

Ministry Personnel Reviews

January 2019



The United Church of Canada
L'Église Unie du Canada

Ministry Personnel Reviews (January 2019)



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About This Resource

This resource contains information, guidance, and advice on the best ways to live out mandatory policies and procedures. You are encouraged but not required to follow these best practices. Following these best practices will help ensure compliance with secular law requirements that apply to reviews.

Ministry personnel reviews may be conducted by an individual reviewer or by a review committee. In this resource, both are referred to as “the reviewer.”

Please refer to the current edition of *The Manual*.

OVERVIEW OF THE REVIEW PROCESS

Concerns about Ministry Personnel: Office of Vocation Response

Within our polity, the Office of Vocation has the responsibility

- to ensure that the people we put in ministry positions function effectively and contribute positively to the life of the congregation and the lives of the individuals to whom they minister
- to care for ministry personnel, and to support them in their ministries by ensuring that they are equipped with all the skills needed for their ministries and that any shortfalls are addressed through supportive remedial action

Whenever the Office of Vocation hears concerns about how a ministry personnel is functioning, it must respond. Within the Office of Vocation, the Response Committee is responsible for responding by receiving and assessing concerns and determining the most appropriate process or committee to address them.

There are two parts to the Office of Vocation response to concerns about ministry personnel and communities of faith:

- **The action response:** The Response Committee must determine the most suitable tool to use in the situation. It may decide that no remedial action is necessary, it may decide to initiate a ministry personnel review under Section J.6.3 of *The Manual*, or it may choose to take some action in between those parameters. The choice is up to the Response Committee.
- **The pastoral response:** In addition to choosing the right tool for the situation, the Response Committee needs to turn its mind to the pastoral concerns raised by the situation. A pastoral response is always appropriate.

There are policies and procedures to be followed by the Response Committee whenever concerns about ministry personnel come to its attention, including the grounds for ordering a review, steps for notifying the ministry personnel involved, and interim orders that may be made. There are also policies and procedures to be followed by the Remedial Committee when it makes decisions in response to the findings in a review. See *Office of Vocation: Structure and Responsibilities* (www.united-church.ca/handbooks).

Best Practices for Reviews

The Office of Vocation has oversight of ministry personnel. When there are concerns about a ministry personnel, the Office of Vocation has an obligation to take appropriate action under *The Manual*:

J.6.1 Concerns about Ministry Personnel

The Office of Vocation is responsible for the oversight of ministry personnel. It must take seriously any concerns that come to its attention about any ministry personnel and respond in a way that it considers appropriate to the circumstances, within policies set by the General Council or its executive for the Office of Vocation. For formal complaints under the United Church's Sexual Misconduct Policy, the process under that policy must be followed.

J.6.2 Informal Processes

The Office of Vocation provides guidance and informal dispute resolution services in response to concerns that come to its attention with respect to ministry personnel, honouring the principles of conflict resolution set out in section J.3.

J.6.3 Ministry Personnel Review

The Office of Vocation may order a review of the ministry personnel if it determines that to be the appropriate response in the circumstances to the concerns raised.

The review will be postponed if the ministry personnel is on maternity or parental leave.

Within the Office of Vocation, the Response Committee is responsible for receiving and assessing concerns and determining the most appropriate process or committee to address them. One appropriate action to respond to concerns about a ministry personnel is to conduct a review.

The sections in *The Manual* do not contain much guidance as to *how* a review process is to be carried out. The best practices contained in this resource are offered to assist those involved in the review process. They contain advice only. They are not mandatory, and there may be valid reasons for doing things differently in a particular case. In all cases, however, it is mandatory for the Office of Vocation, the Board of Vocation and its committees, the reviewer, and all others involved in the review process to comply with the requirements of *The Manual* and of natural justice under the secular law. The consequences of not complying with these requirements are serious: the decision resulting from the review may be overturned on appeal or by the secular courts. For this reason, the United Church legal/judicial counsel strongly recommend that these best practices be followed.

Selecting a Reviewer

What, in a nutshell, does the reviewer do?

The reviewer investigates the concerns about the ministry personnel, gathers information, and makes findings based on that information.

Appointing the reviewer

Under Canadian law, the church is entitled to conduct a review under Section J.6.3 of *The Manual* provided the review process complies with the legal requirements of natural justice. *The Manual* does not specify a process for conducting reviews, nor does it indicate who may conduct the review. The Office of Vocation has a pool of people it has trained to conduct reviews. The Response Committee's practice is to appoint a reviewer from the pool to conduct a ministry personnel review. The reviewer receives a fee for providing this service.

