

Introduction to Restorative Justice in the Oversight of Ministry

Speaking to a wounded and wary congregation, the apostle Paul proclaimed that we, who have accepted Christ as Lord, deal with each other differently than the world does. In the 5th chapter of 2 Corinthians (NRSV), it says that the church is in the business of reconciliation and righteousness. Paul says that we treat everyone as a redeemable child of God whose spirit comes from Christ: *From now on, therefore, we regard no one from a human point of view; even though we once knew Christ from a human point of view, we know him no longer in that way. So if anyone is in Christ, there is a new creation: everything old has passed away; see, everything has become new! All this is from God, who reconciled us to himself through Christ, and has given us the ministry of reconciliation; that is, in Christ God was reconciling the world to himself, not counting their trespasses against them, and entrusting the message of reconciliation to us. So we are ambassadors for Christ, since God is making his appeal through us; we entreat you on behalf of Christ, be reconciled to God. For our sake he made him to be sin who knew no sin, so that in him we might become the righteousness of God.*

After several years of experience, study and prayer, the Central Association Board of Directors has been for wont in finding reconciliation in the Fitness Review Process described in the Manual on Ministry as a means for the Oversight of Ministry (section 8, page 7 forward). The prescribed model is more closely related to retributive justice that punishes and demoralizes rather than builds up.

Experience has proven that the present process for Fitness Review causes more rifts in relationships than is acceptable: congregations are disenfranchised, pastors are broken, Committees on Ministry are exasperated and fractured, and the unity of United Church of Christ is diminished. The Body of Christ is left without balance or wholeness.

The current process is de-structive in that it tends to divide community and punish, rather than move toward reconciliation and wholeness. That does not mean that the wrongful actions are ignored, and that the person responsible for those actions meets no consequences. The Restorative Justice model seeks solutions, including restitution that those who have been harmed help bring about and agree upon.

The basis of our faith is the redemptive power of Christ in the form of Christian love and justice. Genuine justice lays the groundwork to enable restoration of relationships. Justice isn't passive, and is necessarily tilted and weighted toward righting a wrong. There's a difference between a "legal" solution, and a healing solution, which has the potential to bring about reconciliation and restoration.

Restorative Justice as an approach to the oversight of ministry seeks healing solutions. Therefore, we recommend that the Central Association of the Massachusetts Conference, the MA Conference itself and the United Church of Christ adapt the practices and

principles of Restorative Justice in as many instances as possible. We also call upon each Association with the charge of “Oversight of Ministry” to use or adapt the process as a parallel or supplementary process to Clergy Fitness Review.

Jesus’ prayer for his disciples is clear – that the disciples act Christ-like so that the rest of the world might believe and know God through the church:

And for their sakes I sanctify myself, so that they also may be sanctified in truth. I ask not only on behalf of these, but also on behalf of those who will believe in me through their word, that they may all be one. As you, Father, are in me and I am in you, may they also be in us, so that the world may believe that you have sent me. The glory that you have given me I have given them, so that they may be one, as we are one, I in them and you in me, that they may become completely one, so that the world may know that you have sent me and have loved them even as you have loved me.

These words from the 17th chapter of John are the motto of the UCC, “that they may all be one.” It is our prayer that the Oversight of Ministry might, even through difficult subject matter as in the case of clergy fitness review, offer grace, mercy and compassion to all parties so that our common life might be more unified in Christ.

What we are talking about is the Hebrew concept of “Shalom” or wholeness that comes from attending to the needs of both the victim and the offender (or the complainant and the one charged with the complaint). Restorative Justice also attends to the needs of the community. Our proposed process invites compassion, truth, justice and peace to come together brings wholeness.

The psalmist (Psalm 85, Spanish version) says it beautifully:

Mercy and truth have met together;

Justice and peace have kissed each other.

Truth springs from the earth, □

And justice looks down from heaven.

Indeed, the LORD will give what is good, □

And our land will yield its produce.

Shalom is God’s will for all people. The Associations of the United Church of Christ are called to offer Shalom and the graces of Christ through the oversight of ministry.

