

Chapter 26

Changes in Conference Relationship

For more information, contact GBHEM's Executive Director of Candidacy and Conference Relations at candidacy@gbhem.org or 615-340-7374.

Clergy Status Changes

- May be requested for many reasons, both voluntary and involuntary
- This process will vary. The BOM, Cabinet and bishop have different roles in coordinating the recommendation and monitoring and approving needed changes.
- The BOM Executive Committee may approve, as needed, many status changes that happen between Annual Conference sessions, with the decision for final approval voted on by the Clergy Session.
- The DS, bishop and BOM are informed in writing when there is a consideration or need for a status change, regardless of the nature of the change.
- Status changes are not appointments made by the bishop (Judicial Council Decision 1273).
- **Resources on status changes**
 - In all cases, the appropriate paragraph in *The Book of Discipline* should be consulted. Should conflicts exist between the BOM Handbook and the *Discipline*, the *Discipline* is the primary authority.
 - In addition to *The Book of Discipline*, Judicial Council Decisions that affect clergy status, as well as any errata published for the *Discipline*, may affect conference relations decisions. Pay attention to Judicial Council Decisions throughout the quadrennium and note any errata sheets. When referring to the *Discipline*, note the footnote references to Judicial Council Decisions, and consider them in conference relations matters.
- **Conference Relations Committee**
 - All Boards of Ordained Ministry must have a Conference Relations Committee (CRC) of at least three persons to hear requests for discontinuance of provisional members (when the discontinuance is appealed), involuntary leave of absence, administrative location, involuntary retirement, involuntary medical leave (§356) or other matters assigned to them. (§361.1, §635.1d)
 - District Superintendents shall not serve on the CRC.
 - When clergy seek a change in conference relationship, the CRC should meet with the clergy to discuss the request, consider the needs surrounding the request and inform the clergy member of the process related to changing their active status. The CRC should also inform the clergyperson of the steps required to return to active status in the future (§352).
 - Committee membership shall ensure racial, ethnic and gender diversity.
 - The CRC members and chair may participate in any BOM interviews, deliberations or votes regarding membership (provisional or full) – even if a matter before the BOM eventually may be referred to the CRC for a fair process hearing.
 - The CRC chair manages any recommendations for involuntary status change through an administrative fair process hearing (§361).

- A summary of the status change processes is available in the Conference Relations Changes Chart posted on the BOM Library at www.bomlibrary.org.

Voluntary Status Changes

FORMATIONAL AND SPIRITUAL GROWTH LEAVE (§350.3)

- Available to clergy who have served full-time appointments for at least six years
- May last up to six months while the clergyperson continues to hold appointment

Procedure

- Approved by the P/S-PRC, church council and DS

SABBATICAL LEAVE (§351)

- Available to associate or full members who have been serving in a full-time appointment for six consecutive years or serving less than full-time in an appointment that is equivalent to six consecutive full-time years

Procedure

- Clergy must submit a written request (to the BOM) that includes plans for study or travel with copies to the bishop and DS at least six months prior to the Annual Conference session.

PERSONAL (§353.2A) AND FAMILY LEAVES (§353.2b)

- Personal leave is granted to clergy who decide (for personal reasons) that they are temporarily unable or unwilling to continue in a ministry appointment.
- Family leave is granted to clergy who are temporarily unable to continue in an appointment because of an immediate family member's need for full-time care.
- Notes
 - While on leave, the clergyperson designates a charge conference within the bounds of the Annual Conference where they will relate and submits an annual report.
 - Voluntary leave counts toward the eight-year time limit allowed for provisional membership.
 - Clergy on voluntary leave are eligible to serve on conference committees and to vote for and serve as General Conference and Jurisdictional Conference delegates.
 - Voluntary leave of absence must be made voluntarily without coercion. The possibility of involuntary leave should not be used to coerce or intimidate a clergy member into requesting voluntary leave of absence (Decision 1216).
 - A request for voluntary leave is not permitted until any active complaints or charges have been resolved.

