



Serious Covenant Breach Policy

revised: March 2020

I: Background

First UU strives to be an inclusive community, embracing our differences in beliefs, opinions, and life experiences. We know freedoms are stifled when relationships are unhealthy or feel unsafe; thus we are committed to ensuring that relationships in our community are strong and vibrant. Serious covenant breaches are injurious to our relationships, and threaten the vitality and viability of our community. Thus, the right to the safety and well-being of the congregation as a whole must be given priority over the privileged and inclusion of the individual.

II: Definitions and Scope

We define a serious covenant breach to be a significant and, most especially, intentional violation of First UU's Covenant of Healthy Relations or its Ends Statements and Values. This policy applies to adult members and friends, whether on First UU property, at an off-site UU-sponsored event, or when using any form of electronic or written communication, whose behavior(s)

- threatens the emotional security of any individual;
- disrupts activities;
- is an intentional violation or disregard of First UU covenant, policies, procedures or official decisions; OR
- are a series of small breaches, which taken as a whole or cumulatively, can be considered a serious breach.

For immediate physical threats, action shall be taken per the Disruptive Behavior Policy. If a friend/visitor has not agreed to First UU's Covenant of Healthy Relations or is judged to be unable to agree to or keep a covenant, the behavior shall be addressed by the Disruptive Behavior Policy. If the breach is perpetrated by the minister, the appropriate board policies shall be followed. Staff members are bound by a staff covenant. If they violate their covenant, it is handled by their supervisor.

III: Confidentiality

Silence empowers the aggressor and often engenders gossip. Due to the types of behaviors that trigger this policy, confidentiality cannot be assumed. Often the aggressor tells their own version of events. Leadership must feel free to speak the truth about these events to the extent that good judgment indicates.

IV: Investigation and Deliberation

Leaders, members, and staff are responsible for bringing suspected serious covenant breaches to the attention of the senior minister, who has the authority to investigate and determine the severity of the reported incident. If the senior minister is not available, one of the assistant ministers may perform these ministerial duties. It is recommended that investigation and deliberation be done in consultation with the Healthy Relations Ministry (HRM) as advocate for the Covenant of Healthy Relations. The investigation shall be conducted using the guidelines in Appendix A. Possible outcomes are:

1. Not a breach – The incident needs a response involving some form of explanation, education, and/or reconciliation. The HRM shall offer these services to the parties involved.
2. A breach, but not serious – The incident needs a response involving some form of explanation, education, and/or reconciliation. The HRM shall offer these services to the parties involved.
3. Serious breach – The incident is a serious covenant breach requiring intervention by the board president as specified below.

V: Consequences of a Serious Covenant Breach

When investigation identifies the behavior as a serious covenant breach, the president may implement one or more of the following steps. The president, in consultation with the minister and the HRM, has flexibility in determining which steps and in what order the following will be implemented. The minister is not involved in implementation so that they can maintain a pastoral relationship with the offending party. Consequences shall be determined using the considerations in Appendix B.

1. Warning – The board president shall send an email to the person(s) who breached the covenant. The email shall include copies of the Covenant of Healthy Relations and Serious Covenant Breach Policy. If the behavior is not repeated, the matter is considered closed.
2. Moratorium – If the offending party repeats the behavior or the behavior warrants a response more serious than a warning, the board president shall send an email to the offending party notifying them of a moratorium for a time period determined by the board president on attendance at church and church-sponsored activities and the privilege to officially represent First UU of Austin. In instances involving church safety and security or legal concerns, the time period may be indefinite. The email shall include copies of the Covenant of Healthy Relations and Serious Covenant Breach Policy.
3. Probation – The board president can choose to implement a probationary period that allows attendance under specified conditions, which shall be determined on a case-by-case basis.

A copy of the president's letter to the offending party shall be stored in the board's public electronic document repository. At the end of the moratorium or probationary period, a conversation with the senior minister is recommended to review the covenant.

A person returning from time away from the congregation because of a serious covenant breach may not hold any church leadership position going forward. Exceptions to this can be

made only by the senior minister. It is recommended that the minister consult with the HRM in making this decision.

If someone returns during their moratorium, they shall be asked to leave. If they refuse, a church leader or staff person shall decide on a case-by-case basis whether to implement the Disruptive Behavior Policy.

