.

*Note: This final determination is separate from the formation of an initial view that triggered a right to make submissions in 5.2.1. As a final determination with serious consequences, it’s important that procedural fairness/natural justice principles are applied carefully. Again, the PMPC can provide advice and guidance throughout this determinative process.*

### **Right of Appeal**

A person whose member rights and privileges have been suspended, or whose name has been removed from the membership roll, may within one month after receipt of



the notification in writing, request reconsideration by the Church Council. (Regulation 5.2.3)

Note: A person whose name has been removed from a membership roll of a Congregation for disciplinary reasons shall not be enrolled as a member of any other Congregation without the prior knowledge of and advice from the council which is responsible for the maintenance of the roll from which the person's name was removed. [Regulation 5.2.4(b)]

### Role of the Presbytery

The Presbytery has oversight of congregations, and in situations where the Congregation and Church Council are unable to resolve a matter, the Presbytery may be asked to help to resource and support the Church Council. The Presbytery does so primarily by maintaining the Presbytery Pastoral Care Person and making them available to Congregations.

## 3.0 Additional information

### Definitions

**Bullying:** Bullying is repeated unreasonable behaviour to another person including offensive or abusive language or conduct, behaviour which belittles, threatens or intimidates another person. Bullying is unreasonable behaviour directed toward a person or a group of people that creates a risk to personal wellbeing. Taking issue with a person's behaviour by enacting this dispute resolution procedure is not bullying.

**Presbytery Pastoral Care Person (PPCP):** People who advise participants about the conflict resolution process. PPCPs may meet with people in conflict to hear about the issues and answer questions about process guidelines, but they do not investigate disputes. They may work with the parties to encourage collaborative problem solving and resolution. It is recommended that PPCPs work in pairs to support one another and the integrity of these guidelines.

**Conversation:** any process of respectful communication. Usually best conducted face to face (although in some situations telephone or even written dialogue can be helpful) and with the intention to listen/learn as well as to speak.

**Harassment:** Unwelcome behaviour or language that has the effect of offending, intimidating or humiliating a person. Taking issue with a person's behaviour by enacting this dispute resolution procedure is not harassment.

**Mediation:** Mediation is a process in which the participants, with the support of a mediator, identify issues, develop options, consider alternatives and make decisions about future actions and outcomes. The mediator acts as a third party to assist the participants to reach their own decisions, not as an arbitrator of right or wrong. Outcomes of mediation can include

- greater understanding of your own and others' perspectives
- acknowledgements, statements of regret and apologies (forgiveness may follow, but not always immediately)
- agreements between the parties about future behaviour or actions
- individual decisions made with greater clarity and wisdom





**Natural justice:** Natural justice refers to a due process of investigation and/or determination that displays fairness to all parties. It includes the right to be informed of allegation(s) being made, the right to be heard, the right of reply, the right of support during processes, the right to be treated fairly, and the right to objective consideration of allegations and responses, all within a timely manner.

**Procedural fairness:** A more general term than “natural justice,” pointing to the importance of all parties to the process being respected, allowed to participate fully, and listened to. At any time parties to a dispute may involve a support person. This may be a friend, family member or Elder. A support person accompanies the party during a dispute and may provide support in a number of ways including attending conversations and debriefing after meetings. A support person does not normally speak during the meetings, but may do so if they are requested to do so by both parties.

**Unwanted behavior/unfair treatment:** Unwanted behaviour is behaviour that causes distress to any person who perceives that the behaviour or unfair treatment is directed towards them. Unwanted behaviour may be a single incident or a series of incidents and includes behaviour that is offensive, abusive, belittling, humiliating, threatening and/or intimidating. Unwanted behaviour may also be characterized as bullying, harassing, demeaning and/or aggressive. Unwanted behaviour may relate to racism, sexism, gender or sexual orientation. It may be a result of an abuse of real power or perceived power to explicitly or implicitly gain favours or to threaten, or disadvantage. Unwanted behaviour may be expressed in writing including the use of email, text messages, chat rooms or social media.