A Restorative Justice Approach to the Oversight of Ministry

Assumptions of the process

1. At any time, it could be referred to a fitness process.
2. It is a form of situational support consultation.
3. We will use the core values of Restorative Justice for all Fitness and SSC, as much as possible.
4. Confidentiality is a core value. Determine the following: Who needs to know? When do they need to know? What do they need to know?
5. Training for the Committee is necessary.

The ACM and COM determine whether to use this process. If allegations are true, does this call into question the pastor's fitness for ministry?

Are the pastor and the complainant willing to consider this process?

YES

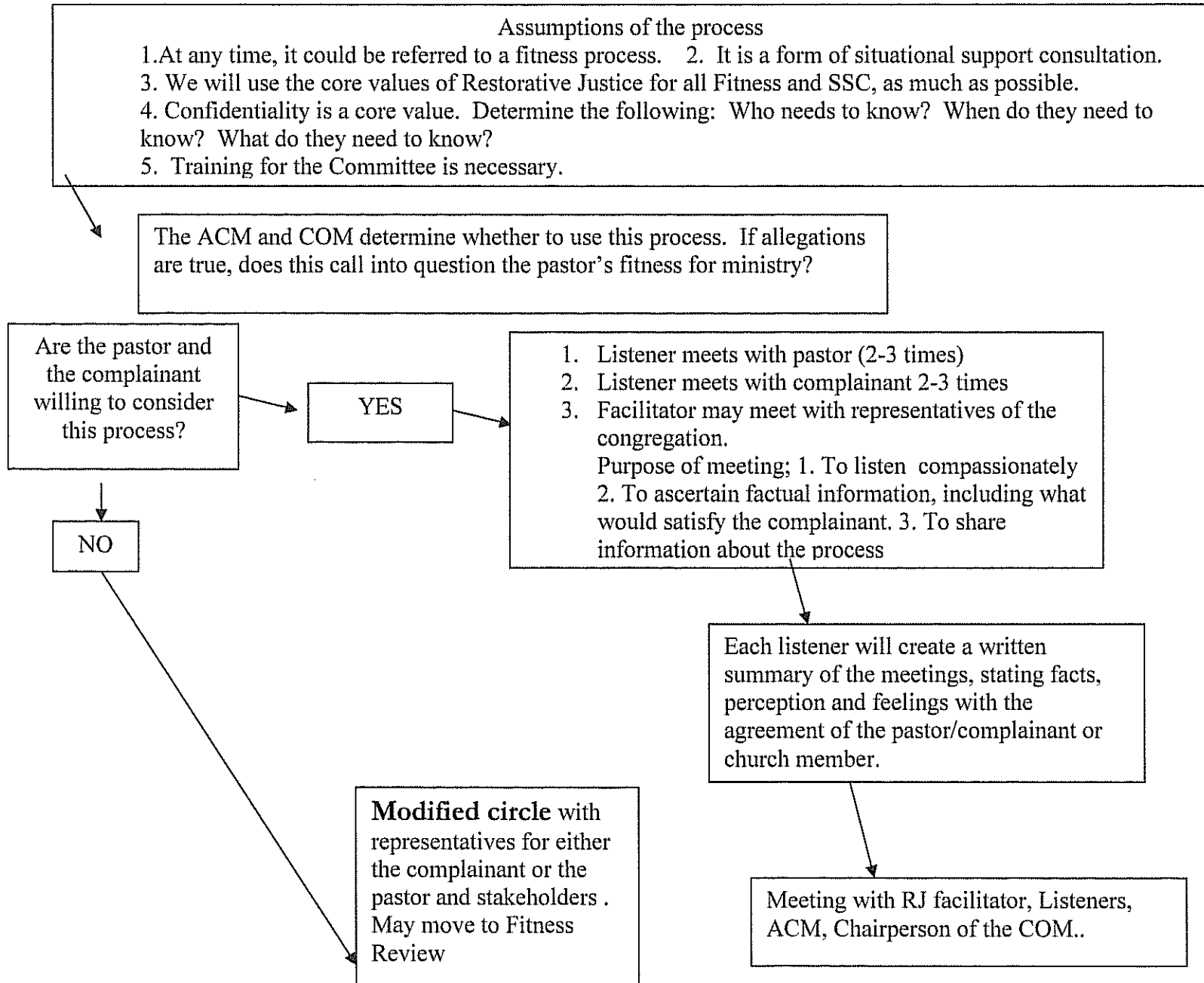
1. Listener meets with pastor (2-3 times)
 2. Listener meets with complainant 2-3 times
 3. Facilitator may meet with representatives of the congregation.
- Purpose of meeting; 1. To listen compassionately
2. To ascertain factual information, including what would satisfy the complainant. 3. To share information about the process