Appendix A: Guidelines for Investigation

Consider the following during the investigation.

1. Deal with people and situations on an individual basis.
2. Do not judge until all the facts are known.
3. Focus on facts, and not imagination, rumor, assumptions, biased opinions, and secret agendas posing as objective opinion.
4. Avoid stereotyping.
5. Gather enough information to obtain a complete picture of the situation.
6. Consult, as needed, useful, or prudent, with appropriate individuals and resources to get clarity about relevant laws and legal implications. Report, as needed, to appropriate authorities.
7. Talk to both the injured and offending parties as well as any witnesses.
8. As much as is possible, have all conversations in person.
9. If appropriate, obtain a professional background check.

Appendix B: Considerations for Implementing Consequences

Consider the following in determining which response to implement.

1. *Safe/Dangerous*: Is the behavior a real or possible danger to persons or property?
2. *Harmonious/Disruptive*: How much interference is caused to safe, healthy interactions, the community as a whole, First UU events and the functions of the staff as a result of this behavior?
3. *Welcoming/Offensive*: How likely is it that existing or prospective members will be driven away by this behavior?
4. *Causes*: Why is this disruption occurring? Is it due to a lack of information or conflict between the individual and others in the community? Is it due to a professionally diagnosed condition or mental illness?
5. *History*: What is the frequency and degree of disruption? Have there been other reported breaches of a similar or different nature in the past? Has there been past criminal activity? Did it involve threats, harassment, or actual harm to other persons or property? Did it involve acts of conscience or civil disobedience?
6. *Probability of change*: How responsive has the individual(s) been to previous coaching or intervention? How likely is it that the behavior will diminish in the future due to attempts at encouraging change?
7. *Community Health*: To what extent does the behavior(s) erode the overall health of the larger church community? To what extent will the chosen consequence (probation, moratorium, or warning) impact the health of the larger church community?

Appendix C: Sample Warning Letter

Template:

Dear ...

I am writing to remind you of First UU's Covenant of Healthy Relations. <Summarize the out-of-covenant behavior. Specify the parts of the covenant that were violated. See Example below.> <offer an example of alternate behavior, see example below> Upholding the promises we make to each other in our covenant is the underpinning of our church's mission to gather in community to nourish souls, transform lives and do justice. In the spirit of affection and community, I'm asking you to honor the covenant of behavior to which we aspire.

Sincerely,
signature

President of the Board
First Unitarian Church of Austin

PS - I've included a copy of our Covenant of Healthy Relations and the Serious Covenant Breach Policy for your records.

Example of behavior & covenant point to be included in the warning letter above:

On March 9th, you sent an e-mail regarding [name or topic here] which was addressed only to "Hello" and blind copied to several undisclosed recipients. This was not in keeping with the portion of our covenant which urges us to nurture and protect our community "by communicating with one another directly in a spirit of compassion and good will."

Example of alternative behavior to be included in the warning letter above:

Our covenant also reminds us to disagree from a place of curiosity and respect which in this instance might mean asking questions of all the people involved, trying to understand the various perspectives, and striving to have as complete an understanding as possible before advocating a position.

Appendix D: Sample Moratorium Letter

Template:

Dear ...

I am writing to remind you of the importance of First UU's Covenant of Healthy Relations. <Summarize the out-of-covenant behavior. Specify the parts of the covenant that were violated.> Upholding the promises we make to each other in our covenant is the underpinning of our church's community. Because of the behavior outlined above, I am instituting a moratorium for <insert time frame here> on your attendance at church and church-sponsored activities and your privilege to officially represent First UU of Austin. During this time, I ask you to reflect on your values and whether you want to honor the covenant that is the cornerstone of membership in this church. If you decide that you want to re-commit to our covenant, after your moratorium expires on <insert date moratorium expires>, Meg would love to meet with you to welcome you back to our church community.

Sincerely,
signature

President of the Board
First Unitarian Church of Austin

PS - I've included a copy of our Covenant of Healthy Relations and the Serious Covenant Breach Policy for your records.

Example of behavior & covenant point to be included in the warning letter above:

On March 9th, you sent an e-mail to [whomever] which used violent and threatening language. This was a serious breach of our church's covenant which urges us to nurture and protect our community.