Procedure

- The clergy sends a request in writing to the BOM at least 90 days prior to the Annual Conference session with copies to the bishop and DS.
- Leave may be granted by the Clergy Session upon recommendation of the BOM.
- Both personal leave and family leave shall be approved annually upon written request of the clergy member.
- Requires a majority vote of the Clergy Session for up to five consecutive years. A vote of two-thirds of the Clergy Session is required for each year of leave lasting six or more years.
- The BOM may interview the clergy to determine the need for leave.
- Between Annual Conference sessions, leaves may be granted by the BOM Executive Committee after consultation with and approval by the bishop and District Superintendents.

TRANSITIONAL LEAVE (¶353.2c)

- Available to provisional or ordained deacons in good standing who need to seek and secure an appointable position.
- Available to provisional elders, ordained elders or associate members who need to transition from an extension ministry to another appointment or from a local church appointment to an extension ministry appointment.
- Each quarter during the leave, the clergy reports efforts to find an appointment to the bishop and BOM Executive Committee.
- In the *The Book of Discipline*, “Transitional Leave” resides in the “Voluntary Leaves” paragraph and must be requested by the clergy member. No other person or office has the authority to request transitional leave (Judicial Council Decision 1273).

Procedure

- Clergy requests transitional leave
- BOM Executive Committee and bishop approve the leave.
- A 90-day notice is NOT required to move from an appointment to transitional leave nor from transitional leave to an appointment (¶353.3 and ¶353.11).
- Transitional leave ends upon appointment by the bishop.

ENDING VOLUNTARY LEAVE OF ABSENCE

- The clergyperson must submit a written request to the BOM at least six months prior to the Annual Conference session.
- The BOM reviews the conditions for the leave and determines if the conditions have been alleviated or resolved. If the BOM determines that conditions have not been resolved, the clergyperson has several options.
 - Clergy may choose to remain on voluntary leave of absence.
 - Clergy may choose to take honorable location.

- Bishop and DS may recommend involuntary leave of absence, administrative location or involuntary retirement. Administrative fair process is required in these scenarios if the request to come off voluntary leave is denied and the clergy does not wish to remain on voluntary leave or take honorable location (Judicial Council Decision 689 and Judicial Council Decision 782).
- Other actions may be deemed appropriate.

MATERNITY AND PATERNITY LEAVE (¶355)

- Shall be granted by the bishop, Cabinet and BOM Executive Committee to any clergy who requests the leave at the birth of a child or arrival of a child into the home for adoption
- Compensation is maintained for no less than the first eight weeks of the leave, while the clergy's Annual Conference relations and health and welfare benefits remain intact throughout the leave.
- May not exceed three months

Procedure

- The clergy files a request with the P/S-PRC in consultation with the DS and sends copies to the BOM Executive Committee at least 90 days before the leave begins (whenever possible).
- Pastoral responsibility during the leave is managed by the P/S-PRC and the DS.

VOLUNTARY RETIREMENT (¶357.2)

- Available at three different levels, depending on age and years of service (as outlined in the *The Book of Discipline*)

Procedure

- Requests shall be in writing to the bishop, Cabinet and BOM at least 120 days prior to the effective date of retirement (unless waived by the bishop/Cabinet).
- The BOM makes the recommendation for retirement to the Clergy Session for approval.

HONORABLE LOCATION (¶358)

- Available at the request of a deacon, elder or associate member in good standing who intends to discontinue service in appointive ministry
- Honorable location is not to be used as an alternative to filing a complaint or recommending an involuntary status change.
- Clergy on honorable location may be retired (¶358.3). Retired clergy on honorable location may qualify for pension (Judicial Council Decision 717).
- Clergy on honorable location retain ordination credentials but surrender membership in the Annual Conference. Membership certificates are deposited with the Conference Secretary.
- Clergy designate a charge conference within the Annual Conference that grants honorable location where membership will be held and reports made.

- Ministerial functions are permitted with the written consent of the pastor in charge of the charge conference where membership is held.
- Clergy on honorable location must report all ministerial services performed to the charge conference, and they remain amenable to the Annual Conference for their conduct and continuation of ordination.

