

Chapter 27

Changes in Conference Relationship

Changes of Conference Relationship

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Changes of Conference Relationship

When a change in conference relationship is deemed necessary or desirable by a provisional or associate member, clergy in full connection, district superintendent or bishop, whether for a short or long term, the person(s) requesting the change shall make written request to their board of ordained ministry stating the reasons for the requested change of relationship. In addition, the board of ordained ministry may request personal interviews with the provisional or associate members and members in full connection named in the requested change, except where personal appearance results in undue hardship. Clergy appointed to a general agency...shall be covered by the policies of the agency in relation to family leave, maternity or paternity leave and incapacity leave. (§353)

It should be noted that the procedures governing changes of conference relationship for provisional, associate, and full conference members also apply to local pastors seeking maternity or paternity leave, incapacity leave, or retirement.

Procedures for Discontinuance

1. Discontinuance of Provisional members (§327.6)

- **Voluntary Discontinuance** – When a provisional member requests discontinuance, the Board of Ordained Ministry (BOM) should conduct an interview to determine the reasons and include a record of the rationale in the provisional member’s annual conference personnel file for future reference.
- **Involuntary Discontinuance** – When the BOM recommends that a provisional member be involuntarily discontinued, the provisions of “Fair Process for Administrative Complaints” (§361.3) shall be observed, and the administrative review committee shall review the process (See Judicial Council Decision 921). The provisional member is to be interviewed by a committee of the BOM. However, this committee should not be the executive committee of the BOM since it may be called upon to hear an appeal of the board’s recommendation.

When a provisional member is charged with an offense under ¶2702 and desires to discontinue membership in the annual conference (¶327.6), the record shall indicate “Withdrawn under charges” and that person’s status shall be the same as if expelled (¶2719.2). Provisional members do not have a right to a trial unless the bishop refers a complaint to the committee on investigation under the provisions of ¶361.1d (3). See Judicial Council Decision 830 and 852. When a complaint is referred to the committee on investigation, the fair process provisions of ¶2701 shall be followed.

- The provisional member shall be supplied with relevant documents and advised of the right to a hearing before the executive committee of the conference BOM.
- The BOM may recommend that a person be discontinued as a provisional member and approved as a local pastor. Under these circumstances, such persons may be granted a license for pastoral ministry only after their provisional membership credentials have been surrendered to the district superintendent. These actions should be noted in the personnel file.

The district superintendent named by the bishop as a representative of the cabinet shall not participate in the deliberations of the BOM and its committees, and voting in such bodies, on the administrative processes related to the involuntary discontinuation of provisional members. In any such matter, the district superintendent shall not be present for the deliberations and the vote, and shall not discuss with the BOM and its committees substantive issues in the absence of the responding clergyperson. (Judicial Council Decision 917)

- **Surrender of Credentials** – When a provisional member discontinues or is discontinued by action of the annual conference, the provisional member shall surrender commission or ordination credentials to the district superintendent for deposit with the conference secretary.
- A notation on the receipt of credentials and their forwarding to the conference secretary shall be placed in the provisional member’s supervisory file with a copy placed in the permanent personnel files of the annual conference.
- In the event credentials are not voluntarily surrendered after reasonable attempts to gain their return, the district superintendent shall place a statement in the supervisory record of the cabinet and permanent personnel records of the annual conference which confirms their absence and outlines the effort made to obtain them.
- It is important to note that the district superintendent is responsible for the return of provisional membership (license or ordination) credentials, which are no longer valid. The district superintendent must make an effort

to receive these credentials, must document efforts to obtain them when they have not been returned, and must place these certificates or records in the hands of the secretary of the conference.

