

**Title:** Conflict & Grievance Policy

**Functional Area:** Core

**Last Reviewed:** October 2020

**Approved by:** Ad Cabinet/AMBS Board



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## 1. Policy Introduction

AMBS intends to maintain a work and academic environment that exemplifies and supports Christian values, maintains the dignity and worth of all individuals, and fosters relational trust. We recognize that interpersonal conflicts and conflicts between the institution and its members are part of being in community together.

AMBS affirms that addressing grievances and conflicts in healthy, constructive ways upholds personal dignity, strengthens relationships, contributes to Christian peacemaking, and furthers our vision of becoming a learning community that is accessible to and welcoming of people from different traditions, ethnicities, and racial identities. We also affirm that failure to attend fairly to grievances and conflicts can create an inhospitable environment that demeans and disempowers employees and students.

The purpose of a conflict and grievance policy is to provide a fair, culturally attentive and structured process for identifying and remediating perceived and actual offenses and injustices in the AMBS learning community. As an Anabaptist institution, AMBS also works toward reconciliation between parties whenever possible.

Therefore, the objectives of this Policy are:

1. to give serious attention to conflicts and grievances, allowing adequate time for these to be processed, yet bringing them to as swift and decisive a resolution as possible;
2. to account for and mitigate perceived and actual imbalances of power (e.g., gender, racial, position, cultural, etc.) that might exist between the initiator and the responder;
3. to work creatively at the resolution of problems so that the interests of all parties are given serious consideration and the process is not viewed as win-lose; and
4. to provide carefully outlined procedures for resolving the grievance or conflict yet allowing flexibility for unique elements in each case.

AMBS does not discriminate with regard to race, sexual orientation, gender, color, national origin, age, or disabilities and will not discriminate against or harass persons who initiate grievance or conflict processes. Concerns or complaints related specifically to sexual misconduct must follow the process outlined in the [Sexual Misconduct Policy and Procedures](#) available on the AMBS website.

## 2. Definitions

An **AMBS Learning Community member** is anyone currently studying, working, or volunteering at AMBS. Current degree-program students, Church Leadership Center program participants, employees, board members, and volunteers are all members of the AMBS learning community.

A **Conflict** is a serious disagreement or argument between parties about something important. Conflicts can range from minor to more significant disputes. While some conflicts may be resolved

without using this policy, any AMBS community member experiencing harm from a conflict can use this policy.

A **Grievance** is an actual or perceived cause for protest or complaint arising out of some perceived or actual harm due to a comment, action or policy. This alleged action may impinge on an individual's spiritual or emotional well-being or their ability to thrive in and contribute to the AMBS learning community without fear or intimidation.

An **Initiator** is someone who brings forward a grievance or conflict to a team member and seeks assistance working through their concern or complaint.

A **Responder** is the other person named in a grievance or conflict who is asked to participate in a process to work through the concern or complaint. There can be more than one initiator or responder in a given grievance or conflict situation.

The **Conflict and Grievance Response Team** consists of the several administrators and faculty who are trained in conflict resolution and who are responsible to carry out the policies and procedures in this document. See the [Conflict and Grievance Response Team Members](#) document for names and contact information.

The **Intake Form** is used by a Team member any time someone comes forward with a grievance or conflict needing resolution. When a Conflict or Grievance Response process is complete, the completed form is confidentially filed in the President's Office.

**Conferencing** refers to meetings led by a facilitator or co-facilitators in which resolution of a grievance or conflict is sought. Conference procedures are outlined in the levels below.

An **Advocate** is someone who accompanies an initiator or responder through any meetings related to the grievance or conflict. The presence of an advocate is optional for either the initiator or responder. An advocate must be a legal adult. The purpose of an advocate is to provide moral or emotional support for the person who seeks their help and to serve as an active listener to the discussion between the parties as they work toward resolution. An advocate is not intended to be a vocal participant.

### 3. Education of the AMBS Learning Community

See the document [Conflict and Grievance Policy Education Procedures](#) to review how the AMBS learning community is educated about this policy.

### 4. Theological Framework

Historically, Mennonites have appealed to Matthew 18 as the preferred biblical approach to conflict. Matthew 18 encourages the initiator or responder in a conflict to approach the other party 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 intercultural competence skills, and avoiding undue escalations of situations that can be resolved easily. However, in situations where there are significant imbalances of power and/or where a grievant feels physically or emotionally unsafe, 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. Matthew 18 also assumes that the grievant and respondent know each other and does not address offenses committed by an institution. Therefore, it does not speak to cases in which an anonymous action has been taken against the initiator, or if the complaint is about an official policy or procedure.