Procedure

- Clergy requests honorable location through the BOM.
- BOM and Clergy Session ensure that the clergy is in good standing with the Annual Conference.
- The BOM recommends the motion to the Clergy Session.
- Honorable location is granted by majority approval of the Clergy Session.
- Between Annual Conference sessions, appointments as local pastors are permitted when approved by the BOM Executive Committee.

WITHDRAWAL

- To unite with another denomination (§360.1)
 - Clergy must be in good standing
 - Clergy requests withdrawal
 - Clergy retains ordination credentials and surrenders membership credentials to the bishop or DS for deposit with the Conference Secretary
 - Clergy Session votes to approve withdrawal
- To withdraw from the ordained ministerial office
 - Clergy must be in good standing
 - Clergy requests withdrawal
 - Clergy surrenders ordination and membership credentials to the bishop or DS for deposit with the Conference Secretary.
 - Membership may be transferred to a local church
 - Clergy Session votes to approve withdrawal
 - When withdrawing between Annual Conference sessions, the written request and appropriate credentials are given to the bishop or DS for deposit with the Conference Secretary. The action is reported at the next Clergy Session.
 - The effective date of withdrawal shall be the date of the withdrawal letter (Judicial Council Decision 691).

Involuntary Status Changes

- When a request has been made for involuntary leave, the BOM shall follow the procedures for disposition of recommendations of involuntary status change (§363) and administrative fair process hearings (§361).

- Refer to the Checklist for Recommendation of Involuntary Status Change posted at the BOM Library (www.bomlibrary.org) to follow administrative process and hold a fair process hearing. Details related to votes and considerations for different involuntary status change recommendations are listed there as well.
- A DS shall not be present for the deliberations or the vote and shall not discuss substantive issues with the BOM or its committees in the absence of the clergyperson in question (Judicial Council Decision 917).

INVOLUNTARY LEAVE OF ABSENCE (§354)

- Requested by the bishop and the DS under two circumstances
 - When a written and signed complaint is not resolved through “Supervisory Response” (§363.2b, c), “Referral of a Complaint” (§363.1e) or the trial process in 90 days, or clearly cannot be resolved within 90 days
 - When allegations of incompetence, ineffectiveness or inability to perform ministerial duties need to be addressed (§364)
- Involuntary leave shall be approved annually by the Clergy Session upon written request of the District Superintendents and shall not be approved for more than three years in succession (§354.3).
- Notes
 - When an end of involuntary leave is requested or when the BOM determines the clergy has not met the requirement to come off leave and the leave is expiring, see §354.9.
 - If the DS and bishop do not intend to appoint after three years, see §355.10.
 - Involuntary leave may be requested between Annual Conference sessions (§355.5).
- Judicial Council Decisions regarding involuntary leave:
 - *Decision 937* – A written request by the DS to place a clergyperson on involuntary leave of absence ... does not constitute a complaint.
 - *Decision 950* – Bishops and District Superintendents shall not participate as voting members in a hearing concerning involuntary leave of absence. They may not remain in the hearing room either prior to the hearing or after the hearing has been concluded, but prior to the issuance of a decision by the Executive Committee of the BOM.
 - *Decision 1156* – The BOM makes the sole determination if a clergyperson has met the stipulations required to come off leave. Requirements cannot be added once an agreement has been reached without another supervisory process. Involuntary leave can be requested only through the provisions listed in §354.2
 - *Decision 1216* – Voluntary leave of absence has to be made voluntarily and without coercion. The possibility of involuntary leave should not be used to coerce and intimidate a clergy member into requesting voluntary leave of absence.

Procedure

- Bishop and DS may request this status without the consent of the provisional, associate or full member and shall give the clergy and the BOM specific reasons for the request in writing.
- The fair process for administrative hearings is outlined in §361.2.
- The Clergy Session must approve the recommendation by a two-thirds majority vote.

- Pending complaints or charges should be placed in the clergy person's personnel file along with documentation of relevant, subsequent actions.

INVOLUNTARY RETIREMENT (§357.3)

- Recommended by the Cabinet or BOM without the consent of the clergy person
- This is constitutionally acceptable but should only be used when all other options are exhausted and with extreme caution.
- See §357.3 for information regarding pension benefits and involuntary retirement.

