

Draft of a *General Book of Discipline* 2020

New Part VI

General Organization and Administration

Chapter Seven

Judicial Administration

¶ 2601. *Preamble and Purpose*—1. In fulfillment of its mission of making disciples of Jesus Christ for the transformation of the world, the United Methodist Church has found it prudent to establish judicial structures and processes. We recognize that God has given authority to the state to make laws and render judgments for the sake of preserving the common good (cf. Romans 13:1-7). For this reason, we affirm the legitimacy of the civil courts and the importance of cooperating with these. At the same time, we understand judicial administration as a proper ministry of the United Methodist Church. Against the legalism that has from time to time been mistaken for holiness, Methodists have emphasized the universal, free, and abounding grace of God. However, over and against a cheapening of this grace, Methodists have always insisted that laws can be divine gifts and discipline can be life giving. When conflicts arise in the fellowship of believers, the United Methodist Church as representative of Christ, the prince of peace, prefers to pursue and promote just resolution and reconciliation. Trials and judicial processes are in this sense instruments of last resort. However, these instruments are not to be disdained. This work is necessary to protect vulnerable members of the body from harm, as well as to preserve the theological and moral integrity of the church’s witness to the world.

2. The exercise of judicial functions by the General Church and by annual and central conferences is not to be understood as essentially punitive. Instead, these activities aim at sustaining the health and welfare of the body of Christ. Such activities are modeled for us already in the gospel, where we find Jesus offering patterns for responding to and healing offenses within the community of faith (Matthew 18:15-18). Similar concerns are taken up by Paul in his writings to the churches under his leadership. (e.g. 1 Corinthians 5:1-6; 2 Thessalonians 3:6-8). In light of these and other texts of both the Old and New Testaments, the judicial functions of church leadership should be understood as an aspect of mutual care and admonition, part of the “watching over one another in love” that Wesley commended to his followers in the name of growing together in holiness. These processes and structures have as their goal the building up of the sacred trust which binds its members as the people called Methodist. It is important to remember that human judgments are always provisional. God alone is the judge of the living and the dead. Hence, the judicial ministration of the United Methodist Church is to be carried out in humility knowing that “all of us make many mistakes” (James 3:2).

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GBOD ¶ 2601.1-2 = New

Section I. The Judicial Council

¶ 2602. *Duties and Responsibilities of the Judicial Council*—The Judicial Council is the highest judicial body in The United Methodist Church. The Judicial Council shall have authority as specified in the Constitution, ¶¶ 55-57, and in ¶¶ 2607-2610.

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GBOD ¶ 2602 = 2601

¶ 2603. *Members*—1. *Composition and Term*—The Judicial Council shall be composed of nine members and should reflect the diversity of The United Methodist Church, including racial, age, ethnic, gender, central and jurisdictional conferences, and congregational size. On nominations and election, alternates, vacancies and expiration of term, further provisions according to General Conference

Regulations (GC-R ¶ 2603) shall be followed.

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GBOD ¶ 2603 = 2602

GC-R ¶ 2603 *Further Provisions on Membership-1. Terms of Office*—In the year 2000 and each sixteen years thereafter, there shall be elected three laypersons and two ordained clergy other than bishops. In 2004 and each eight years thereafter, there shall be elected two ordained clergy other than bishops and two laypersons. In 2008 and each sixteen years thereafter, there shall be three ordained clergy other than bishops and two laypersons. The laypersons shall be professing members of The United Methodist Church. Elections shall be held at each session of the General Conference for only the number of members whose terms expire at such session. A member's term of office shall be eight years. A member may serve a maximum of two consecutive eight-year terms, with a minimum of four years before reelection to the council.

2. *Nominations and Election*—Members of the council shall be nominated and elected in the manner following: At each quadrennial session of the General Conference, the Council of Bishops shall nominate by majority vote three times the number of ordained ministers and laypersons to be elected at such session of the General Conference. The number to be elected shall correspond to the number of members whose terms expire at the conclusion of such session. Each of the central and jurisdictional conferences as a group shall be represented by at least one nominee, but it shall not be a requirement that each of the central or jurisdictional conferences as a group be represented by an elected member.¹ At the same daily session at which the above nominations are announced, nominations of both ministers and laypersons may be made from the floor, but at no other time. The names of all nominees, identified with the conference to which each belongs, and a biographical sketch that does not exceed one hundred words shall be published by the Daily Christian Advocate at least forty-eight hours prior to the time of election, which shall be set by action of the General Conference at the session at which the nominations are made; and from these nominations the General Conference shall elect without discussion, by ballot and majority vote, the necessary number of ministerial and lay members.

