Checklist for Administrative Fair Process
Disposition of Recommendations of Involuntary Status Change and Fair Process Hearings
As defined in ¶361 and ¶363 in the 2016 *Book of Discipline*

Approved by GCFA Legal Services Department and GBHEM Division of Ordained Ministry – 2016

Purpose: For use in the disposition of a request for Administrative Location, Involuntary Discontinuance of Provisional Membership, Involuntary Leave of Absence, Involuntary Medical Leave, or Involuntary Retirement.

Note: For disposition of Judicial Complaint, see the *Administrative and Judicial Procedures Handbook* posted by the General Council on Finance and Administration (www.gcfa.org).

Clergy named in request: _____

Birth date (MM/DD/YYYY): _____ Annual Conference Membership: _____

Disposition of Recommendations of Involuntary Status Change (¶ 363)

A. The Board of Ordained Ministry (BOM) receives a request for an involuntary status change (¶361.1). The bishop typically makes the request. In the case of an end to Involuntary Leave of Absence, the BOM may request Administrative Location (¶354.9). Additionally, the BOM may recommend Involuntary Retirement (¶357.3).

Date request received by the BOM: _____

Requested status change to:

- ____ Administrative Location
- ____ Involuntary Leave of Absence
- ____ Involuntary Medical Leave
- ____ Involuntary Retirement
- ____ Involuntary Discontinuance of Provisional Membership

Person/Group making request: _____

Nature of request:

B. The BOM shall refer any request for an involuntary status change to the Conference Relations Committee (CRC) (¶361.1, ¶363). The procedures for a Fair Process Hearing shall be followed whenever there is a request for administrative location, involuntary leave of absence, involuntary medical leave, involuntary retirement, or discontinuance of provisional membership (when appealed by the provisional member) (¶361.2, ¶356.4).

C. Procedure for a Fair Process Hearing (¶361.2):

***NOTE**: See page 6 of this document for details of each status change.*

1. The bishop or the bishop's designee and the respondent shall have a right to be heard before any final action is taken (¶361.2a).

2. Notice of any hearing for an involuntary status change shall advise respondent of the reason for the proposed procedures with sufficient detail to allow the respondent to prepare a response. Notice shall be given not less than 20 days prior to the hearing. Notice should be sent receipt able mail (¶361.2b).

   Date mailed: _____ Date received: _____

3. A hearing will be held with the members of the CRC (¶361.1, ¶363).

   Date hearing held: _____

4. The respondent may choose a deacon or elder who is a member in full connection of the respondent's annual conference to accompany him/her to any hearing. The person who accompanies the respondent has the right to voice (¶361.2c, ¶363.1).

   Full connection clergy member accompanying the respondent: _____

5. The bishop or the BOM, as appropriate, shall designate the person to present the request to the CRC (¶363.1).

Who presented: _____

6. Others may be invited to present as determined by the CRC Chair (¶363.1).

   Other presenter(s): _____

7. One party shall not discuss substantive issues with members of the pending hearing body, without the other party being present (¶ 361.2d).

8. Questions of procedure may be raised with the presiding officer of the hearing body (¶361.2d).

9. The respondent shall have access, at least seven days prior to the hearing, to all records relied upon in the determination of the outcome of the process (¶361.2e). Judicial Council Decision 974 requires that the respondent possess the written request and any supporting material.

   Date of respondent's access to all records: _____

10. In the event that a clergyperson fails to appear for supervisory interviews, refuses mail, refuses to communicate personally with the bishop or district superintendent, or otherwise fails to respond to supervisory requests or requests from official administrative committees, such actions or inactions shall not be used as an excuse to avoid or delay any Church processes, and such processes may continue without the participation of such individual (¶361.2f).

11. Agenda for a Fair Process Hearing (¶ 363.1)
    a. Presentation by the bishop, or the bishop's designee, or BOM's designee
    b. Questions by the CRC
    c. Presentation of the clergy person (respondent) in question, with assistance by the accompanying full member deacon or elder
    d. Questions by the CRC
    e. Presentation(s) by others as determined by the chair of the CRC
    f. Questions by the CRC
    g. All except CRC members depart for deliberations
12. The CRC makes a recommendation to the BOM (¶363) that either affirms or dismisses the request.