Procedure

- Written notice of the intended action shall be given to the clergy person by the BOM at least 180 days prior to Annual Conference.
- The fair process for administrative hearings (§361.2) shall be followed.
- The Clergy Session must approve the recommendation by a two-thirds majority vote.

ADMINISTRATIVE LOCATION (§359)

- If the bishop determines that a deacon, elder or associate member will no longer be effective in set-apart ministry, they may request administrative location without the clergy person's consent.
- The BOM may also make this recommendation when an involuntary leave of absence is ending and the requirements for coming off leave have not been met (§354.8).
- Notes
 - Clergy on administrative location may be retired (§359.4).
 - Clergy on administrative location retain ordination credentials but surrender membership in the Annual Conference. Membership credentials are deposited with the Conference Secretary.
 - Clergy are to designate a charge conference within the Annual Conference that grants administrative location where membership will be held and reports made.
 - Ministerial functions are permitted with the written consent of the pastor in charge and P/S-PRC with approval by the DS and bishop only in the charge where membership is held.
 - Ad interim appointments as local pastors are not permitted.
 - Clergy on administrative location must report all ministerial services performed to the charge conference, and they remain amenable to the Annual Conference for their conduct and continuation of ordination.

Procedure

- When an associate or full member's effectiveness is in question, the bishop shall complete the procedure outlined in §359.1.
- If the process in §359.1 is completed without producing sufficient improvement, the bishop and the District Superintendents shall send the specific reasons for the request to the clergy and the BOM in writing.

- Alternately, if a clergyperson on involuntary leave of absence has reached the three-year limit and the BOM has determined that the reasons for the leave have not been alleviated, the BOM shall pursue administrative location (§354.8).
- The fair process for administrative hearings (§361.2) shall be followed for all requests.
- The Clergy Session must approve the recommendation by a two-thirds majority vote.

WITHDRAWAL UNDER COMPLAINTS OR CHARGES (§360.3)

- Clergy who are named as respondents to a complaint as listed in §362.1(e) may withdraw and surrender their ordination and membership credentials.
- Notes
 - Withdrawal may happen between Annual Conference sessions and becomes effective on the date of the letter of withdrawal (Judicial Council Decision 691).
 - The withdrawal is reported to the Clergy Session.
 - An ordained minister who withdraws under complaints or charges forfeits the constitutional right to trial (Judicial Council Decision 691).

Procedure

- The clergy respondent requests withdrawal in writing.
- The clergy surrenders his/her ordination and membership credentials to the DS for deposit with the Conference Secretary.
- Withdrawn under complaint or withdrawn under charges shall be written on the face of the credentials.

SUSPENSION (§362.1d)

- When a clergyperson is accused of an offense, one of the actions that may be taken is suspension from all clergy responsibilities but not from an appointment for a period of time not to exceed 90 days. With the approval of the BOM Executive Committee, the bishop may extend the suspension for one additional 30-day period (§362.1d). During the suspension, salary, housing and benefits are continued and conference membership rights are retained.
- Gives the bishop and Annual Conference time to address serious accusations that may require additional consideration and action while protecting the interests of the church, clergy and complainant for a limited period of time under urgent circumstances.
- Notes
 - The bishop or Cabinet may not suspend a clergy member without first obtaining approval from the BOM's Executive Committee. Although the decision to suspend is reserved for the BOM Executive Committee, this does not mean that the matter must wait until the next meeting of the committee or the submission of a formal complaint.
 - The bishop and Cabinet may request that the executive committee take immediate action through a phone conference when there is a matter of urgency. In requesting immediate action, the bishop should be prepared to promptly carry out the supervisory response process, and make a decision regarding a request for an involuntary status change and/or whether or not a complaint should be dismissed or referred to the counsel for the church.

Procedure

- The bishop requests recommendation for the suspension from the BOM Executive Committee.
- Upon the committee's recommendation, the bishop may immediately suspend the clergyperson.