3. *Alternates*—There shall be six alternates for the clergy members and six alternates for the lay members, and their qualifications shall be the same as for membership on the Judicial Council. The term of the alternates shall be for four years.

The alternates shall be elected in the following manner: From the clergy and lay nominees remaining on the ballot after the election of the necessary number of members of the Judicial Council to be elected at sessions of the General Conference, the General Conference shall by separate ballot, without discussion and by majority vote, elect the number of clergy and lay alternates to be chosen at such session of the General Conference.

4. *Vacancies*—*a)* If a vacancy in the membership of the council occurs during the interim between sessions of the General Conference, a clergy vacancy shall be filled by the first-elected clergy alternate and a lay vacancy by the first-elected lay alternate. The alternate filling such vacancy shall hold office as a member of the Judicial Council for the unexpired term of the member whom the alternate succeeds. In the event of any vacancy, it shall be the duty of the president and secretary of the council to notify the alternate entitled to fill it.

b) In the event of an absence of one or more members of the council during a session of the Judicial Council, such temporary vacancy among the clergy members may be filled for that session or the remainder thereof by the clergy alternates in order of election who can be present, and such temporary vacancy among the lay members by the lay alternates in order of election who can be present; but inability or failure to fill a vacancy does not affect the validity or any action of the council so long as a quorum is present.

5. *Expiration of Term*—The term of office of the members of the council and of the alternates shall expire upon the adjournment of the General Conference at which their successors are elected.

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GBOD GC-R ¶ 2603 = ¶2602, 2603, 2604, 2605

¹ See Judicial Council Decision 540.

¶ 2604. *Ineligibility of Members*—Members of the council shall be ineligible to serve as delegates to the General, central, or jurisdictional, conference or to serve in any General, central, or jurisdictional, conference board or agency.²

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GBOD ¶ 2606 = 2604

² See Judicial Council Decision 196; and Decision 3, Interim Judicial Council

¶ 2605. *Confidentiality and Ex Parte Communication*—The members of the Judicial Council will not permit discussion with them on matters pending before them or that may be referred to them for determination, save and except before the Judicial Council in session. Questions of procedure may be raised with the presiding officer or secretary of the Judicial Council. On confidentiality and ex-parte communication, further provisions according to General Conference Regulations (GC-R ¶ 2605) shall be followed.

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GBOD ¶ 2605 = 2607

GC-R ¶ 2605 *Further Provisions on Confidentiality and Ex Parte Communication-1*. While strictly observing the intent of the preceding paragraph, a member of the council to whom a case has been assigned by the president may request that the secretary secure from persons and agencies concerned directly or indirectly with the case pertinent facts, briefs, and statements shall be sent promptly by the secretary of the council to other members of the council as is deemed necessary.³

2. Prior to the decision of a case in question, members of the Judicial Council shall not discuss with any party matters of substance pending in the judicial process unless all parties are privy to the discussion. Nor shall members of the Judicial Council or staff allow to be published or communicated, including electronic communications, to third parties any matters of substance pending in the judicial process.

3. The Judicial Council shall in all cases in which a decision or memorandum is issued set forth the specific provisions of the Constitution or the *Discipline* that provide the basis of the decision and the rationale that led to the conclusion.

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GBOD GC-R ¶ 2605 = 2607

³ See Judicial Council Decision 763

¶ 2606. *Organization and Procedure*—1. The Judicial Council shall provide its own method of organization and procedure, both with respect to hearings on appeals and petitions for declaratory decisions. All parties shall have the privilege of filing briefs and arguments and presenting evidence under such rules as the council may adopt from time to time; provided that at the time of filing, copies of such briefs are delivered to all parties of record. On organization and procedure, further provisions according to General Conference Regulations (GC-R ¶ 2606) shall be followed.

2. *Time and Place*—The council shall meet at the time and place of the meeting of the General Conference and shall continue in session until the adjournment of that body, and at least one other time in each calendar year and at such other times as it may deem appropriate, at such places as it may select from time to time. Seven members shall constitute a quorum except on questions of the constitutionality of acts of General Conference in which case a quorum shall be nine members or alternates duly seated according to the rules established by the Judicial Council. An affirmative vote of at least six members of the council shall be necessary to declare any act of the General Conference

unconstitutional. On other matters, a majority vote of the entire council shall be sufficient. The council may decline to entertain an appeal or a petition for a declaratory decision in any instance in which it determines that it does not have jurisdiction to decide the matter.