2. Discontinuance of Local Pastors (§320.1, .2)

- **Voluntary or Involuntary Discontinuance** – Local pastors do not have a right to an annual appointment. They may withdraw from licensed ministry at their own request or, at the discretion of the bishop, be discontinued upon written notice by the bishop or district superintendent.
- If a local pastor does not receive a recommendation for continuance from the district committee on ordained ministry (dCOM) or the approval of the BOM, that person shall not be continued as a local pastor.
- When a person is involuntarily discontinued as a local pastor, the dCOM shall report the circumstances of discontinuance to the BOM, which in turn shall report them to the bishop (§320.1).
- The registrar of the BOM shall also place a copy of the report on the circumstances of discontinuance in the permanent personnel files maintained by the conference secretary, treasurer, or other officer designated by the annual conference. 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.
- Once a local pastor has been discontinued from an annual conference, 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)
- **Surrender of Credentials** – Discontinued local pastors shall surrender their license to the district superintendent for deposit with the secretary of the annual conference.
- A notation on the receipt of credentials and their forwarding to the conference secretary shall be placed in the local pastor’s supervisory file with a copy placed in the permanent personnel files of the annual conference.

When a local pastor is charged with an offense under §2702 and desires to discontinue conference membership as a local pastor (§320.2), the record shall indicate “Withdrawn under charges” and that person’s status shall be the same as if expelled. (§2719.2) Local pastors do not have a right to a trial unless the bishop refers a complaint to the committee on investigation under the provisions of §361.1d (3). If a complaint is referred, the fair process provisions of §2701 shall be followed. (See Judicial Council Decision 982)

Procedures for Changes of Conference Relations

1. *Voluntary Leave of Absence* – for provisional members, associate members, and members in full connection who for sufficient reason choose to temporarily take leave from their ministerial appointment. (§354)

a) Voluntary Leaves

- (1) *Personal Leave* – A relationship granted to clergy who self-determine for personal reasons that they are temporarily unable or unwilling to continue in a ministry appointment.
- (2) *Family Leave* – A relationship that is granted to clergy who, because of an immediate family member's need for full-time care, are temporarily unable to continue in a ministry appointment.
- (3) *Transitional Leave* – A leave granted for up to 12 months with approval of the bishop and the board of ordained ministry executive committee to provisional and associate members and full clergy members in good standing who are temporarily between appointments.

b) The Process

- Those with sufficient reason may request in writing a voluntary leave through the board of ordained ministry, with a copy of the request sent to the bishop and their district superintendent. This leave is granted or renewed by vote of the clergy members in full connection upon recommendation by the board of ordained ministry.
- Written request for a voluntary leave of absence, **with the exception of transitional leave**, should be made at least ninety days prior to the annual conference session giving specific reasons for the request.
- This relationship shall be approved annually upon written request of the clergy member, and personal or family leave shall not be granted for more than five years in succession, **except by a two-thirds vote of the clergy members in full connection.**
- Between sessions of the annual conference, voluntary leave of absence may be granted or terminated, with the approval of the

bishop and district superintendents, by the executive committee of the board of ordained ministry.

It is important to note that between sessions of the annual conference, it is the executive committee of the BOM that approves or terminates the leave, not the cabinet. While this may not be done without the approval of the bishop or cabinet, it is the executive committee that acts on behalf of the clergy members in full connection subject to ratification at the next clergy session of the annual conference.

- When an end to voluntary leave of absence is requested, **except for transitional leave**, it shall be by written request at least six months prior to the session of annual conference.
- When the board has determined that the circumstances of the voluntary leave have not been alleviated or resolved and the request is denied, the board will inform the person of the remaining options which include: a) remaining on voluntary leave of absence; b) taking honorable location; c) being recommended to the bishop and district superintendents to be placed on involuntary leave, administrative location, or involuntary retirement, using the fair process of ¶362.2; or d) such other action as deemed appropriate.

