**The Grievance Process**

**A.**  **The Purpose of the Grievance Process**

The grievance process provides structure and guidance for responding to evident or alleged violations of professional conduct. The process may be applied only to grievances between members of the SCE, that is, to *members* of the SCE aggrieved by the conduct of *fellow members* in the context of meetings and activities directly connected with the Society’s work.

The process is intentionally flexible, allowing considerable scope for discretionary exercise of its provisions in response to morally relevant differences in particular cases, such as the gravity of alleged misconduct and whether or not misconduct was intentional. The overarching goal is to reestablish a respectful and just environment for inquiry and discourse at SCE meetings. Where possible, the process should aim at achieving reconciliation on fair terms. In some cases, the duty to maintain the values and commitments of the SCE may require the application of sanctions (e.g., suspension or expulsion). Any intervention should aim at supporting and strengthening the SCE's efforts to safeguard respect for difference, personal integrity, and intellectual integrity.

**B. The Professional Conduct Committee**

The Board of Directors of the SCE authorizes the PCC to interpret and apply the grievance process; to evaluate complaints brought under it; and to make recommendations to the Board in response to such complaints.

Each year the President shall appoint two members to the PCC for three-year terms, totaling six members and chaired by one of the members. The President also shall appoint the chair for the coming year. Terms of outgoing committee members end at the conclusion of the Business Meeting at the next year’s annual meeting. If a case is pending, the chair will continue until its resolution. Since respect for intellectual integrity requires vigilance, sensitivity and courage to identify and remedy infractions, the members of the PCC should be chosen for their practical wisdom. They should be seasoned members of the SCE, who possess sound and sober judgment, as well as tact, discretion, and skill with people. In aggregate, they should represent the SCE community in all its diversity. Members of the PCC are encouraged to take relevant training for their role at their home institution or elsewhere if it is available to them. Allowing for the possibility of a conflict of interest between a member of the PCC and a member against whom an allegation has been submitted or a member who has submitted a grievance, that member of the PCC will acknowledge the conflict and recuse herself/himself from case review and deliberations over intervention if any are forthcoming.

The PCC will review cases of alleged misconduct arising within the formally constituted activities of the SCE if it deems the grievance process of peer inquiry to be an appropriate means to address the allegation. The PCC will not further inquire into complaints it deems capricious or principally vindictive upon initial receipt, nor will it attempt to obviate or preempt civil or legal proceedings, nor will it, except in unusual circumstances, pursue a case while the dispute is pending in another forum. Review of and/or inquiry into a complaint by the PCC should not be regarded as a substitute for legal action.

**C. The Grievance Procedure**

**The Grievance Procedure** is designed for use during or soon after a formally constituted event of the SCE. The swift passage of such events imposes limitations on the PCC’s ability to obtain information, provide due process, protect confidentiality, and resolve the case with effective mediation or appropriate sanctions. Therefore, members are encouraged to notify the PCC with complaints as soon after the event(s) as is possible.

The parties of a grievance are: Complainant(s), Respondent(s), Chair (of PCC), Representative (of PCC), and the PCC.

1. **The Initial stage**

A member should bring a grievance directly to the chair of the PCC, who ensures that all inquiries and complaints are properly undertaken and concluded. If any member of the PCC is named in the complaint, he or she will not participate in deliberation of the case. No person who has been accused in a complaint will participate in the inquiry or resolution of the complaint.

When a grievance is brought to the chair of the PCC, the chair shall promptly assign a member of the PCC to handle the case as its representative. The representative is charged with conducting a preliminary inquiry to determine if the allegation grieved warrants further inquiry. The representative will first, contact the complainant to gather relevant details and, if the representative deems it right, second, gather relevant details from the member against whom a complaint has been made.

In some situations, the representative may find that an informal conversation with the complainant and the respondent suffices to determine what happened and then to resolve a hurtful misunderstanding or repair an unintentional offense through mediation. If the mediation is successful, no written record shall be generated. The representative shall orally inform the chair of the successful resolution of the incident.

For example, under *Respect for Difference*, if a member of the SCE uses a derogatory racial term in a conversation at the hotel bar, but doesn’t realize the term is offensive, the representative may explain its offensiveness, the respondent may understand, and a sincere apology may be all that is required. Under *Respect for Personal Integrity*, a request for some form of sexual intimacy that was honestly but mistakenly believed to be welcome might be settled with a sincere apology. Or, as another example, under *Respect for Intellectual Integrity,* using material from the writings of another without proper citation in an essay the respondent publishes in the *Journal of the Society of Christian Ethics*, but unintentionally and in a minor way, might be resolved with a sincere apology and a note of correction to be included in the Co-Editors’ Preface in the next issue of the *JSCE*.

A more formal procedure will be required if mediation fails or if the representative judges that the grieved offense was deliberate and/or serious enough to require more attention. The representative shall ask the complainant whether he or she wishes to proceed further, and shall ordinarily respect the complainant’s wishes in this regard ordinarily by referring the complaint to the PCC.

However, in cases it deems sufficiently serious, the PCC reserves the right to pursue the inquiry independent of the complainant’s participation. In these cases, the PCC will consult with officers of the Society about how to proceed.

If the complainant chooses to proceed, the representative shall inform the chair, who should promptly convene the committee, by telephone if need be, to evaluate the complaint. By majority vote, the PCC may decide either to accept the complaint for further inquiry or to decline to consider it. This decision should be based upon:

a judgment of the resources and competence of the PCC to handle the matter;

the seriousness of the complaint;

the degree to which the complaint alleges specific violations of the SCE Declaration of Professional Commitments;

sufficient evidence to proceed with further inquiry;

the availability of a more suitable forum, such as a university grievance procedure or the AAUP.