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GBOD ¶ 2606=2608

GC-R ¶ 2606 *Further Provisions on Procedure*- 1. The complete wording in the document requesting an appeal, declaratory decision, or ruling on a question of law shall be posted on the Judicial Council website no less than thirty (30) days prior to the deadline for submitting briefs and arguments to allow for the filing of amicus curiae briefs. The council shall employ a part-time clerk to assist the council in all matters designated by the council as needed, but no more than an average 20 hours per week, and shall in consultation with the General Council on Finance and Administration provide an office for the clerk suitable to maintain records and conduct business as the council shall direct.

2. Funds for the operations of the clerk's office shall be appropriated by the General Conference. In selecting the location of the clerk's office, consideration shall be given to a location that provides visibility and reasonable accessibility to the church and parties. The council shall also give consideration to visibility and accessibility to the church and parties in selecting the places it holds sessions.

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GBOD GC-R ¶2606 = 2608

¶ 2607. *Jurisdiction and Powers*—1. The Judicial Council shall determine the constitutionality of any act of the General Conference upon an appeal by a majority of the Council of Bishops or one-fifth of the members of the General Conference.

2. The Judicial Council shall have jurisdiction to determine the constitutionality of any proposed legislation when such declaratory decision is requested by the General Conference or by the Council of Bishops.

3. The Judicial Council shall determine the constitutionality of any act of a central or jurisdictional conference upon an appeal by a majority of the bishops of that central or jurisdictional conference or upon an appeal by one-fifth of the members of that central or jurisdictional conference.⁴

4. The Judicial Council shall hear and determine the legality of any action taken by any body created or authorized by the General Conference or any body created or authorized by a central or jurisdictional conference, upon appeal by one-third of the members thereof or upon request of the Council of Bishops or a majority of the bishops of the central or jurisdictional conference wherein the action was taken.

5. The Judicial Council shall hear and determine the legality of any action taken by any body created or authorized by a General Conference or any body created or authorized by the central or jurisdictional conference on a matter affecting an annual or a provisional annual conference, upon appeal by two-thirds of the members of the annual or provisional annual conference present and voting.

6. The Judicial Council shall pass upon and affirm, modify, or reverse the decisions of law made by bishops in central, jurisdictional, annual, or district conferences upon questions of law submitted to them in writing in the regular business of a session; and in order to facilitate such review, each bishop shall report annually in writing to the Judicial Council on forms provided by the council all the bishop's decisions of law. No such episcopal decision shall be authoritative, except in the case pending, until it has been passed upon by the Judicial Council, but thereafter it shall become the law of the Church to the extent that it is affirmed by the council. Normally, the bishop shall rule before the close of the annual conference session during which the question was submitted, but in no case later than thirty days after the close of the session. The annual conference secretary shall enter in the annual conference journal an exact statement of the question submitted and the ruling of the bishop.⁵

7. The Judicial Council shall hear and determine any appeal from a bishop's decision on a question of law made in a central, jurisdictional, annual, or district conference when said appeal has been made by one-fifth of that conference present and voting.

8. The Judicial Council shall have power to review an opinion or decision of a committee on appeals of a central or jurisdictional conference if it should appear that such opinion or decision is at variance with the *Discipline*, a prior decision of the Judicial Council, or an opinion or decision of a committee on appeals of another central or jurisdictional conference on a question of Church law. In the event the committee on appeals' decision appears to be at variance with the decision of another committee on appeals, then the following procedure should be followed:

a) Any party to the opinion or decision may appeal the case to the Judicial Council on the ground of such conflict of decisions; or

b) The committee on appeals rendering the last of such opinions or decisions may certify the case to, and file it with, the Judicial Council on the ground of such conflict of decisions; or

c) The attention of the president of the Judicial Council being directed to such conflict or alleged conflict of decisions, the president may issue an order directing the secretaries of the committees on appeals involved to certify a copy of a sufficient portion of the record to disclose the nature of the case and the entire opinion and decision of the committee on appeals in each case to the Judicial Council for its consideration at its next meeting.

The Judicial Council shall hear and determine the question of Church law involved but shall not pass upon the facts in either case further than is necessary to decide the question of Church law involved. After deciding the question of Church law, the Judicial Council shall cause its decision to be certified to each of the committees on appeals involved, and such committees on appeals shall take such action, if any, as may be necessary under the law as determined by the Judicial Council.

d) All opinions and decisions of central or jurisdictional and central conference committees on appeal shall be sent to the secretary of the Judicial Council within thirty days after a decision. These decisions shall be made available to those who are involved in trials and appeals when needed and for those preparing for trial or appeal, but not otherwise.