Bias, conflicts of interest, and the reviewer

The reviewer must not be biased for or against the object of the review, the pastoral charge, or the ministry personnel. They must not hold any preconceived opinions about the situation or any of the key people involved. For example, if an individual has said publicly that the minister “has always been a big problem wherever she goes,” they are considered biased and may not serve as the reviewer.

In addition, the reviewer must not *appear* to have any preconceived opinions on this matter. For example, if an individual's spouse served as the reviewer of a ministry personnel 10 years ago, there would be an *appearance* of bias if the individual conducted another review of the same ministry personnel.

There are tests for determining whether there is an “appearance of bias” or “reasonable apprehension of bias” about a prospective reviewer. One such test is to ask whether a reasonable person knowing the facts about the reviewer would suspect that the reviewer might be influenced—even unintentionally—to favour a person or particular position in the review process for any reason other than one properly based on the information gathered through the review process.

It is also critical to avoid conflicts of interest.

A conflict of interest would occur when an individual participates in a process or in a decision that may directly or indirectly confer a benefit or impose a disadvantage on the individual or any person close to the individual (family member, close neighbour, friend, or work colleague).

The following people should automatically be disqualified from serving as a reviewer:

- anyone who has recently served as ministry personnel in the community of faith in which the ministry personnel under review is currently serving
- relatives or friends of any member, officer, or staff person in the community of faith in which the ministry personnel under review is currently serving
- people who have had some other close association with the ministry personnel (for example, people currently serving on the same regional council or General Council committees as the ministry personnel, people who are or recently were under the pastoral care of the ministry personnel)

Asking questions will help the Office of Vocation and prospective reviewer discern whether there are other kinds of valid bias or conflict-of-interest concerns. For example, are you a friend,

relative, or close neighbour of any member, adherent, or employee in that community of faith? If you are ministry personnel, have you (or your partner or close family member who is ministry personnel) served under appointment or call to the community of faith in which the ministry personnel under review is currently serving? Do you or they stand to gain a particular advantage from any of the recommendations that you have authority to make? If the answer to any of these kinds of questions is “yes,” you should not serve as the reviewer.

Rather than spending a great deal of time trying to figure out whether bias or a conflict exists, the best practice is simply to err on the side of caution. If there is any concern at all about possible bias or a conflict, it would be better to seek another reviewer. This will contribute to the integrity of the process. It will also eliminate one possible ground for appealing any decision that the Remedial Committee of the Office of Vocation eventually makes as a result of the review.

The Review Process: Some Key Legal Concepts

How does the reviewer gather information?

The reviewer is available for group or individual face-to-face meetings, and may also invite thoughts in writing. People should be advised that the reviewer may contact them to discuss or clarify anything that they have submitted in writing.

The key legal point here is that the reviewer must *provide an opportunity* for people to meet with them. No one can be forced to meet with the reviewer. Sometimes, a person or group may refuse to meet. If the reviewer feels it is important to hear from them, the reviewer should try to learn why they are refusing. The reviewer may be able to ease some misgivings about the process by providing information and answering questions, but if the person continues to refuse to meet or to provide written submissions, the reviewer must carry on without that person’s input.

The reviewer should assume a leadership role in these meetings, but otherwise, there can be flexibility around the process. Preparing a list of questions in advance is helpful, but the reviewer should also remain open to deviation from the prepared list to explore any relevant issues that are raised.

The reviewer must not bring any preconceived notions of the outcome to the process and should remain open-minded. The interview questions should be carefully framed in a way that does not include any assumptions. For example, ask “How do you feel about the way that worship services are conducted?” rather than “How bad do you think worship services have been lately?” People must be allowed to tell their stories in their own words. Questions asked by the reviewer should be for clarification or expansion.

How should the interviews be recorded?

The reviewer must ensure that accurate and thorough notes are taken of each meeting. These notes will assist the reviewer later in developing findings and recommendations, and in writing the report.

The reviewer should take notes in writing, either during the meeting or immediately afterwards. If the review is conducted by a review committee, one member of the committee may take the notes and share them with the other members.

