

# Complaint Process

## What is happening within each role during each phase of a complaint?

### ROLES

#### COMPLAINANT

#### SUPPORT PERSON FOR COMPLAINANT

#### RESPONDENT

#### ADVOCATE FOR RESPONDENT

#### BISHOP'S OFFICE

#### BOARD OF ORDAINED MINISTRY (BOM)

#### COUNSEL FOR THE CHURCH

#### COMMITTEE ON INVESTIGATION

### NOTES

- \* Just resolution may be initiated at any point (¶ 362.1c).
- \* Congregational care, including use of Bishop's/Conference's Response Team may occur at any point.
- \* If complaint is resolved or dismissed by end of Phase 4 the process ends. If complaint is referred to counsel for the Church, the process continues in Phase 5.
- \* If civil authorities are involved, the Church may hold the complainant in abeyance (which pauses all progress on the complaint until the abeyance is lifted).

## PHASE 1

Before the Complaint is Filed

### COMPLAINANT

- \* Experiences alleged multiple or one-time offense.
- \* Discerns what has happened.
- \* Determines if this is a concern or complaint.
- \* Decides whether to raise concern or file complaint.
- \* May contact GCSRW for guidance.
- \* May seek a support person.

### SUPPORT PERSON

- \* Responds to invitation to provide support.
- \* Assesses circumstances of the concern/complaint. Determines ability to serve as support person.
- \* Advises complainant of possible next steps.
- \* Helps complainant anticipate the concern or complaint process.
- \* Refers complainant to other support resources as needed (e.g., therapist, spiritual director).

### RESPONDENT

- + Commits alleged offense.
- + May seek an advocate.

*Note: The respondent does not need to be informed of a possible complaint until the bishop receives a complaint, and notification will come from the bishop's office. The respondent's and advocate's involvement begin when the respondent learns of a possible or received complaint.*

### ADVOCATE FOR RESPONDENT

- \* Responds to invitation to provide advocacy.
- \* Assesses circumstances of complaint. Determines ability to serve as advocate.
- \* Helps respondent anticipate the concern or complaint process.
- \* Refers respondent to other support resources as needed (e.g., therapist, spiritual director).

## PHASE 2

Initial Response When a Complaint is Filed

### COMPLAINANT

- \* Submits signed, written complaint to the superintendent or bishop's office.
- \* May meet with the bishop without the respondent present.
- \* Receives written response to complaint with an explanation of the ensuing process from bishop's office.
- \* Complainant's name and nature of complaint are communicated to the respondent.

### SUPPORT PERSON

- \* Discusses possible next steps with complainant, including possible outcomes that do not require complainant's approval (e.g., clergy person surrenders credentials, retires, or is placed on involuntary leave).
- \* Has the right to accompany complainant and have voice at any meeting.
- \* Has the right to receive direct or copied communication from bishop's office.

### RESPONDENT

- \* Receives written notice and nature of complaint, name of complainant, and explanation of ensuing process from bishop's office.

### ADVOCATE FOR RESPONDENT

- \* Has the right to accompany respondent and have voice at any meeting.
- \* Has the right to receive direct or copied communication from bishop's office.

### BISHOP'S OFFICE

- \* Bishop receives written complaint.
- \* Begins supervisory response (¶ 362).
- \* Offers appropriate pastoral response as quickly as possible.
- \* Provides complainant and respondent written explanation of ensuing process.
- \* Informs BOM chair of complaint.
- \* Requests BOM approval of 90-day suspension, if warranted.
- \* Enlists Bishop's/Conference's Response Team as needed.

### BOARD OF ORDAINED MINISTRY (BOM)

- \* Bishop notifies BOM chair of complaint.
- \* Responds to bishop's request for suspension, if needed (¶ 362.1d).

## PHASE 3

As Soon As Possible After the Initial Response

### COMPLAINANT

- \* May request information or ask questions at any time to better understand status of the case and/or the complaint process.
- \* No matter where in the process a just resolution is initiated, the complainant shall be a party to the resolution process and every effort shall be made to have the complainant agree to the resolution before it may take effect (¶ 362.1c).