9. The Judicial Council shall have jurisdiction to hear and determine all appeals from decisions of the jurisdictional appeals committee.⁶

10. The Judicial Council shall have other duties and powers as may be conferred upon it by the General Conference.

11. All decisions of the Judicial Council shall be final.

12. The Judicial Council shall not have the authority to grant or award compensation to cover or reimburse attorney fees to a party to an appeal in a matter of Church law.⁷

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GBOD ¶ 2607 = 2609

⁴ See Judicial Council Decision 338.

⁵ See Judicial Council Decisions 153, 747, 762, 763, 799, 1004, 1078, 1120, 1130, 1161, 1166, 1167, 1188.

⁶ See Judicial Council decision 1276.

⁷ See Judicial Council Decision 1230.

¶ 2608. *Declaratory Decisions*—1. The Judicial Council, on petition as hereinafter provided, shall have jurisdiction to make a ruling in the nature of a declaratory decision as to the constitutionality, meaning, application, or effect of the *Discipline* or any portion thereof or of any act or legislation of a General Conference; and the decision of the Judicial Council thereon shall be as binding and effectual as a decision made by it on appeal.

2. The following bodies in The United Methodist Church are hereby authorized to make such petitions to the Judicial Council for declaratory decisions:

- a) the General Conference;
- b) the Council of Bishops;
- c) any body created or authorized by the General Conference on matters relating to or affecting the work of such body;
- d) a majority of the bishops assigned to any central or jurisdictional conference on matters relating to or affecting said body or the work therein;
- e) any central or jurisdictional conference on matters relating to or affecting said body or the work therein;
- f) any body created or authorized by the central or jurisdictional conference on matters relating to or affecting the work of such body; and
- g) any annual conference on matters relating to annual conferences or the work therein.

3. When a declaratory decision is sought, all persons or bodies who have or claim any interest that would be affected by the declaration shall be parties to the proceeding, and the petition shall name such parties. Any interested party may, on the party's own motion, intervene and answer, plead, or interplead. On the process for the secretary to follow regarding parties to the declaratory decision, further provisions according to General Conference Regulations (GC-R ¶ 2608) shall be followed.

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GBOD ¶ 2608 = 2610

GC-R ¶ 2608 *Additional Procedures* - After receiving such request the secretary of the Judicial Council shall publish on the official United Methodist Internet pages a brief statement of the question involved. If the president of the council determines that other parties not named by the petition would be affected by such a decision, such additional parties shall also be added, and the petitioner or petitioners, upon direction of the secretary of the Judicial Council, shall then be required to serve all parties so joined with a copy of the petition within fifteen days after such direction by the secretary of the Judicial Council.

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GBOD GC-R ¶ 2608 = 2610.3

¶ 2609. *Precedential Value*—The decisions of the Judicial Council of The Methodist Church heretofore issued shall have the same authority in The United Methodist Church as they had in The Methodist Church, persuasive as precedents, except where their basis has been changed by the terms of the Plan of Union or other revisions of Church law.

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GBOD ¶ 2609 = 2611

¶ 2610. *Notification and Publication*—The decisions of the Judicial Council on questions of Church law, with a summary of the facts of the opinion, shall be filed with the secretary of the General Conference and with the bishop, chancellor, and secretary of each annual conference. On publication of decisions, further provisions according to General Conference Regulations (GC-R ¶ 2610) shall be followed.

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GBOD ¶ 2610 = 2612

GC-R ¶2610 *Further Provisions on Publication* - 1. The decisions of the Judicial Council shall be posted on the official United Methodist Internet pages as soon as practicable, no later than ninety days following each meeting.

2. When the Judicial Council shall have declared unconstitutional any provision of the *Discipline*, the secretary of the Judicial Council shall notify the chairperson of the Committee on

Correlation and Editorial Revision and the Editor of the *Discipline* which phrase or sentence was found to violate the Constitution so that it will not appear in the next edition. All such deletions also shall appear in the *Advance Daily Christian Advocate* or successor publication of the next General Conference for information purposes.

3. When the Judicial Council shall declare any act of the General Conference then in session unconstitutional, that decision shall be reported to that General Conference immediately.