Digitally recording the interview is another method of note-taking. The reviewer may use this method, but with the following cautions:

- At the start of each interview, the reviewer should indicate that they wish to record the interview as a form of note-taking, and ask permission to do so. Some people find that their ability to speak may be affected by knowing that their voice is being recorded. If anyone objects to the recording, the reviewer should proceed with written note-taking only.
- Recording should be a back-up to written note-taking, not the only method of note-taking. A recording device could malfunction. Parts of an interview could accidentally be deleted. The reviewer may not notice that a recording device has ceased to function until after a lengthy part of an interview has already been conducted. To a lesser degree, the same concern is present when notes are recorded on a laptop computer during the interview.

For all these reasons, written note-taking should be the main way of recording the relevant information from the interviews.

What about confidentiality?

There is often some confusion about confidentiality in the review process. People who are being interviewed by the reviewer may assume that their names will never be disclosed as the source of the information, but this is not correct.

It is neither wise nor realistic for the reviewer to make guarantees of confidentiality. In a secular court decision about a ministry personnel review, the court said that ministry personnel under review are entitled to know the specific source of any data used by the reviewer, including the names of the people providing the information. If the reviewer intends to rely on information, it is important for the report to name the individuals and the specific information that they have provided.

At the start of any interview, the reviewer should inform those being interviewed that their names might be used in the report. That will give people an opportunity to frame their answers carefully if they do not wish to have their name revealed as the source of any particular statement.

The reviewer should not rely on anonymous written submissions because there is no opportunity to assess the credibility of the source of the information or to ask follow-up questions.

Should people be asked to sign a non-confidentiality agreement?

A non-confidentiality agreement is not necessary and should be avoided. The reviewer will have explained to the person at the start of the interview that information shared cannot be kept confidential. People may find signing a legal document intimidating—in a process that may already produce anxiety. Also, having a signed document doesn't really offer any more protection than giving an oral explanation at the start of the interview.

What is “hearsay”?

Hearsay evidence is evidence given by a person that is not based on that person’s direct experience. For example, the chair of the Ministry and Personnel Committee may say that the minister was hostile and uncooperative in a Board of Trustees meeting, because that’s what the chair heard from several trustees. The chair of the Ministry and Personnel Committee does not have direct, first-hand knowledge of this behaviour. The chair is repeating what someone else told her. That is hearsay evidence.

In legal proceedings, hearsay evidence is generally inadmissible. In a review, the reviewer should avoid relying on hearsay evidence. The reviewer should rely on information of which the people being interviewed have direct, first-hand knowledge. In the above example, the reviewer would suspect that the chair of the Ministry and Personnel Committee has no first-hand knowledge about what occurred in a Board of Trustees meeting. The reviewer should ask the chair how she obtained this information, and can then contact the person who was the source and obtain the information on a direct, first-hand basis.

The reviewer can guard against relying on hearsay evidence by asking people they interview questions like “How do you know that?” “Were you there when that happened?” or “Who did you hear that from?” The reviewer needs to gather information that people saw with their own eyes or heard with their own ears.

The Review Process***Starting the process: the reviewer’s role***

The first task of the reviewer is to decide on their process. The reviewer determines whom they will contact for information gathering before making findings and writing the report. The ministry personnel is the key person to provide input. Which other people or groups should be contacted—and in which order—will depend on the circumstances. The reviewer should also establish a general timeline. They must, however, remain flexible enough to respond to additional sources of information that may become apparent partway through the process.

It is important for the reviewer to give information to both the ministry personnel and the community of faith as soon as possible about how the review process will be conducted, who will be conducting it, the expectations around time frame, and so on.

Respecting the rights of the ministry personnel

The reviewer should keep in mind that it is the ministry personnel who is most directly and, potentially, most severely affected by the outcome of the review process. Ministry personnel must be given an opportunity to hear the concerns that have been raised about them and to respond to those concerns.

It is helpful for the reviewer to meet with the ministry personnel as the first step in the review process. The purposes of such a meeting are

- to outline the process the reviewer intends to follow
- to receive initial input from the ministry personnel, which can assist in clarifying the issues
- to find out if there is anyone that the ministry personnel specifically feels the reviewer should speak to in addition to those who have already been identified
- to help to alleviate some of the anxiety around the whole review process

From whom does the reviewer gather information?

In addition to meeting with the ministry personnel, the reviewer normally provides an opportunity to all members/adherents of the community of faith to give input. The reviewer considers which other specific people or groups should be targeted for input—e.g., depending on the circumstances, the Ministry and Personnel Committee, the trustees, the governing body of the community of faith, the music director. In a multi-staff situation, the other ministry personnel should be given a specific opportunity to provide input.