Procedures for Status Change that may be either Voluntary or Involuntary**DISCONTINUANCE OF LOCAL PASTORS (§320)**

- Local pastors are not guaranteed an appointment. They may withdraw from licensed ministry at their own request. They may also be discontinued at the discretion of the bishop, upon written notice by the bishop or DS. If a local pastor does not receive an annual recommendation for continuation of license from the dCOM or the approval of the BOM, that person shall not be continued.
- Notes
 - Licenses cannot be transferred from one Annual Conference to another. If a local pastor wishes to serve in a different Annual Conference, that person must receive approval for a new license from the dCOM where that person will be appointed to serve.
 - Once a local pastor has been discontinued from an Annual Conference, that person may only be reinstated in that Annual Conference through the dCOM where the discontinuance occurred (§320.4).
 - The only action required when the local pastor is being considered for an appointment in another Annual Conference is verification of qualifications and information on circumstances relating to termination (§320.4).

Procedure

- Voluntary Discontinuance
 - The local pastor may retire and be recognized as a retired local pastor (§320.5).
 - The local pastor may voluntarily decide to discontinue service.
- Involuntary Discontinuance
 - The bishop may discontinue a local pastor's appointment.
 - The dCOM may decide not to recommend the local pastor for annual continuation of license.
 - The BOM or Clergy Session may decide not to approve the dCOM's recommendation.
- The dCOM shall report the circumstances of discontinuance to the BOM, which in turn shall report them to the bishop (§320.1).
- The BOM Registrar shall also place a copy of the report detailing the circumstances of discontinuance in the personnel files maintained by the conference secretary. This permanent record shall be made available to the Cabinet, the dCOM or the BOM upon request if and when the local pastor is being considered for reappointment.
- Surrender of credentials – Discontinued local pastors shall surrender their license to the DS for deposit with the Conference Secretary.

- A notation on the receipt of credentials and when they are forwarded to the Conference Secretary shall be placed in the local pastor's supervisory file with a copy of the note and the original credential placed in the permanent personnel files of the Annual Conference.

DISCONTINUANCE FROM PROVISIONAL MEMBERSHIP (§327.6)

- Provisional members may be discontinued at their own request or by recommendation of the BOM without consent of the provisional member.
- Notes
 - Judicial Council Decision 917 – District Superintendents, including the DS named by the bishop to serve as a liaison to the BOM, shall not be present in any deliberation or vote related to an involuntary status change, including discontinuance of provisional membership.
 - Written communication notifying the provisional member of the recommendation to discontinue and the right to appeal should also include a deadline date for requesting the appeal that allows the CRC, BOM and Administrative Review Committee to provide required notice and complete their responsibilities before the Clergy Session meets.

Procedure

- Voluntary Discontinuance
 - The BOM should interview the provisional member to determine the reasons for the discontinuance.
 - Include a record of the rationale in the person's personnel file for future reference.
- Involuntary Discontinuance
 - When the BOM recommends involuntary discontinuance of a provisional member, that person shall be advised of his/her right to a fair process hearing.
 - If the provisional member appeals the recommendation for discontinuance, the procedure for administrative fair process shall be followed (§361.2). If the provisional member does not appeal the BOM's recommendation, there is no fair process hearing.
 - If a provisional member is not approved for full membership within eight years, the provisional membership is automatically terminated. A fair process hearing is not required.
 - The BOM may recommend that a provisional member be discontinued and then approved to serve as a local pastor. Note these actions in the personnel file.
- When a provisional member discontinues or is discontinued by action of the Annual Conference, that person shall surrender their provisional membership certificate and license for ministry to the DS for deposit with the Conference Secretary.
- The DS should note on the credentials when they were received. The original credentials are sent to the Conference Secretary and filed in the personnel file. Notes for when the credentials were received and sent to the Conference Secretary are placed in the supervisory file.
- In the event credentials are not voluntarily surrendered after reasonable attempts to obtain them, the DS shall place a statement in the supervisory and personnel files which confirms their absence and outlines the efforts made to obtain them.

MEDICAL LEAVE DUE TO MEDICAL AND DISABLING CONDITIONS THAT PREVENT PERFORMANCE OF MINISTERIAL DUTIES (§356)

- Medical leave may be granted or required of clergy when they are unable to perform their ministerial work because of medical and disabling conditions.
- Notes
 - Leave may be granted or required between Annual Conference sessions.
 - The BOM and Joint Committee on Medical Leave should communicate with each other about the progress of a recommendation for medical leave as the request is processed.
 - Contact the Annual Conference benefits officer or Wespath Benefits and Investments for questions related to health insurance or disability benefits.