## References

*Equal Opportunity Act 2010*

*Human Rights and Equal Opportunity Commission Act, 1986 (Cth)*

*Occupational Health and Safety Act 2004 (Vic)*

*Racial Discrimination Act, 1975 (Cth)*

*Sex Discrimination Act, 1984 (Cth)*

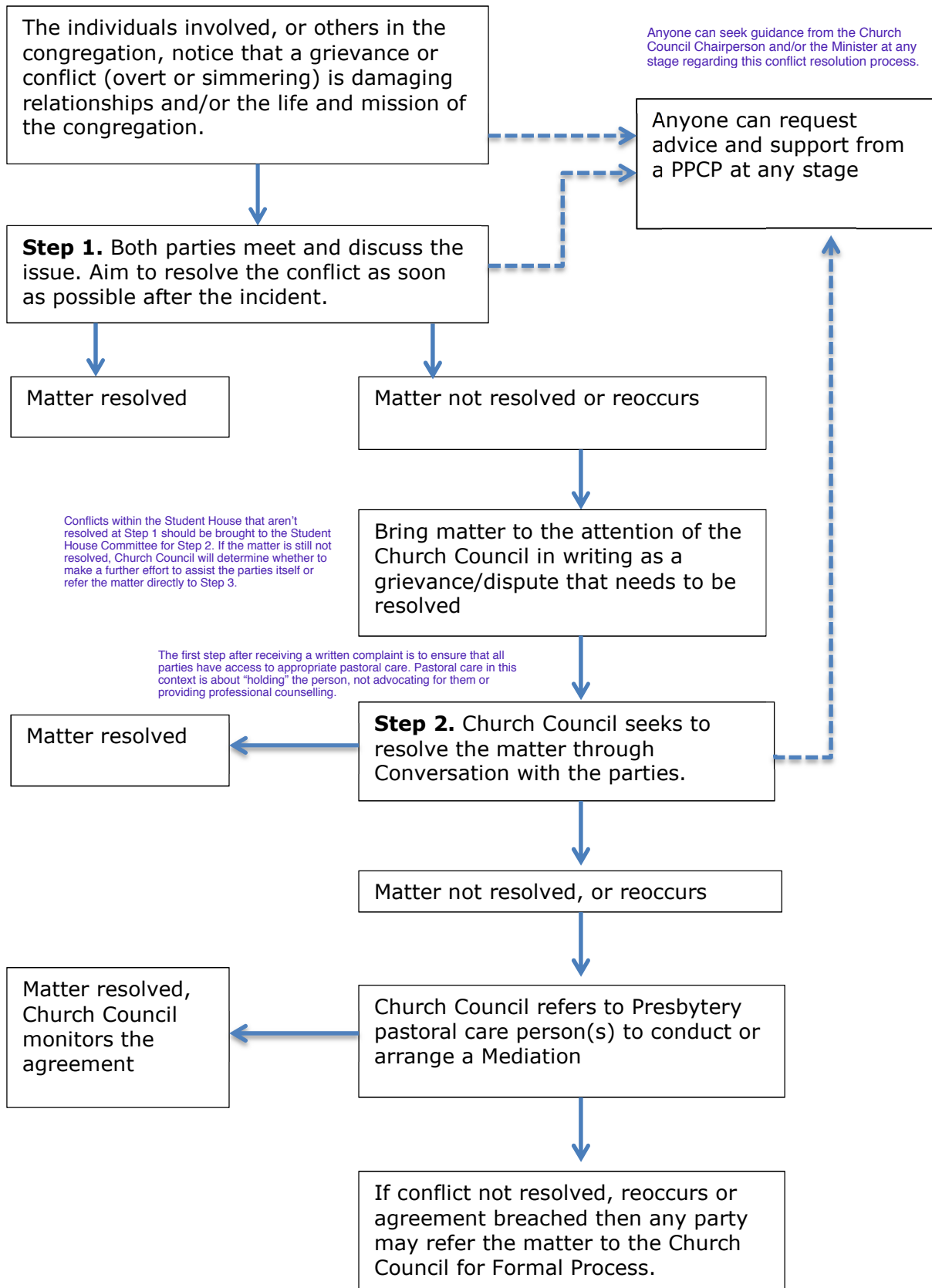
UCA Regulations

Code of Conduct for the Prevention of Abuse (posted on website –visit

[www.victas.uca.org.au](http://www.victas.uca.org.au) see Culture of Safety - Safe Church Policies)



## Grievance and Conflict Resolution Guidelines – Process Flow Chart







## Grievance and Conflict Resolution Guidelines Flow Chart: Formal Disciplinary Procedure