It should be noted that Judicial Council Decisions require that the fair process of ¶ 362.2 be used for involuntary leave of absence if it is initiated as the option when a pastor's request to come off of voluntary leave is denied. (See Decisions 689 and 782) Failure to follow this procedure may result in restitution of clergy status with retroactive salary and benefits. (See Decision 782)

- When clergy members on voluntary leave of absence do not request an annual extension of the leave of absence during the five-year period or do not indicate willingness to return to the itinerant ministry at the end of the five-year period, following documented efforts to make contact with the clergyperson, the provisions of location (¶359) or the complaint procedures of ¶361 may be invoked.

c) The Conditions

- Should there be active complaints or charges, a request for voluntary leave of absence shall not be permitted until those complaints or charges have been resolved.

- Clergy on voluntary leave of absence shall have no claim on the conference funds. They may participate in the conference health program through their own contributions. **However, in exceptional circumstances, on recommendation of the bishop and district superintendents, salary and/or other benefits may be granted to a clergy member by vote of the clergy session of members in full connection.**
- **Clergypersons on voluntary leave shall be eligible for membership on annual conference committees, commissions, or boards. They may vote for other clergy delegates to general or jurisdictional conferences and may be elected to serve as delegates themselves as authorized by the Constitution of The United Methodist Church.**
- After consultation and with the written consent of the pastor in charge, and with the approval of the district superintendent and the staff/pastor-parish relations committee of a local church, clergy members shall designate a charge conference within the bounds of the annual conference to which they shall relate and submit an annual report.
- The leave shall be counted as a part of the eight-year limit for provisional members (§327) unless the limit is extended by the clergy session of members in full connection with the annual conference upon the recommendation of the board of ordained ministry.

2. Involuntary Leave of Absence

a) Request for Involuntary Leave – An involuntary leave may be requested by the bishop and the district superintendent when:

- A written or signed complaint is not resolved through the supervisory response process (§362.1b) within 120 days and is referred as an administrative complaint (§362.1d)
- Remedial action is required to address allegations of incompetence, ineffectiveness, or unwillingness or inability to perform ministerial duties, which becomes an administrative complaint. (§362 and 363)
- An administrative or judicial complaint requires more than a 90-day suspension. (§362.1c) Should there be complaints or charges pending at the time of a request for involuntary leave of absence, they should be placed in the clergyperson's personnel file. All

subsequent actions concerning such entries should be duly noted and placed in the file.

b) The Process

- The bishop and the district superintendents may request an involuntary leave of absence without the consent of the clergy person at least 90 days prior to the annual conference session. They shall give to the clergy member and the board of ordained ministry in writing specific reasons for the request.

A written request by the district superintendents to place a clergyperson on involuntary leave of absence...does not constitute a complaint. (Judicial Council Decision 973)

- Involuntary leave of absence shall be approved by two-thirds vote of the clergy session of members in full connection with the annual conference. By two-thirds vote of the clergy session of members in full connection with the annual conference, **upon recommendation of the bishop, district superintendents, and board of ordained ministry, the 90-day notice requirement may be waived.** Involuntary leave shall be approved annually upon written request of the district superintendents and shall not be approved for more than three years in succession.
- Between sessions of the annual conference, an involuntary leave of absence may be granted or terminated, with the approval of the bishop and cabinet, by the executive committee of the board of ordained ministry. This interim action shall be subject to the approval of the clergy session of members in full connection with the annual conference at its next session.
- When an end to the involuntary leave of absence is requested by the bishop and district superintendents, it shall be by written request at least six months prior to the session of annual conference. The board of ordained ministry shall review the circumstances surrounding the granting of the relationship for the purpose of determining whether the conditions of the leave have been met. If the board determines that the conditions of the involuntary leave have not been resolved, they may recommend other courses of remedial action as stated in ¶363.
- If the district superintendents and bishop do not intend to extend the involuntary leave of absence beyond the three years, they shall notify both the board of ordained ministry and the clergyperson at least six months prior to the session of the annual conference to permit clergypersons to exercise their options. The clergyperson

shall have the right to request a change to a voluntary leave of absence or termination of the involuntary leave of absence.

c) The Conditions

- The fair process for administrative hearings as set forth in ¶362.2 shall be followed in any involuntary leave of absence procedure. The clergyperson has a right to a hearing before the bishop, district superintendents, and executive committee of the board of ordained ministry prior to being placed on involuntary leave of absence.