### SUPPORT PERSON

- \* Has the right to accompany complainant and have voice at any meeting.
- \* Has the right to receive direct/ copied communication from bishop's office.
- \* Has the right to request information or ask questions on behalf of the complainant, and to receive responses.
- \* Maintains communication with complainant to anticipate ongoing support needs.

### BISHOP'S OFFICE

- \* Explores case's merits to determine next steps (e.g., dismiss case, initiate just resolution, request suspension or involuntary status change, etc.).
- \* Meets with complainant and respondent separately (and never together).
- \* If just resolution is initiated, the complainant and respondent are parties to the process (¶ 362.1c).
- \* Requests BOM approval of suspension and/or involuntary leave of absence, if warranted (¶ 354).
- \* Informs complainant and respondent of case's progress no later than 30 days after the complainant's receipt.

## PHASE 4

Supervisory Response – Within 90-120 Days After a Complaint is Filed

### COMPLAINANT

- \* May request information or ask questions at any time to better understand the status of the case and/or the complaint process.
- \* No matter where in the process a just resolution is initiated, the complainant shall be a party to the resolution process and every effort shall be made to have the complainant agree to the resolution before it may take effect (¶ 362.1c).

### SUPPORT PERSON

- \* See Phase 3.

### BISHOP'S OFFICE

- \* Communicates regularly with the complainant and informs the complainant when to expect communication. We suggest the bishop's office communicate no less often than every three weeks or when there has been an important development in the process.
- \* If applicable, requests involuntary leave of absence from BOM no later than 21 days before suspension ends (and earlier, if possible).
- \* Completes supervisory response within 90 days of receipt of complaint. Ninety-day period may be extended by one 30-day period, with consent of all parties.
- \* If supervisory response is extended and the clergy person has been suspended, the bishop requests one 30-day extension to suspension. Refers or dismisses case.
- \* Referral – sends written complaint to counsel for the Church.
- \* Dismissal – case has no basis in law or fact and receives Cabinet approval to dismiss.

### BOARD OF ORDAINED MINISTRY (BOM)

- \* Responds to bishop's request to extend suspension, if needed.
- \* Receives request for involuntary leave of absence from bishop, if warranted.
- \* If involuntary leave of absence is requested, the conference relations committee (CRC) administers a fair process hearing within Disciplinary requirements (¶ 361).
- \* BOM votes on CRC's recommendation as determined by fair process hearing.

## PHASE 5

Phase 5 is not constrained by time limits

### COMPLAINANT AND SUPPORT PERSON

- \* Receives copy of complaint and supporting evidence sent to counsel for the Church.
- \* Participates in investigative process.
- \* This may include suggestions for a face-to-face meeting with the respondent. The complainant decides if the complainant will attend a meeting with the respondent. The complainant and support person will want to consider all options and potential outcomes before consenting to this meeting.

### RESPONDENT AND ADVOCATE FOR RESPONDENT

- \* Receives copy of complaint and supporting evidence sent to counsel for the Church.
- \* Participates in investigative process.
- \* Respondent may respond to the judicial complaint within 30 days of its receipt by counsel for the Church.

### COUNSEL FOR THE CHURCH

- \* Receives written complaint from the bishop's office.
- \* Investigates merits of case.
- \* Develops a judicial complaint including statement of case and supporting evidence to submit to the committee on investigation.
- \* Serves as the Church's representative for the duration of the case.
- \* Sends copy of judicial complaint and supporting evidence to complainant, respondent, bishop.

### COMMITTEE ON INVESTIGATION (COI)

- \* Receives judicial complaint from counsel for the Church.
- \* Convenes within 60 days of receiving judicial complaint.
- \* Considers case's merits and supporting evidence. May include talking with complainant, respondent, witnesses, and other parties as the COI determines.
- \* Decides if there are reasonable grounds to refer the judicial complaint to trial.
- \* Without reasonable grounds to refer, the case is dismissed, further administrative action may be taken, or just resolution may be pursued.
- \* With reasonable grounds to refer, the COI prepares and votes on a bill of charges and specifications and the trial process begins (¶ 2707).
- \* The COI sends the bill of charges according to the requirements in ¶ 2706.5b.
- \* If the COI refers a bill of charges for trial, the trial process begins (¶ 2707).

# Complaint Process

Refer to 2016 Book of Discipline for specifics