Because of the limitations of Matthew 18, this Conflict and Grievance Policy integrates other biblical perspectives:

- When a conflict arose in the early church, a team of deacons was appointed to attend to needs that were being neglected in the community (Acts 6).
- Those who are more powerful in a community have a responsibility to attend to and protect those who are disempowered or on the margins (Luke 1:52; Matt. 25:31-46).
- God commanded the Israelites to create safe spaces for those threatened with retaliation due to real and perceived offenses in the community (Num. 36:9-15).
- Sometimes the use of wise arbiters or advocates with experience in conflict resolution was encouraged (1 Cor. 6:1-6; 1 John 2:1).

## 5. Procedures for Addressing Grievances and Conflicts

### **Conflict and Grievance Response Team**

Members of the [Conflict and Grievance Response Team](#) are available to assist anyone in the AMBS learning community with a conflict or grievance to bring forward. The team member will complete an [intake form](#) for documentation, and will outline the levels noted below in section six.

### **Legal Recourse**

If the complaint is of a criminal nature, investigations at AMBS will not control the outcome of any law enforcement investigation. Furthermore, this policy and the procedures outlined herein should not be interpreted as negating, bypassing, or limiting the right of any party to pursue legal recourse at any time outside of the internal AMBS processes outlined herein. In addition, either party in a conflict or grievance may elect to seek legal representation in AMBS procedures to the extent mandated or allowed by law.

### **Policy Grievances**

If a grievance related to an AMBS policy is initiated, the AMBS administrative cabinet takes the position of responder and two members will represent AMBS in the process. If the grievance cannot be addressed at Levels One or Two as outlined below, the director of human resources will secure an outside facilitator for Level Three: Conferencing. This mediator will be approved by both initiator and responder. If deemed appropriate by the Conflict and Grievance Response Team, external members of the AMBS constituency may be appointed as an ad hoc team to serve in the Level Four team determination process; this could include area conference and/or MEA representation and/or others who represent the initiator's social and cultural identity.

### **Grievances Involving Harassment or Discrimination**

If a grievance involves instances of harassment or discrimination against underrepresented groups, abuses of power and injustices related to intercultural competence and undoing oppression, either party may request that the process begin with Level Three: Conferencing. The Team may also determine that the grievance should start with Level Three.

In cases involving harassment and discrimination, a third party may initiate a grievance process on behalf of a victim who wishes not to come forward. For example, if a third party witnesses instances of bullying or a pattern of racist comments between a staff member, the third party may initiate a grievance process with the international student's approval, but with or without their participation. In this instance, the third party and the responder become the parties referred to below.

### **Concerns about Fraud or Illegality**

In matters of legal and fiscal integrity, AMBS does not want persons who have concerns about the behavior of a fellow employee to speak directly with the employee in question, as would be the case in most situations of conflict. The [Fraud Prevention and Legality Policy](#) should be used for such instances rather than the Conflict and Grievance Policy.

## 6. Conflict and Grievance Policy Levels

If a conflict or grievance is brought to a Conflict and Grievance Response Team member, this person will fill out the intake form and help the initiator determine which level of the process to request. If brought to the team itself, one team member will be appointed to fill out the intake form and help the initiator determine which level to request.

### **Level One: Direct Address**

Some grievances and conflicts that arise in social situations can be resolved through one-to-one personal encounter. Offenses that arise from misunderstandings or unintentional hurts may be best addressed in this way. Either party can initiate this level.

If Level One reaches a resolution, the initiator will inform the team member who completed the initial intake form; this team member will update the document and provide it to the President's Office for filing.

### **Level Two: Advocacy**

If any party in a grievance or conflict feels unheard or unfairly treated in the direct address or feels unsafe with a direct address, they 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 (initiator or responder) and to serve as an active listener to the discussion between the parties as they work toward resolution. Conflict and Grievance Response Team members are trained in conflict mediation and can be available to serve as an advocate.

If this level resolves the conflict, the initiator will inform the Conflict and Grievance Response Team member who completed the initial intake form; the team member will update the form accordingly and submit it to the President's Office for confidential filing.

If the first two levels of the process prove unsuccessful, the process will move forward to Level Three.

### **Level Three: Conferencing**

Documentation of the process to this point will be reviewed by the Assistant Director of Human Resources (or appointee from the Conflict and Grievance Response Team) who will ensure that the conferencing procedures laid out below are followed and that the process is prompt, thorough, and impartial.

Generally, at least one member of the Conflict and Grievance Response Team will serve as facilitator, or there may be two co-facilitators. In its sole discretion, AMBS may determine that an outside facilitator may be needed, and AMBS can appoint an outside facilitator at its own cost. Notwithstanding, either party may petition that an alternate person within or outside of the AMBS community be approved by the team to serve as a co-facilitator, and that party shall bear the costs associated with that request.