Procedure

- Voluntary – The clergy member may request this leave at any time.
- Involuntary
 - May be initiated by the Cabinet without consent of the clergy
 - The administrative fair process provisions of §361.2 shall be followed in the event of unresolved issues.
 - May be granted upon reasonable and appropriate investigation by the Joint Committee on Medical Leave in accordance with Annual Conference policies

MANDATORY RETIREMENT (§357.1)

- Every clergy member of an Annual Conference who attains age 72 on or before July 1 shall be automatically retired at the Annual Conference held that year. Those reaching 72 after July 1 will be retired automatically at Annual Conference the following year.

Procedure

- Retirement requests shall be stated in writing to the bishop, Cabinet and BOM at least 180 days prior to the effective retirement date, unless waived by the bishop and Cabinet.
- The BOM shall provide guidance and counsel to clergy as they transition into retirement (see Chapter 27).

Administrative Fair Process and Complaints

- The 2012 General Conference made substantial changes to the administrative fair process and judicial complaint procedures. These include use of terminology, procedures for managing ineffectiveness and a more consistent, simpler process for processing recommendations for involuntary status change.
- Administrative fair process and judicial complaint have been separated as much as possible. *The Book of Discipline* defines complaint as a “written and signed statement claiming misconduct as defined in §2702.1.” When the bishop receives a complaint, the procedures outlined in §363 are followed, and the process is mainly judicial and is managed by the

counsel for the church. When a recommendation for an involuntary status change is received (such as administrative location or involuntary leave), the procedures outlined in ¶363 are followed, and the process is mainly administrative and managed by the BOM.

- Ineffectiveness is now handled solely through the procedures for administrative location. (¶359) The bishop works through a process with the clergy to identify the concerns related to ineffectiveness, to develop a plan for improvement and to assess if improvement has happened. If the bishop determines that the clergy will no longer be effective in set-apart ministry, then a recommendation is made to the BOM for administrative location and administrative fair process is followed.

ADMINISTRATIVE FAIR PROCESS

- The BOM refers any request for an involuntary status change to its CRC, which holds an administrative fair process hearing. (¶361)
- The CRC affirms or denies the initial request received by the BOM.
- The BOM affirms or denies the CRC's decision.
- In the event that the BOM recommends an involuntary status change, the Administrative Review Committee (ARC) reviews all parts of the process to make sure disciplinary steps were followed throughout the process. The ARC reports to the Clergy Session before a vote is taken for final decision.
- The Clergy Session makes any final decision about involuntary status change.
- The fair process principles of ¶361 are applicable to the procedures outlined in ¶363 for the disposition of a recommendation of involuntary status change.
- Goals of fair process
 - To protect a clergyperson's rights by informing him/her of sufficient details of the recommendation.
 - To give the clergy adequate time to prepare and present a response.
 - To enhance trust and reliance upon the church's own process as a fair method to resolve disputes.
- *The Book of Discipline* cannot anticipate each and every potential situation and has, therefore, sought to provide these overriding principles of fairness that are applicable in any situation.

FAIR PROCESS HEARINGS (¶361)

- The procedures outlined in ¶361 protect the rights of individuals and the church in administrative hearings.
- They shall be followed whenever there is a recommendation for an involuntary status change or upon appeal of discontinuance by a provisional member.
- Refer to the Checklist for Administrative Fair Process for details regarding steps and requirements for different recommendations and status changes.

RIGHT TO BE HEARD (¶361.2a)

The bishop (or bishop's designee) and the respondent have the right to be heard and to present their positions in a fair process hearing before the CRC.

NOTICE (¶361.2b)

- The BOM is responsible for ensuring that all parties involved in the fair process hearing receive written information about the hearing. *The Book of Discipline* requires that written notice be given to the respondent at least 20 days before the hearing date. The BOM sends the written notice using some form of delivery that can be tracked and signed for (such as certified mail, FedEx, UPS, etc.). Identical notice should also be sent in an email or letter via regular mail.
- The letter should specify the purpose of the hearing, the reason for the recommendation, a list of individuals who may be present at the hearing (including those who may be present on behalf of the respondent) and the specific date, time and place of the hearing. If possible, the BOM should follow up with a phone call to confirm receipt of the notice.