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GBOD GC-R ¶ 2610.1-2 = 2612.1-2; 2610.3=2609.11

Section II. Fair Process in Judicial Proceedings

¶ 2701. *Generalities on Fair Process*—1. *Preamble and Purpose*—The judicial proceedings and the rights set forth in this paragraph commence upon referral of a matter as a judicial complaint from the counsel for the Church to the committee on investigation. The judicial process terminates at the end of any appeal or right of appeal. The judicial process shall have as its purpose a just resolution of judicial complaints, in the hope that God’s work of justice, reconciliation and healing may be realized in the body of Jesus Christ. The following procedures are presented for the protection of the rights of individuals guaranteed under Section III, Article IV, of our Constitution and for the protection of the Church. The presumption of innocence shall be maintained until the conclusion of the trial process. Special attention should be given to ensuring racial, ethnic, age, and gender diversity of boards, committees, and courts and the timely disposition of all matters.

2. *Rights of the Complainant* (the person filing the complaint):

a) *Right of Impartiality*— In any judicial proceeding, the complainant shall have a right to investigation and judgement by impartial and independent parties.

b) *Right to Be Heard*—In any judicial proceeding, the complainant shall have a right to be heard before any final action is taken.

c) *Right to Notice of Hearings*—Notice of any hearing shall advise the complainant about proposed procedures, with sufficient detail to allow the complainant to prepare. Notice shall be given not less than twenty (20) days prior to the hearing. The complainant shall have the right to be present at any judicial process hearing.

d) *Right to Be Accompanied*—The complainant shall have the right to be accompanied by another person to any interview or hearing to which they are subject. The person accompanying the complainant may be an attorney, but shall not have the right to voice. In no instance and under no circumstances shall the complainant be entitled to receive an award of compensation for or reimbursement of any expenses or fees associated with the complainant’s use of an attorney.

e) *Right to Be Informed of Resolution*—The complainant shall have the right to be informed of the disposition of the complaint of the judicial proceeding as part of a holistic process of healing. Church officials are encouraged, as may be permissible, to include rationale.

3. *Rights of the Respondent* (the person to whom the procedure is being applied):

a) *Right of Impartiality*— In any judicial proceeding, the respondent shall have a right to investigation and judgement by impartial and independent parties.

b) *Right to Be Heard*—In any judicial proceeding, the respondent shall have a right to be heard before any final action is taken.

c) *Right to Notice of Hearings*—Notice of any judicial process hearing shall advise the respondent of the reason for the pro-posed procedures, with sufficient detail to allow the respondent to prepare a response. Notice shall be given not less than twenty (20) days prior to the hearing. The respondent shall have the right to be present at any judicial process hearing.

d) *Right to Be Accompanied*—The respondent shall have a right to be accompanied by a clergy person in full connection. The clergy person accompanying the respondent shall have the right of

advocacy. The respondent shall be entitled to choose one assistant counsel without voice who may be an attorney. In no instance and under no circumstances shall the respondent be entitled to receive an award of compensation for or reimbursement of any expenses or fees associated with the respondent's use of an attorney

e) Right Against Double Jeopardy—No bill of charges shall be certified by any committee on investigation after an earlier bill of charges has been certified by a committee on investigation based on the same alleged occurrences.

f) Right of Access to Records—The respondent and the Church shall have access to all records relied upon in the determination of the outcome of the committee on investigation, trial court, or appeal committee or body.⁸

4. *Rights of the Church:*

a) Right to Be Heard—In any judicial proceeding, the Church shall have the right to be heard before any final action is taken.

b) For other rights and responsibilities of the Church and counsel for the Church see ¶ 2706.

5. *Process and Procedure*

a) Failure to Appear or Respond—In the event that the respondent fails to appear for any judicial process hearing, refuses mail, refuses to communicate personally with the bishop or district superintendent, or otherwise fails to respond to requests from official judicial 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.

b) Evidence— Only evidence that is material to the complaint and deemed reliable shall be considered.

c) Communications—In any judicial proceeding, under no circumstances shall one party or counsel, in the absence of the other party or counsel, discuss substantive matters with members of the pending hearing, trial, or appellate body while the case is pending. Questions of procedure may be raised and discussed *ex parte*, but only with the presiding officer or secretary of the hearing or appellate body.

d) Healing—As a part of the judicial process, the bishop cabinet, in consultation with the presiding officer of the pending hearing, trial, or appellate body then sitting, shall provide for healing if there has been significant disruption to the congregation, the annual conference, or the context of ministry by the judicial matter. This may include a just resolution process for unresolved conflicts, support for victims, and reconciliation for all who are involved. This process may also include the sharing of information by the bishop or a cabinet member about the nature of the complaint without disclosing alleged facts underlying the complaint that might compromise the judicial process.