If the ministry personnel under investigation is unwilling to meet with the reviewer, the process may be completed without their participation. The reviewer must ensure that the ministry personnel has been given opportunities to meet, and that efforts have been made to accommodate any particular needs of the ministry personnel. For example, the ministry personnel could be allowed to have a support person present at any meeting with the reviewer.

What if the ministry personnel is unwell or on maternity/parental leave?

If the ministry personnel is under a temporary or permanent disability, the Response Committee should not proceed without obtaining legal advice. Before any action can be taken that adversely affects them, ministry personnel must be given an opportunity to respond to any concerns about them. Most of the actions listed under Section J.6.5 of *The Manual* would adversely affect the ministry personnel. A minister under a disability is not likely in a position to respond effectively to such concerns. In those circumstances, the law may require that the review process be put on hold until the ministry personnel is capable of exercising the legal entitlement to an opportunity to respond.

If the ministry personnel is on maternity or parental leave, a ministry personnel review may not be conducted until the leave is completed. If the ministry personnel starts a maternity or parental leave while a ministry personnel review is ongoing, the review process must be stopped until the leave is completed. These are mandatory requirements under Section J.6.3 of *The Manual*.

After gathering the information—what next?

The reviewer considers all of the information gathered, makes findings based on the information, and prepares a report. The findings are the conclusions that the reviewer draws, supported by all of the information that has been gathered. For example, the reviewer may have repeatedly heard from credible members of the community of faith that the ministry personnel is abusive and alienates members. The ministry personnel may have been pleasant and helpful when interviewed, but the reviewer cannot ignore the members' evidence and conclude that there is no problem.

Writing the report

Guidance for writing the report may be found in the section “Writing the Report” (pages 12–14). The reviewer provides the report to the Remedial Committee of the Office of Vocation. The Remedial Committee is responsible for providing the report to the ministry personnel and, depending on the circumstances, to others.

Remedial Committee response to the report

The ministry personnel should receive the report at least a week (preferably two) before any action is taken on the report by the Remedial Committee.

The ministry personnel should also be given a specific invitation to attend and to make submissions on the report before the Remedial Committee makes its decisions.

The Remedial Committee will also meet with the reviewer to discuss the report. The Remedial Committee then makes a decision to accept or reject the reviewer’s findings and opinions. It may also require the reviewer to make further inquiries and report back with a supplemental report. If the Remedial Committee accepts the finding that the ministry personnel has not fulfilled the functions of ministry personnel in an effective way, or has engaged in misconduct, it will make further decisions about the minister’s standing, and the need for remedial work or a formal hearing to test the ministry personnel’s fitness for ministry. See *Office of Vocation: Structure and Responsibilities* (www.united-church.ca/handbooks).

Writing the Report

Establish the reviewer's authority to conduct the review and make the recommendations

Why was the review ordered?

Identify how the matter came to the attention of the Office of Vocation.

When was the review ordered?

Indicate the date of the Office of Vocation Response Committee meeting.

Who was the reviewer appointed by the Office of Vocation Response Committee?

Name the individual reviewer and identify their status (i.e., order of ministry or lay).

What were the reviewer's terms of reference?

Name the specific mandate given to the reviewer in the motion passed by the Office of Vocation Response Committee.

Were there any other Office of Vocation Response Committee actions in relation to the review?

Mention any other Office of Vocation Response Committee motions that apply to the reviewer's work, e.g., amendments to the terms of reference.

Outline the process followed for the review

How did the reviewer inform the participants about the review process?

Indicate how and when the reviewer informed the minister, community of faith, and others about opportunities to provide input to the review committee, e.g., notice in order of service, community of faith meeting, telephone call to minister, letter by registered mail to the governing body of the community of faith.

How did the reviewer gather input for the review process?

Indicate the meetings that the reviewer held with participants. Indicate how many people attended those meetings. If it is relevant to the issues, indicate the status within the community of faith of those attending meetings, e.g., trustees, members of the UCW, members of the choir. Indicate whether the meetings were held on a one-to-one or group basis. Indicate whether the reviewer considered any written submissions or other materials, and if so, identify them.

For ministry personnel reviews, what input did the minister, in particular, have in the process?

Indicate specifically the opportunities that the minister had for input, e.g., a meeting at the start of the information-gathering process, another meeting at the end of the information-gathering process, any other meetings that took place.

Summarize the information gathered: What did the reviewer hear in the meetings and read in any written material provided?

Ensure that the summary fairly reflects all of the input heard.

Record all of the events reported to the reviewer and the different views expressed.