Each listener will create a written summary of the meetings, stating facts, perception and feelings with the agreement of the pastor/complainant or church member.

Meeting with RJ facilitator, Listeners, ACM, Chairperson of the COM..

NO

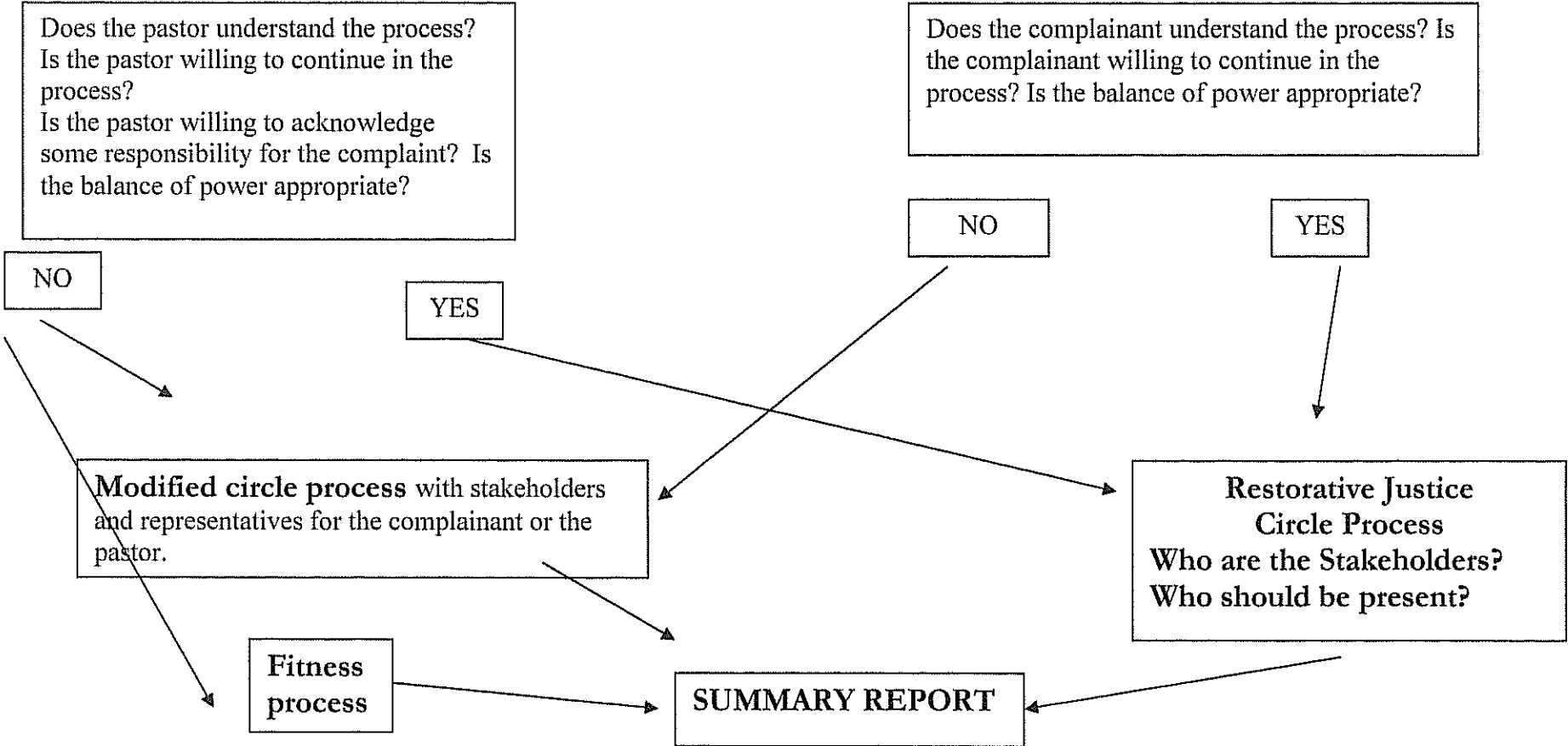
Modified circle with representatives for either the complainant or the pastor and stakeholders . May move to Fitness Review