e) Immunity of Participants—In order to preserve the integrity of the Church's judicial process and ensure full participation in it at all times, the resident bishop, the cabinet, the presiding officer of the trial, trial officers, trial court, witnesses, counsels, assistant counsels, advocates, complainant, committee on investigation, and all others who participate in the Church's judicial process shall have immunity from prosecution of complaints brought against them related to their role in a particular judicial process, unless they have committed a chargeable offense in conscious and knowing bad faith. The complainant in any proceeding against any such person related to their role in a particular judicial process shall have the burden of proving, by clear and convincing evidence, that such person's actions constituted a chargeable offense committed knowingly in bad faith. The immunity set forth in this provision shall extend to civil court proceedings, to the fullest extent permissible by the civil laws.

f) Records of Judicial Proceedings— At the conclusion of all judicial proceedings, where allowable by civil law, complete and accurate records shall be maintained by the secretary of the annual conference, or the central or jurisdictional conference in the case of a complaint against a bishop. Records of investigations are to be held in a confidential file and shall not be released except for purposes

of trial and then only to counsels for the Church and the respondent and to the presiding officer of the trial court.

6. *A Just Resolution in Judicial Proceedings*—A just resolution is one that focuses on repairing any harm to people and communities, achieving real accountability by making things right in so far as possible and bringing healing to all the parties. Special attention should be given to ensuring that cultural, racial, ethnic, age, and gender contexts are valued throughout the process in terms of their understandings of fairness, justice, and restoration. During the just resolution process, the parties may be assisted by a trained, impartial third party facilitator(s) or mediator(s), in reaching an agreement satisfactory to all parties. Processes that seek a just resolution are encouraged at any time, including through the judicial proceedings. After the referral of a matter as a judicial complaint from counsel for the Church to the committee on investigation, if a process seeking a just resolution is used, the appropriate persons, including the counsel for the Church and the counsel for the respondent, should enter into a written agreement outlining such process, including any agreement on confidentiality. If resolution is achieved, a written statement of resolution, including terms and conditions, shall be signed by the same persons who signed the written agreement outlining the process, and they shall agree on any matters to be disclosed to third parties. If the resolution results in a change of ministerial status, the disclosure agreement shall not prevent the disciplinary disclosures required for possible readmission.

7. *Central Conferences* - A central conference shall have authority to adopt rules of procedure governing the investigation and trial of its clergy, including bishops, and lay members of the Church in accordance with ¶ 512.8.

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GBOD ¶ 2701 = 2701

⁸ See Judicial Council Decisions 691, 765.

¶ 2702. *Chargeable Offenses and the Statutes of Limitations* - 1. A bishop, clergy member of an annual conference (¶ 308.1), local pastor,⁹ clergy on honorable or administrative location, or diaconal minister may be tried when charged (subject to the statute of limitations in ¶ 2702.4)¹⁰ with one or more of the following offenses:

a) immorality including but not limited to, not being celibate in singleness or not faithful in a heterosexual marriage;¹¹

b) practices declared by The United Methodist Church to be incompatible with Christian teachings,¹² including but not limited to: being a self-avowed practicing homo-sexual; or conducting ceremonies which celebrate homosexual unions; or performing same-sex wedding ceremonies;¹³

c) crime;

d) disobedience to the order and discipline of The United Methodist Church;

e) dissemination of doctrines contrary to the established standards of doctrine of The United Methodist Church;

f) relationships and/or behavior that undermines the ministry of another pastor;¹⁴

g) child abuse;¹⁵

h) sexual abuse;¹⁶

i) sexual misconduct¹⁵ including the use or possession of pornography,

j) harassment, including, but not limited to racial and/or sexual harassment;

k) racial or gender discrimination; or

l) fiscal malfeasance.

2. A bishop, clergy member of an annual conference, or diaconal minister may be brought to trial when the appropriate body recommends involuntary termination.¹⁷

3. A professing member of a local church may be charged with the following offenses, and, if so, may choose a trial:

- a) immorality;
- b) crime;
- c) disobedience to the order and discipline of The United Methodist Church;
- d) dissemination of doctrines contrary to the established standards of doctrine of The United Methodist Church;
- e) sexual abuse;
- f) sexual misconduct;¹⁸
- g) child abuse;
- h) harassment, including, but not limited to racial and/or sexual harassment;
- i) racial or gender discrimination;
- j) relationships and/or behaviors that undermine the ministry of persons serving within an appointment; or
- k) fiscal malfeasance.