Ensure that the summary is complete and detailed.

Do not be misled by the term “summary.” This will likely be the longest part of the reviewer’s report. There must be enough detailed evidence to justify the findings. Include such details as exactly when the events occurred, the circumstances surrounding the events, who else was present, etc.

Who said what?

For each piece of information included in the summary, specify who provided it.

Organize the information that has been gathered by recurring themes, sources of information or some other usable way.

For example, the themes could be relationships among community of faith staff, conflict resolution skills, use of ministerial authority, and accountability for time.

Are there recurrent comments?

If there are recurrent comments, indicate which ones rather than repeating everything everyone said.

State the findings: the conclusions that the reviewer draws from the information gathered

Make one of the following three findings.

The reviewer must make one of the following three findings:

- (a) the ministry personnel has fulfilled the functions of ministry in an effective way;
- (b) the ministry personnel has not fulfilled the functions of ministry in an effective way; or
- (c) there are reasonable and probable grounds for believing that the ministry personnel has acted in a way that is a proper ground of discipline.

The reviewer should not make different or additional findings as that would be beyond their mandate.

Finding may be nuanced

The reviewer may—and should—elaborate on the finding to ensure it reflects the specific circumstances. This will assist the Office of Vocation in determining an appropriate remedial program. For example, the reviewer may find that the minister has been effective in the area of community outreach and social justice work but ineffective in other functions of ministry, especially in leading worship and providing pastoral care. The reviewer should provide reasons and commentary for this conclusion.

State the specific information upon which the finding was based.

That information should also be recorded in the summary of information gathered. If the reviewer disbelieved some of the information and decided that other information was more credible, specify which information and why.

Ensure that there is enough evidence to support the finding.

The reviewer's conclusions must flow logically from the information that has been gathered. Do not come to conclusions for which there is little or no evidence.

Have you come to one of the following conclusions?

- (a) the ministry personnel has fulfilled the functions of ministry in an effective way;
- (b) the ministry personnel has not fulfilled the functions of ministry in an effective way; or
- (c) there are reasonable and probable grounds for believing that the ministry personnel has acted in a way that is a proper ground of discipline.

MINISTRY PERSONNEL REVIEWS

Summary of the Ministry Personnel Review Process

Note: This is a general outline of the steps in the review process. For full details, see the Office of Vocation: Structure and Responsibilities resource (www.united-church.ca/handbooks).

Office of Vocation Response Committee hears concerns about ministry personnel

Source of concerns: the Ministry and Personnel Committee of a community of faith or a governing body of a community of faith, the ministry personnel, a regional council or an Office of Vocation minister, another ministry personnel, a member or an adherent of a community of faith or a person for whom the ministry personnel was pastorally responsible, or a reliable third party.



Response Committee coordinator provides complainant with confirmation that the concern was received



Response Committee coordinator notifies ministry personnel that a concern regarding their conduct or actions was made and provides the ministry personnel with a copy or summary of the concern raised



Response Committee coordinator ensures that pastoral care is provided/offered to the ministry personnel and other affected people



Response Committee considers options for responding

Referral to: Accessibility Assessment, a conflict resolution facilitator, a reviewer, or an investigator



Response Committee decides to order ministry personnel review



Response Committee coordinator engages reviewer



Reviewer decides on process



Reviewer informs ministry personnel and community of faith of process



Reviewer interviews ministry personnel to answer questions about the review process, hear initial input, and obtain names of people to be interviewed at the ministry personnel's request



Reviewer interviews community of faith staff, officers, members, adherents, and others, including anyone with whom reviewer wants to meet



Reviewer compiles information gathered and gives it to the ministry personnel



Reviewer hears and/or reads response of ministry personnel to information gathered



Reviewer makes one of three possible findings

- (a) The ministry personnel has fulfilled the functions of ministry in an effective way
- (b) The ministry personnel has not fulfilled the functions of ministry in an effective way
- (c) There are reasonable and probable grounds for believing that the ministry personnel has acted in a way that is a proper ground of discipline



Reviewer writes report with information, conclusions, and finding

Report cannot contain any information that has not been shared with ministry personnel, and to which ministry personnel has not had an opportunity to respond



Reviewer delivers report to Remedial Committee



Remedial Committee provides the report to ministry personnel



Remedial Committee gives ministry personnel an opportunity to make submissions to Remedial Committee

Remedial Committee considers submissions of ministry personnel and meets with reviewer