A Restorative Justice Approach to the Oversight of Ministry continued

Meeting with RJ facilitator, 3 support people, ACM, Chairperson of the COM.

Purpose: To ascertain the facts, to consider the questions and to decide on the most appropriate next steps and to create a summary statement, indicating the facts agreed upon by all, the facts interpreted differently, and the facts in dispute. The report should include acknowledgment of feelings.



Restorative Justice Process for Oversight of Ministry

Initial assumptions

Practices of Restorative Justice can be used to supplement Situational Support Consultation (SSC) for pastors and members of the church who find themselves in conflicted situations. The intent of restorative justice is to attend to the needs of the complainant, and the needs and responsibilities of the pastor. If appropriate, the process could help to reconcile complainant(s) and pastor to a right relationship within the community.

The participants from the Association and Conference in the restorative circle will conduct a careful listening process, listening to individuals in the church community and to the pastor in order to identify the needs and responsibilities of all parties involved, to seek healing. The circle process may be used before, during or after situational support or fitness review. At any point a SSC geared toward restorative justice may require referral to a fitness review process.

Confidentiality is a core value of restorative justice. As in the fitness review process the following factors must be clearly defined as soon as possible:

- 1) Who needs to know?
- 2) What do they need to know? and
- 3) When do they need to know?

As in Fitness Reviews, training for Restorative Justice Team is essential for successful process.

Initially, the Associate Conference Minister and a representative from the Committee on ministry will decide whether or not a restorative justice process is appropriate for the situation based on a generic description of the situation.

After the initial interviews, if RJ seems an appropriate path, then the pastor and complainant will meet with representatives of the Committee to explain the RJ process and to determine their interest in engaging in the RJ

process. Sometimes more than one meeting is needed to make a decision. If either pastor or complainant is unwilling, then process moves to either a fitness review or a modified RJ circle with representatives of pastor, complainant and / or other stakeholders.

The Process

If the decision is to follow a RJ path, then the Restorative Justice Committee members will become part of the Situational Support. The process will require 2-3 trained members of the RJP Committee or response team to function as “listeners” and to meet with those involved.

The purpose of the meetings is to listen compassionately, ascertain factual information and to clarify the process.

Listener #1 meets with pastor 2-3 times.

Listener #2 meets with complainant 2-3 times.

Listener #3 (if necessary) meets 2-3 times with congregation or other stakeholders.

Each listener will then, with permission of the interviewee, complete a written summary of the meetings, stating facts, perceptions and feelings.

When interview process and summaries are complete, the RJ facilitator, ACM, chair of COM and the Listeners will meet. The purpose of this meeting is to ascertain the facts, consider the questions and to decide upon the most appropriate next step. They will create a summary statement indicating the facts that all agree on, the facts interpreted differently and the facts in dispute. The report should include an acknowledgement of feelings. If this group does not think RJ is appropriate, then issue is referred back to Fitness Review process.

If the RJ Process is to continue then it is important that both pastor and complainant acknowledge and agree to certain aspects of RJ – namely that they wish to work toward addressing their needs and responsibilities.

The pastor must understand the process, be willing to continue in the process, acknowledge some responsibility for the complaint and the balance of power must be appropriate. If these conditions do not exist then RJ is not suitable and complaint needs to be sent on to either a modified circle process or a fitness review.

Likewise, the complainant must understand and agree to RJ process. The balance of power must also be appropriate. . If these conditions do not exist then RJ is not correct path and complaint needs to be sent on to either a modified circle process or a fitness review.

Restorative Justice Circle Process need to determine who are the stakeholders and who should be present.

The final piece of the process, whether fitness review, modified circle or restorative justice, is a summary report.