Depending on the nature of the conflict or grievance, this level may involve meetings in which both parties are present, or may only involve separate meetings. The facilitator(s) will determine this in consultation with the participants.

The first step in the conferencing process is for the facilitator(s) to inform the responder about the conflict or grievance, if this individual does not already know. The facilitator should then initiate an information gathering process in which both parties provide as many of the following details as possible:

- a. names of all parties;
- b. type of conflict or grievance alleged;

- c. details of the conflict or grievance, including names, dates, locations, and other relevant particulars;
- d. description of actions taken to address the complaint;
- e. the redress or resolution that is sought.

The facilitator(s) will then hold the conferences. If there is not a co-facilitator, another AMBS administrator or faculty member will serve as a witness to the proceedings and as note taker. The initiator or responder may each select to bring an advocate, but must inform the facilitators of this ahead of the conference meetings. Advocates may contribute minimally to the proceedings unless or until the facilitator or co-facilitator determines that one or more of the advocates is doing more to exacerbate the conflict than to resolve it.

The conferencing sessions will follow these procedures:

- a. The session is confidential. However, AMBS will maintain records to document the process and outcome. AMBS will report the outcome to individuals deemed to have a need to know solely determined by the Conflict and Grievance Response Team.
- b. The facilitator 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.
- c. An orderly, full, frank, and fair conversation about the conflict or grievance will allow all parties to come to a fuller understanding of the situation.
- d. If a resolution to the conflict or grievance can be found that is satisfactory to both parties, including clear agreements for changes in behavior and understanding of consequences, the facilitator will close the session by verbally stating the understandings, outcomes, and commitments made.
- e. A written report of the conferencing 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.
- f. If it is determined by the Conflict and Grievance Response Team that either party is being unreasonable as to the agreements made during Level Three Conferencing, the team may determine the document is the team's final determination.

At the completion of Level Three, the final signed document will be submitted to the President's Office to file.

**Level Four: Conflict and Grievance Response Team Determination**

If conferencing is unsuccessful, either party can request a determination by the Conflict and Grievance Response Team. There is no guarantee that the determination will be satisfactory to each party.

The assistant director of human resources (or appointee who is a member of the Conflict and Grievance Response Team) will prepare a timeline (1) for reviewing the documentation already gathered; and (2) for the team determination.

If there are any further meetings with the parties, they will typically be held separately since conferencing already occurred and no satisfactory resolution was reached.

When the outcome has been determined, the assistant director of human resources (or appointee from the team) will prepare a report describing the outcome. This report will be filed confidentially with the President's Office.

**7. Appeals**

If the Conflict and Grievance Response Team determination process fails to lead to a resolution satisfactory to either party, either party may appeal to the AMBS President, who

will read all the documentation in the file to that point and make a final determination. If the President is a primary party in the grievance, the Board Chair will oversee the appeal and make a final determination.

If an unresolved dispute involves the policies or procedures of the seminary, or structural injustices, either party may appeal to the Chair of the AMBS Board, who will read all the documentation produced in the procedure to that point and make a final determination.

If anyone involved in an internal process is not satisfied with the outcome of an appeal, they may file a complaint with AMBS's accrediting agency, the Association of Theological Schools, and/or the Indiana Commission for Higher Education. See the [Student Complaint Process Beyond AMBS](#) policy for contact information.

## **8. Retaliatory Behavior**

AMBS will not tolerate retaliatory behavior toward the initiator, responder, witnesses, advocates, or others involved in the grievance or conflict resolution process. Retaliation by an AMBS employee may result in suspension or possibly termination of employment; retaliation by student(s) may result in suspension from courses and/or termination of student status.

## **9. Intentionally Dishonest Complaints**

AMBS assumes "good faith" on the part of any person who files a grievance or conflict request. Anyone who submits a complaint that is intentionally deceiving, dishonest, or malicious, or who has given false or misleading testimony in the pursuit of resolution of a complaint will be subject to disciplinary action.

## **10. Other Resources**

- Center for Community Justice (Victim Offender Reconciliation Program) at 574-295-6149
- Equal Employment Opportunity Commission at 800-669-4000
- Indiana Civil Rights Commission at 800-628-2909
- Oaklawn Community Mental Health Center, 2600 Oakland Ave., Elkhart, IN 574-533-1234
- Samaritan Center, 221 E. Crawford St., Elkhart, IN 574-262-3597

*Approved by Administrative Cabinet, January 5, 2016  
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