Remedial Committee makes one of three possible decisions in response to the finding

- Accepts the finding of the reviewer
- Rejects the finding of the reviewer
- Remits the matter back to the reviewer with questions that may require further investigation and a supplemental report from reviewer



If Remedial Committee accepts reviewer's finding that ministry personnel is not effective or there are grounds for believing ministry personnel has acted in a way that is a proper ground of discipline, Remedial Committee makes one of two possible decisions

- (a) Refers to Effectiveness Support to develop a directed program
- (b) Brings forward a formal complaint for hearing by a Formal Hearing Committee

To the Ministry Personnel under a Ministry Personnel Review

The Response Committee of the Office of Vocation has made a decision to conduct a ministry personnel review under Section J.6.3 of *The Manual*. Here are some answers to questions frequently asked by ministry personnel about this process. See “Best Practices for Reviews” (pages 5–9) for more information.

What are my rights in this process?

The Response Committee of the Office of Vocation has ordered your review because it has decided that is the appropriate response in the circumstances to a concern raised about you.

As soon as possible after receiving a concern, the coordinator of the Response Committee must provide you with a copy of the concern or a summary.

A copy of the concern will also be given to the reviewer appointed by the Response Committee to conduct the review. The reviewer will, however, conduct a thorough review of your effectiveness as ministry personnel in addition to addressing the specific concern.

Keep in mind the following points:

- You will have opportunities to provide your own input into the review.
- You are entitled to have the reviewer seek input from other people that you name.
- You are entitled to know all of the information gathered in the review that the reviewer will be relying upon in their report.
- You will have an opportunity to make submissions about the report and, specifically, the reviewer’s findings to the Office of Vocation Remedial Committee before it decides whether it agrees with the reviewer’s findings.
- You will have a second opportunity to make submissions to the Remedial Committee before it makes a decision on further action it considers necessary (remedial program or formal hearing).

These points are addressed in more detail in the questions and answers below.

What is my status while the review is underway?

The concern about you may or may not be substantiated as a result of the review process. There can be no presumptions about the outcome at this point.

If you are in a pastoral relationship, that relationship continues and you are entitled to full salary and benefits while the review is in process. If you request a change in pastoral relations while the review is in process, the community of faith and regional council may approve the request or decide to postpone consideration of it pending the outcome of the review. Requesting a change in pastoral relations does not bring an end to the review process. The review is being conducted

because you are subject to the oversight of the Office of Vocation, not because you are in a pastoral relationship.

The Response Committee has the right to suspend your functioning as ministry personnel on an interim basis pending the outcome of the review. You will have an opportunity to make submissions about a possible suspension before the Response Committee makes that decision except in a situation where the Response Committee feels that urgent intervention is needed.

May I apply for a call or appointment while a review is underway?

Yes, unless the Response Committee has suspended you or made some other interim order that would preclude you from seeking a call or appointment. It is probably more difficult to find work while a review process is underway. A community of faith search team may be reluctant to select you while the review is pending or underway. Of course, the shorter the review process, the less of an issue this will be. The Response Committee has an obligation to ensure that the process is completed without undue delay to minimize any negative impact the process may have on you. If you are in this situation, seek assistance from your regional council pastoral relations staff person. There are often short-term appointments available within your regional council that may meet your needs for work during the review process.

What can I expect from the Office of Vocation during the review?

The Office of Vocation must take the initiative to provide you with pastoral care. If that does not happen immediately after the review has been ordered, contact the Office of Vocation coordinator or Office of Vocation minister in your regional council for assistance. Regardless of the outcome, a review can be a stressful experience. It is critical for the Office of Vocation to make adequate pastoral support available to you, your family, and your community of faith throughout the process.

How do I ensure that my side of the story is heard by the reviewer?

The reviewer will meet with you at least twice during the process. You will also have a chance to speak to the Remedial Committee about the reviewer's findings before any decisions are made by the Remedial Committee. In addition to participating in those meetings, there are a number of things you can do at the start of the process to make your participation effective:

- Educate yourself about reviews. Read “Best Practices for Reviews” (pages 5–9) and contact the Office of Vocation minister in your regional council for any clarifications or further information that you need.
- Know the reason for your review. Get a copy of the concern for which the Response Committee ordered the review and a copy of the Response Committee motion ordering the review.
- Make a list of people who have first-hand information or opinions about your ministry that you want the reviewer to hear. Give the reviewer the list (include phone numbers or e-mail addresses) and ask them to contact those people for input. (*Note:* The review process will be quicker and more focused if you limit your list to people who have

the most familiarity with your ministry and will make the kind of comments that you particularly want the review committee to hear. It is reasonable to ask the reviewer to interview 10 people named by you, but not hundreds.)