REPRESENTATIVE FOR THE RESPONDENT (¶361.2c)

- The representative shall be an ordained deacon or elder who is a member of the respondent's conference.
- The representative may be present at any hearing with the right to speak.
- The respondent has the right to select (and when warranted change) the person who accompanies him/her. All persons involved in proceedings are bound by confidentiality (Judicial Council Decision 972).

NO EX PARTE COMMUNICATION (¶361.2d)

- When one party or its representatives communicates with the hearing body before the fair process hearing, such communication may influence that body. Any communication before the hearing should be directed to the presiding officer of the hearing and not to other members of the hearing body.
- If members of either party in a fair process hearing have questions of procedure, they should be raised with the presiding officer of the hearing body, not with other members of the hearing body.
- All parties must be present to hear what is being stated and have an opportunity to respond. Even if there is no influence or prejudice in any ex parte communication, there may be the appearance of impropriety.
- Any member of a BOM or hearing body, when asked to discuss substantive matters in a pending hearing, must decline to do so.

RIGHT TO RECORDS RELIED UPON (¶361.2e)

- The respondent is allowed access to any records (files, notes, documentation, letters, etc.) used to make a recommendation at least seven days prior to the hearing. Allowing access means that the respondent shall receive a copy of any information being used to reach a decision in the fair process hearing (Judicial Council Decision 974).
- If for some reason, evidence cannot be made available to the respondent, it shall not be relied upon in reaching a determination (e.g., a privileged communication that the writer is unwilling to share with the respondent).

- If the original must be viewed, the respondent should view those materials in the presence of a reliable third party (typically a BOM member) to protect the respondent and the conference from any charges or allegations of tampering with and/or the disappearance of any materials.
- Minutes shall be maintained as a record of the fair process hearing conducted by the CRC with discussion of the recommendation by the BOM. All written documents submitted during a hearing shall be kept as part of that record.
- Copies of actions shall be placed in the personnel files maintained by the Annual Conference.
- Judicial Council Decisions 974 states that the respondent has a right to examine and possess a written complaint and any material supporting it. Confidentiality is important but cannot be used as a reason to keep supporting documentation from the respondent and advocate.

FAILURE TO RESPOND/APPEAR (§361.2f)

- This provision is intended to avoid the situation in which a clergyperson knowingly seeks to avoid a process or proceeding. Keep a clear record that notice of the hearing has been given, all attempts have been made to contact the clergyperson and attempts at rescheduling have been made.
- From time to time, parties to a hearing may request a continuance or delay. The chair or presiding officer of the hearing may, for good cause, grant additional time for preparation or a delay for a good cause. If the delay is for medical reasons, the hearing officer should obtain from the requesting party's treating doctor written substantiation of the medical reason for the delay including an estimate of when the party will be able to proceed with the hearing. The presiding officer has to weigh the medical concerns with a desire to have the matter heard in a timely and expeditious manner.
- If the presiding officer of the hearing believes that there is no good excuse for a failure to appear, the CRC should proceed with the hearing. As part of the record, the chair or presiding officer should note all of the reasons why it is appropriate to proceed in the clergyperson's absence. While a hearing may proceed in the respondent's absence, the CRC or BOM may allow the clergyperson to be heard at a different time, at the committee's discretion.

IMMUNITY FROM PROSECUTION (§361.3)

- This protects those serving in an official role in the administrative process from having complaints brought against them. It also ensures that leaders and other participants in the church process are allowed to proceed without fear of retribution or unfair complaints by parties unhappy with the events or outcome.
- It is not a complete immunity to bringing a complaint relating to a person's conduct during the administrative fair process. Rather, it sets a high standard on a complaining party to show that the alleged chargeable offense was done in conscious and knowing bad faith.