4. *Statute of Limitations*—No judicial complaint or charge shall be considered for any alleged occurrence that shall not have been committed within six years immediately preceding the filing of the original complaint, except in the case of sexual or child abuse and in the case of immorality or crime, when the alleged occurrence(s) include allegations of sexual abuse or child abuse, there shall be no limitation.¹⁵

Time spent on leave of absence shall not be considered as part of the six years.

5. *Time of Offense*—A person shall not be charged with an offense that was not a chargeable offense at the time it is alleged to have been committed. Any charge filed shall be in the language of the *Discipline* in effect at the time the offense is alleged to have occurred except in the case of immorality or crime, when the alleged occurrence(s) include allegations of sexual abuse or child abuse. Then it shall be in the language of the *Discipline* in effect at the time the charge was filed. Any charge must relate to an action listed as a chargeable offense in the *Discipline*.

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GBOD ¶ 2702 = 2702

9. See Judicial Council Decision 982.

10. The statute of limitations went into effect as law on a prospective basis starting on January 1, 1993. All alleged offenses that occurred prior to this date are time barred. See Judicial Council Decisions 691, 704, and 723.

11. The language beginning “including but not limited to . . .” first appeared in the 2004 *Discipline*, effective January 1, 2005.

12. See Judicial Council Decisions 702, 984, 985, 1185.

13. The language beginning “including but not limited to . . .” first appeared in the 2004 *Discipline*, effective January 1, 2005.

14. See Judicial Council Decision 702.

15. This offense was first listed as a separate chargeable offense in the 1996 *Discipline* effective April 27, 1996. See Judicial Council Decision 691.

16. See Judicial Council Decisions 736, 768

17. See Judicial Council Decision 767.

18. This offense was first listed as a separate chargeable offense in the 2000 *Discipline*, effective January 1, 2001. See Judicial Council Decision 691.

¶ 2703. *Miscellaneous Provisions*- 1. Any clergy members residing beyond the bounds of the conference in which membership is held shall be subject to the procedures of fair process in judicial proceedings exercised by the appropriate officers of the conference in which he or she is a member, unless the presiding bishops of the two annual conferences and the clergy member subject to the procedures agree that fairness will be better served by having the procedures carried out by the appropriate officers of the annual conference in which he or she is serving under appointment, or if retired, currently residing.

2. When a bishop, clergy member, or diaconal minister is the respondent to a complaint under ¶ 353 and desires to withdraw from the Church, the central or jurisdictional conference in the case of a bishop, the annual conference in the case of a clergy member, or the district conference (where there is no district conference, the charge conference) in the case of a diaconal minister will ask him or her to surrender his or her credentials and will remove his or her name from professing membership; in which case the record shall be “Withdrawn under complaints” or “withdrawn under charges,” whichever is appropriate.

3. When a professing member of the Church is charged with an offense and desires to withdraw from the Church, the charge conference may permit such member to withdraw his or her name from the roll of professing members, in which case the record shall be “Withdrawn under complaints.” If formal charges have been presented, such member may be permitted to withdraw, in which case the record shall be “Withdrawn under charges.”

4. In all matters of judicial administration, the rights, duties, and responsibilities of clergy members, local pastors, clergy on honorable or administrative location, and diaconal ministers of missions, missionary conferences, and provisional annual conferences are the same as those in annual conferences, and the procedure is the same.

5. For procedural purposes, the judicial process shall be governed by the *Discipline* in effect on the date a complaint is forwarded to the counsel for the Church.

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GBOD ¶ 2703 = 2719

Section III. Procedures for Referral and Investigation of a Judicial Complaint

¶ 2704. *Generalities on Investigation*— The role of the committee on investigation is to conduct an investigation into the allegations made in the judicial complaint and to determine if reasonable grounds exist to bring a bill of charges and specifications to trial. If so, it shall prepare, sign and certify a bill of charges and specifications. The committee’s duty is only to determine whether reasonable grounds exist to support the charges. It is not the committee’s duty to determine guilt or innocence.

>VII: —<

GBOD ¶ 2704 = 2706.1

¶ 2705. *Committee on Investigation*— 1. There shall be a committee on investigation elected by each central or jurisdictional conference, becoming active when the respondent is a bishop.

2. There shall be a committee on investigation in each annual conference, elected quadrennially by the annual conference, becoming active when the respondent is a clergyperson.

3. The district superintendent shall appoint a committee on investigation when the respondent is a layperson.

4. Central conferences shall establish provisions for committees on investigation on central and annual conference levels. Committees on investigation shall consist of no less than seven members. Jurisdictional conferences and annual conferences in jurisdictions shall follow the procedures in Part VII of the *Discipline*.