- Make a list of any questions you have about the process the reviewer will be following, timelines for meetings, and so on. Ask those questions at your first meeting with the reviewer.
- Ask the reviewer to give you a summary of the information gathered in writing before they meet with you to hear your response. Read the summary and make written notes about any places where you think that the information is inaccurate, incomplete, or needs an explanation from you.
- Take your notes to the meeting where the reviewer hears your response.
- If you feel that you could respond better on paper than orally, write down your response and give it to the reviewer. Or you may choose to do both: speak to the reviewer and follow up that meeting with a written response.

When I meet with the reviewer, can I bring someone with me?

Yes. You are entitled to bring a support person with you. The roles must be kept clear. The support person should not be someone who has given input in the process to the reviewer. Also, you have the right to be represented by legal counsel if you choose.

Do I get to find out who said what about me to the reviewer?

Yes. You are entitled to the details of every piece of information that the reviewer relies upon in the report. That includes the names of the individuals who provided information to the reviewer and the content of what they said, including dates, times, and places that events took place as named by those individuals. You are entitled to know all of this information, and to respond to it, before the reviewer comes to any conclusions. The reviewer cannot include any information in the final report that has not been shared with you beforehand. The only information not disclosed to you would be information that the reviewer has received that they consider irrelevant to the review, and that is not reflected in their findings or recommendations.

When do I find out who said what about me?

You will probably receive a copy of the information gathered by the reviewer before they meet with you to hear your response. The reviewer will give it to you at least a few days before the meeting to allow you a chance to consider the information and prepare your response to it.

Alternatively, the reviewer may give all the information to you orally, piece by piece, at the response meeting, and ask for your response. If you are hearing the information for the first time at the response meeting and you would like more time to respond, you can indicate that to the reviewer. There could be a second response meeting held a few days later, or alternatively, you could provide your additional response to the reviewer in writing.

What happens after the response meeting?

The reviewer will consider your responses to all the information and will write the final report. The report will include the information, your responses, the reviewer's conclusions, and the reviewer's finding. The reviewer must make one of three possible findings:

- (a) you have fulfilled the functions of ministry in an effective way;
- (b) you have not fulfilled the functions of ministry in an effective way; or
- (c) there are reasonable and probable grounds for believing that you have acted in a way that is a proper ground of discipline.

The reviewer gives the report to the coordinator of the Office of Vocation Remedial Committee.

Do I get a copy of the reviewer's report?

Yes, you will receive a copy of the reviewer's report from the Remedial Committee.

What if I disagree with the reviewer's finding in the report?

You will have an opportunity to explain to the Remedial Committee why you agree or disagree with the reviewer's finding and anything else contained in the report. The Response Committee will give you an opportunity to make submissions and will let you know whether they are to be made in writing or orally at a meeting with the Remedial Committee. If a meeting is held, it may take place in person, via telephone, or via Internet. You are entitled to time (at least one week) to prepare your submissions.

Does the Remedial Committee have to give me this opportunity?

The Remedial Committee does not have the right to make decisions about you until you have been given this opportunity. The only exception is where the reviewer has made a decision that you have fulfilled the functions of ministry personnel in an effective way and the Remedial Committee decides to accept that finding.

What does the Remedial Committee do after reading/hearing my submissions?

The Remedial Committee will also meet with the reviewer (this meeting may take place before or after your submissions are made). It will then consider your submissions and what it heard from the reviewer and decide to accept or reject the reviewer's finding. It also has the option of asking the reviewer to investigate certain issues further and provide a supplemental report to the Remedial Committee before a decision is made on the finding.

What happens if the Remedial Committee doesn't accept the reviewer's finding?

Most likely, the Remedial Committee would name the issues that concerned them about the finding and direct the reviewer to conduct further investigation into those issues and provide them with a supplemental report on those issues. The same process (minister has opportunity to respond, Remedial Committee meets with reviewer) would be followed for any supplemental report.

What happens if the Remedial Committee accepts the reviewer's finding?

It depends on the finding.

Effective: If the Remedial Committee accepts a finding that you have fulfilled the functions of ministry in an effective way, that would likely be the end of the process.