THE ADMINISTRATIVE REVIEW COMMITTEE (§636)

- Each Annual Conference shall have an Administrative Review Committee (ARC) composed of three clergy members in full connection and two alternates who are not members of the Cabinet, the BOM or their immediate family members.
- The bishop nominates the committee, and it is elected quadrennially by the Clergy Session.
- Its only purpose is to ensure that disciplinary procedures are followed throughout the process related to recommendations for involuntary status change.

- Does not assess the merits of the case but simply makes sure disciplinary procedures have been followed
- May make recommendations to remedy any mistakes that may have been made in the process or may determine that any mistakes made were harmless or did not affect the outcome of fair process
- Makes a report to the Clergy Session before any final vote is taken regarding a recommendation for involuntary status change
- Has the right to retain confidentially a confidential and complete record of the matters it reviews

COMPLAINT PROCEDURES (§362)

- Whenever clergy members of an Annual Conference are accused of violating the sacred trust granted to them in licensing, commissioning, ordination or conference membership, their credentials and conference membership shall be subject to review.
- This review shall have as its primary purpose a just resolution of any violations of this sacred trust.
- BOM Responsibilities
 - The bishop shall notify the BOM chair when the supervisory response is initiated (§362.1b).
 - The BOM Executive Committee may need to respond to a request for suspension.
 - The BOM and CRC may need to process a request for an involuntary leave of absence if time is needed to process the complaint.
- The complainant (the one filing the complaint) and the respondent (the one against whom a complaint is filed) shall receive, in writing, an account of the process that will be followed (Judicial Council Decision 974).
- The supervisory response by the bishop begins upon receipt of a formal complaint (§362.1) and may last up to 90 days (§362.1e).
- A complaint must be a written and signed statement claiming misconduct as defined in §2702.1.
- The bishop or DS may file a complaint.
- Supervisory Response (§362.1a, b)
 - The bishop manages the supervisory response and investigates allegations before deciding how to respond to the complaint.
 - The complaint is treated as an allegation during the supervisory response period.
 - The respondent may have someone accompany him or her to any supervisory response meetings.
 - The bishop may choose to include a third party mediator, the S/P-PRC, superintendency committee or other experienced committees or persons who may be helpful.

JUST RESOLUTION (¶362.1c)

- A process for just resolution may begin at any point in the supervisory, complaint or trial process and is not an administrative process or judicial proceeding.
- Any just resolution agreement must satisfy all parties, and a written statement of the agreement must be signed by all parties.
- A just resolution agreement is the final disposition of the related complaint.
- Resources are available to assist the bishop and Annual Conference in negotiating a just resolution in a complaint.
- If complaints involve sexual misconduct, the General Commission on the Status and Role of Women can provide assistance and information.
- For general conflict mediation, JustPeace Center for Mediation and Conflict Transformation is one source of support. The mission of JustPeace is to prepare and assist United Methodists to engage conflict constructively in ways that strive for justice, reconciliation, resource preservation and restoration of community in the church and in the world.

GENERAL CONSIDERATIONS

- Avoid intimidation of the complainant by the clergy or friends of the clergy. For the complaint process to function properly, the complainant must feel safe and be safe from any intimidation or pressure.
- The bishop and/or DS should tell the respondent and complainant not to have any contact with each other (in writing, in person or otherwise). If either party attempts contact, the other should decline and promptly inform the DS, the advocate or the counsel for the church.
- There may be instances in the complaint process in which a controlled communication may be desirable (meeting with advocates and counsel to present mediation) but there should be no contact without third parties being present to monitor the interaction.
- *The Book of Discipline* emphasizes the importance of efforts to achieve reconciliation and a just resolution of complaints. The parties to proceedings must abide by these directives, but this does not mean that forgiveness and reconciliation will end a complaint process, nor mean that no penalty should be imposed on the respondent.
- Reconciliation at the supervisory level may result in an end to the matter if the bishop believes that the clergyperson is fully fit and able to continue in ministry. The bishop may decide at this time not to proceed with the complaint. However, if the allegations are serious enough and the bishop believes the clergy is not fit to stay in ministry, then even if the complainant forgives the clergyperson, the bishop may still forward the matter as a complaint regardless of consent from the complainant or respondent.