If the PCC decides to decline consideration of the complaint, the representative will explain the decision to the complainant, and the respondent if aware of the complaint. No written record will be kept of the complaint or the PCC’s decision not to consider the case.

Note: The PCC will protect the privacy of both the complainant and the respondent in every way possible during the process of the complaint and thereafter. However, all parties should realize that the confidentiality of the SCE proceeding is not protected against legally mandated disclosure if it falls within the scope of a subsequent lawsuit.

1. **Pursuing a complaint**

If the PCC decides to pursue the complaint with the complainant’s participation, the representative will promptly and impartially solicit 1) a signed, written statement from the complainant (if the complaint was made to the chair verbally). The statement will be furnished to the respondent, with a request for 2) a written response. The representative may solicit additional relevant evidence, including from others not necessarily aware of the complaint; the solicitation of comments from witnesses shall be done delicately and with circumspection. The representative will write 3) a report of the inquiry detailing additional evidence in the case.

The PCC will then meet in person or by conference call to consider the case, including the statements by the complainant and the respondent, and the report on the inquiry and any recommendations by the representative.

1. **Possible outcomes of the grievance procedure**
2. The PCC might conclude that there is insufficient evidence of violation to warrant any action, and therefore officially close the investigation. The chair shall so notify the complainant and the respondent. No written record will be maintained of the incident.

1. The PCC might conclude that a violation has occurred. If the PCC does so, it shall write a letter of reprimand to the respondent and suggest a sanction to the Board, if it deems a sanction to be warranted. Recommendations for sanctions are determined by a majority vote of the PCC (excluding the representative).

  c) Possible sanctions include:

(1)   Requiring the offender to undergo some sort of education regarding the Society's professional commitments and appropriate and inappropriate behaviors, and to provide documentation to the PCC that this training has been completed. Failure to comply may result in the rescinding of membership.

(2)   Recommendation to the Board to suspend, restrict, or terminate the membership of the respondent, in accordance with Article III, Section 7 of the By-laws.

  d) If a sanction is recommended, the chair shall prepare a written report justifying the proposed action. This report should include, as appendices, the statements of the complainant and respondent, as well as the representative’s report of the inquiry. This report goes to the Board for further action.

e) If the recommendation to the Board is made to suspend, restrict, or terminate membership (3.C.2), the following additional procedures must be followed.

(1)  The PCC shall provide the Board with copies of the chair’s report, including all appendices (3.D).

(2)  The complainant and respondent will be provided a copy of the chair’s report, including all appendices. They will be offered an opportunity to make a written response to the Board on the PCC’s recommendation.

(3)  The sanction of suspension or restriction requires a majority vote of the Board of Directors. The sanction of expulsion requires a two-thirds (2/3) vote of the Board. The vote of the Board is final.

(4)  The President shall notify the complainant and the respondent of the Board’s decision in writing.

1. **Records**
2. The PCC will create a file for each case it has pursued.

b)  For each case in which a violation has been found to have occurred, the Executive Director shall maintain in the office file one copy of the complete case file, which includes the chair’s report, including all appendices (3.D). If applicable, it shall also include additional materials submitted to the Board, and the written decision of the Board.

c)  These documents shall be made available only to those who serve in the office of President, the Executive Director, and the Chair of the PCC, and shall be destroyed in five year’s time of filing.

d)   All other copies shall be destroyed immediately after the PCC or Board meetings dealing with the case have concluded.

**D. After the Grievance Process**

The determinations and recommendations rendered by the PCC are final, and may not be appealed by the complainant, respondent or a third party to the Board or to the entire membership except when those determinations result in the Board’s decision to suspend, restrict, or terminate membership as set forth in Article III.7 of the By-laws, which decision may be appealed to the Board.

1.   If it is discovered that anyone--complainant, respondent, or third party--knowingly provided false information regarding a case. The SCE prohibits the use of false testimony, and the PCC or the Board may take disciplinary action against the offending party.

2.   If retaliation is taken against any member, or against an employee of SCE filing a complaint against a member, or against the person accused. The SCE prohibits such retaliation, and the PCC or the Board may take additional disciplinary action against the one who retaliates.

3.   If the confidences of the complainant, the respondent, or other parties directly involved are abused by the members of the PCC or the Board. The SCE prohibits disclosure of confidential material unless required by law or to protect the safety of a party or a third person. Violations of confidence may warrant additional sanctions by the PCC or the Board. Whether or not these misuses of the grievance procedure exacerbate the original complaint, they are themselves violations of respect for personal and intellectual integrity, and so are subject to the same disciplinary standards.

**E. PCC Annual Report to the Board**

The chair is the official liaison to the Board, President, and Executive Director and must report every inquiry and formal complaint. The chair shall prepare a written annual report to the Board, describing the cases it has received during the previous year in the following way:

1. The chair shall identify the number and general type of cases resolved by a PCC member on an informal basis.
2. The chair shall describe in general terms, which omit all direct and indirect identification of the parties involved, each case the PCC declined to consider.
3. The chair shall prepare an abbreviated version of the case report of each case the PCC decided to give full consideration, omitting all direct and indirect identification of the parties involved.

**F. PCC Annual Report to the Membership**

The chair shall prepare a short oral report, to be given at the annual meeting, summarizing the annual report to the Board, but identifying cases, resolved or declined, only according to the kind of violation involved (regarding disrespect for difference, personal integrity, or intellectual integrity).

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