Date of CRC report and recommendation to the BOM: _____

CRC Recommendation:

_____ Affirms the request listed in Step A, p. 1 to change the respondent's status to:

_____

_____ Dismisses request (no status change recommended)

13. The BOM may affirm or reverse the recommendation of the CRC (¶363).

Date of BOM vote: _____

_____ Affirms CRC's recommendation in Step 12 above

_____ Reverses CRC's recommendation in Step 12 above

Final recommendation of BOM:

_____ Involuntary Status Change as listed in Step A, p. 1

_____ Dismissal of request (no status change recommended)

14. Respondent is to be notified in writing of BOM decision and the recommendation that the BOM will make to the Clergy Session.

Date written notification mailed: _____ Received: _____

15. Administrative Review Committee (¶636)

The purpose of the Administrative Review Committee is to ensure that the disciplinary procedures for discontinuance of provisional membership (¶327.6), involuntary leave of absence (¶354), involuntary medical leave (¶356.4), involuntary retirement (¶357.3), or administrative location (¶359) are properly followed. The Administrative Review Committee will notify the parties of the review process.

Who was notified:

_____ Date: _____

_____ Date: _____

_____ Date: _____

_____ Date: _____

The entire administrative process leading to the action for change in conference relationship shall be reviewed by the Administrative Review Committee, and it shall report its findings to the clergy session of members in full connection with the annual conference prior to any action of the annual conference.

Prior to its report, if the Administrative Review Committee determines that any error has occurred, it may recommend to the appropriate person or body that action be taken promptly to remedy the error, decide the error is harmless, or take other action (¶636).

Date of report: _____

Committee members present: _____

16. A vote must be made by the Clergy Session before any recommendation for a status change is final. The BOM presents the recommendation to the Clergy Session.

    The required approvals are:

    Administrative Location – majority approval (¶359)
    Involuntary Medical Leave – majority approval (¶ 356)
    Involuntary Leave of Absence – 2/3 majority approval (¶354.3)
    Involuntary Retirement – 2/3 majority approval (¶357.3)
    Involuntary Discontinuance of Provisional Membership – majority approval (¶327.6)

    Date of Clergy Session Vote: _____

    Status voted on by Clergy Session: _____

    Approval by required percentage: ____ Yes ____ No

Administrative Location (¶359) – Requires majority vote of Clergy Session

- Before requesting Administrative Location, the bishop shall complete the procedures outlined in ¶334.3 and ¶359.1.
- Upon the request for Administrative Location, the provisions of ¶361.2 shall be followed.
- For ad interim action, see ¶359.2.

Involuntary Leave of Absence (¶354) – Requires 2/3 vote of Clergy Session

- The provisions of ¶354 shall be followed.
- The procedures for a Fair Process Hearing shall be followed (¶354.1, ¶ 354.2).
- For ad interim action, see ¶354.4.

Involuntary Medical Leave (¶356) – Requires majority vote of Clergy Session

- The provisions of ¶356 shall be followed.
- If there are unresolved issues, the Fair Process Hearing procedures shall be followed (¶356.4).
- For ad interim action, see ¶356.2.

Involuntary Retirement (¶357.3) – Requires 2/3 vote of Clergy Session

- The provisions of ¶357.3 shall be followed.
- The proceedings for a Fair Process Hearing (¶361.2) shall be followed.
- The cabinet may make a request to the BOM for the involuntary retirement of the clergy member, or the BOM may make the recommendation upon its own motion.
- Written notice of the intended action shall be given to such member by the BOM at least 180 days prior to annual conference.
- Written notice should also be given to the chair of the Administrative Review Committee.
- Any clergy member placed in the retired relationship under this subparagraph shall be entitled to receive his or her pension for the number of approved years served and such other benefits as the final conference may provide, payment begins the first of any month after the ordained minister attains age 62.

Involuntary Discontinuance of Provisional Membership (¶327.6) – Requires majority vote of Clergy Session

- The provisions of ¶327.6 shall be followed.
- The provisional member shall be advised of the right to a Fair Process Hearing and upon his/her request, the proceedings for a Fair Process Hearing (¶361.2) shall be followed.
- Ministerial functions cease when the relationship is discontinued and credentials shall be returned to the district superintendent for deposit with the conference secretary.
- The BOM may approve the provisional member to continue as a local pastor after discontinuance of provisional membership (¶327.6).