Ineffective: If the Remedial Committee accepts a finding that you have not fulfilled the functions of ministry in an effective way, it may suspend you from performing the functions of ministry personnel and must also choose one of two options:

- (a) ordering you to take a remedial program to deal with the specific areas of ineffectiveness and referring the matter to Effectiveness Support to develop and oversee the remedial program; or
- (b) asking the Board of Vocation to hold a formal hearing to consider your fitness for ministry and whether your name should be placed on the Discontinued Service List (Disciplinary).

You will have an opportunity to make submissions on these two options. This is a second opportunity to make submissions, in addition to the opportunity to make submissions about the finding itself. As with that first opportunity, you will be informed whether the submissions are to be made in writing to the Remedial Committee or orally at a meeting with the Remedial Committee.

Before choosing one of these options, the Remedial Committee will consider any previous disciplinary decisions that have been made about you, including any remedial work you have been required to take and the outcome. It will also consider any other information about you that it considers to be reliable and relevant.

Formal hearing: If the Remedial Committee accepts a finding that there are reasonable and probable grounds for believing that you have acted in a way that is a proper ground of discipline, the finding will be treated as a formal complaint. The Board of Vocation will hold a formal hearing on the formal complaint and, if the complaint is proven, will decide on the appropriate sanction. In the interim period, the Remedial Committee will suspend you from performing the functions of ministry personnel.

What if I disagree with the decisions made by the Remedial Committee?

You have the right to appeal the Remedial Committee's decisions to accept the reviewer's finding and to require you to take a directed program. The appeal would be made to the Board of Vocation.

A decision to request a formal hearing on your fitness for ministry may not be appealed. After the Board of Vocation holds the formal hearing, you may appeal the formal hearing decision.

An appeal must be based on the specific grounds contained in *The Manual* (Section J.10.6), and it will be up to the Board of Vocation to decide whether those grounds are met or not. There are time limits with which you must comply for starting an appeal process. Please consult with the Coordinator, Office of Vocation for more information.

The Remedial Committee and the reviewer have been given all of the above information.
They are aware of your rights and of the importance of honouring them in all respects.

Checklist for Reviewer

Conducting a Ministry Personnel Review

If Asked to Serve

- Do you have adequate time available to devote to this task?
- Do you have any connection with the ministry personnel under review?

Getting Started

- Do you have a copy of the Office of Vocation Response Committee motion appointing you and setting out the reviewer's mandate?
- Has the Response Committee informed the ministry personnel about the review?
- Has the Response Committee informed the community of faith about the review?
- How soon can you meet with the ministry personnel (high priority)?
- Who will contact the ministry personnel and make arrangements?
- Have you identified people with whom you particularly want to meet (e.g., community of faith staff, community of faith governing body, or its individual officers)?
- Who will contact these people and make arrangements?
- What times and dates are you available for interviews with other people who may wish to meet with you?
- Whom do these other people contact to make interview arrangements?
- How will you communicate this process to the community of faith?
- Have you booked a location at which to hold interviews? Is it easily accessible?

Gathering Information

- Have you met with the ministry personnel to explain your process, hear their story, and obtain names of people that the ministry personnel would like you to contact?
- Have you decided how you will keep notes of all interviews?
- Have you communicated your process to the community of faith?
- Have you developed a list of questions that you wish to ask?
- Have you explained to each person interviewed that names and information cannot remain confidential?
- Have you conducted interviews with everyone with whom you wish to speak?
- Have you conducted interviews with everyone who wishes to speak to you?
- Have you kept notes of all the interviews?
- Have you read any written submissions given to you?
- Are there any questions remaining that require follow-up interviews?

Preparing for the Response by the Ministry Personnel

- Have you identified themes emerging from the interviews and written submissions?
- Have you collated and summarized the information in writing?
- After the information summary is finalized, have you given a copy to the ministry personnel?

Response by the Ministry Personnel

- Have you made arrangements with the ministry personnel for a meeting to hear their response to the information summary?
- Have you met with the ministry personnel to hear their response?

Deliberating

- Have you settled on the reasons for your finding?

Writing the Report

- Have you read the section “Writing the Report” (pages 12–14)?
- Have you followed the steps in that section?
- Have you signed the final version of the report?

Final Steps

- Have you given your final report to the Office of Vocation Remedial Committee coordinator?
- Have you made arrangements to attend a meeting with the Remedial Committee to discuss the report?
- Have you kept your notes until the period has expired for any appeal from the Remedial Committee’s decision on the report?
- Have you then destroyed your notes in a secure way (e.g., shredding)?



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