>VII: 2705.001<

GBOD ¶ 2705.1 = 2703.1; 2705.2=2703.2; 2705.3=2703.3; 2705.4=new

¶ 2706. *Procedures for Investigations*- Central conferences shall establish provisions on procedures for investigations of a judicial complaint. Jurisdictional conferences and annual conferences in jurisdictions shall follow the procedures in Part VII of the *Discipline*.

>VII:2706.001-2706.003<

GBOD ¶ 2706 = new

Section IV. Trials

¶ 2707. *Generalities on Trials* — 1. *Fundamental Principles for Trials*-Church trials are to be regarded as an expedient of last resort. Only after every reasonable effort has been made to correct any wrong and adjust any existing difficulty should steps be taken to institute a trial. No such trial as herein provided shall be construed to deprive the respondent or the Church of legal civil rights, except to the extent that immunity is provided as in ¶ 2701.4e. All trials shall be conducted according to the *Discipline* in a consistent Christian manner by a properly constituted court after due investigation.

2. *Open or Closed Trials*—The deliberations of the trial court shall be closed. All other sessions of the trial shall be open. The presiding officer may, in extenuating circumstances, in his or her judgment on motion of counsel for either party or on the presiding officer's own motion, declare a particular session of the court to be closed. At all times, however, in the hearing portion of the trial, the presiding officer, the members of the trial court, the person(s) making the original complaint, the person representing the Church as well as counsel for the Church, the respondent, and counsel for the respondent shall have a right to be present.

>VII: —<

GBOD ¶ 2707.1 = 2707.1; 2707.2=2708.12

¶ 2708. *Trial Court*- 1. The presiding officer of the court shall be a bishop when the respondent is a bishop or a clergyperson, and the district superintendent or another clergyperson in full connection designated by the district superintendent when the respondent is a layperson.

2. No one can serve in the same case as a member both of the committee on investigation and of the trial court.

3. Central conferences shall establish provisions for a trial court. The trial court shall consist of no less than seven members. Jurisdictional conferences and annual conferences in jurisdictions shall follow the procedures in Part VII of the *Discipline*.

>VII:2708.001-2708.002<

GBOD ¶ 2708.1 = 2708.1+new; 2708.2+3 = new

¶ 2709. *Procedures in Trials*- Central conferences shall establish provisions on procedures for trials. Jurisdictional conferences and annual conferences in jurisdictions shall follow the procedures in Part VII of the *Discipline*.

>VII:2709.001-2709.005<

GBOD ¶ 2709 = new

Section V. Appeals

¶ 2710. *Generalities on Appeals*- 1. In all judicial procedures, the rights of appeal shall be adequately safeguarded.

2. The appellant shall within thirty days give written notice of appeal and at the same time shall furnish a written statement of the grounds of the appeal, and the hearing in the appellate body shall be limited to the grounds set forth in such statement.²⁰

3. An appeal shall not be allowed in any case in which the respondent has failed or refused to be present in person or by counsel at the investigation and the trial.

4. The records and documents of the trial, including the evidence, and these only, shall be used in the hearing of any appeal.

5. The appellate body shall determine two questions only: *a)* Does the weight of the evidence sustain the charge or charges? *b)* Were there such errors of Church law as to vitiate the verdict and/or penalty? The appellate body shall in no case hear witnesses.

>VII: 2710.001<

GBOD ¶ 2710.1 = 543.12; 2710.2 = 2715.1; 2710.3 = 2715.3; 2710.4-5 = 2715.6-7

²⁰ See Judicial Council Memorandum 826.

¶ 2711. *Committee on Appeals*- 1. There shall be a committee on appeals elected by each central or jurisdictional conference, becoming active when the appellant is a bishop or a clergyperson.

2. When the appellant is a layperson, the district superintendent shall appoint a committee on appeals from among lay leaders or lay members of the annual conference.

3. No one who has already served as a member of the committee on investigation or the trial court on the case concerned can serve as a member of the committee on appeals on the same case.

4. Central conferences shall establish provisions for a committee on appeals. The committee on appeals shall consist of no less than seven members. Jurisdictional conferences and annual conferences in jurisdictions shall follow the procedures in Part VII of the *Discipline*.

>VII:2711.001-2711.002<

GBOD ¶ 2711.1 = 2716.1; 2711.2=2717.3; 2711.3+4 = new

¶ 2712. *Procedures in Appeals*- Central conferences shall establish provisions on procedures for appeals. Jurisdictional conferences and annual conferences in jurisdictions shall follow the procedures in Part VII of the *Discipline*.

>VII:2712.001<

GBOD ¶ 2712 = new