Bishops and district superintendents shall not participate as voting members in a hearing concerning involuntary leave of absence and 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. To do so would violate fair process . . . (Judicial Council Decision 950)

- Clergy on involuntary leave shall have no claim on the annual conference funds. The annual conference assumes no financial responsibility for salary, pension, or other benefits for clergy on involuntary leave of absence. They may participate in the conference health plan through their own contributions.
- Clergy placed on involuntary leave shall designate a charge conference within the bounds of the annual conference. Ministerial service shall be limited to that charge and shall only be provided with the written consent of the pastor in charge and with the approval of the district superintendent, bishop, and pastor/staff-parish relations committee.
- **Clergy on involuntary leave shall not participate in the boards and agencies of the annual conference, be delegates to general and jurisdictional conferences, or vote on other clergy delegates.**
- Any consecutive combination of voluntary and involuntary leaves of absence shall be counted in the five-year limitation on a leave of absence, unless it is extended by the clergy session of members in full connection with the annual conference upon the recommendation of the board of ordained ministry.
- The administrative review committee (¶635) shall ensure that the disciplinary procedures for involuntary leave of absence were properly followed. The entire process leading to the recommendation for involuntary leave of absence and its resolution 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.

Careful attention should be given to the administrative review committee ¶635. Please note that the purpose of this committee is to be sure that the *Disciplinary* procedures for involuntary leave of absence and fair process (¶¶362.2, 635) are properly followed. This is important since the person being placed on involuntary leave does not have a right to a trial, only a hearing before the bishop, cabinet, and executive committee of the BOM.

3. *Maternity/Paternity Leave* (¶356)

a) **The Conditions**

- Maternity or paternity leave is available to any local pastor, provisional member, associate member, or ordained minister in full connection who requests up to one-fourth of a year at the birth or arrival of a child into the home for purposes of adoption.
- Local pastors, provisional members, associate members and members of the annual conference in full connection have a right to a maternity/paternity leave upon request. It is appropriate that all parties cooperate for the good of the Church and the conference members involved.

b) **The Process**

- The protocol for requesting such a leave does not preclude the possibility that in unusual circumstances, approval for a leave can be granted with less than a (90) ninety-day notification.
- Although maternity/paternity leave is a right which the *Discipline* gives to local pastors, provisional members, associate members, members of the annual conference in full connection, all other voluntary leaves are privileges which must be approved by the clergy session of members in full connection with the annual conference after recommendation by appropriate BOMs and agencies.

4. *Incapacity Leave* (¶357)

a) **The Conditions**

- An incapacity leave may be granted or required of clergy when they are unable to perform their ministerial work because of incapacity due to health matters and disabling conditions.

b) The Process

- Incapacity leave may be granted upon reasonable and appropriate investigation by the Joint Committee on Incapacity or “the party responsible for managing the incapacity of clergy.”
- This leave may be requested by a clergy member, or it may be initiated by the cabinet without the pastor’s consent.
- It may be granted or required between sessions of the annual conference.
- **Because of the sensitive nature of involuntary changes in conference relationships, a cabinet should be very cautious about recommending or requiring an involuntary incapacity leave. The fair process provisions of ¶362.2 should be followed, and the district superintendents should only take action when the executive committee of the BOM has indicated its approval with a vote of its members.**
- **Although not required by the *Discipline*, it is recommended that the process leading up to an involuntary disability leave be examined by the administrative review committee and a report be made to the clergy members in full connection of the annual conference.**

5. Retirement (¶358)

a) Retirement Requests

- Under normal circumstances, requests for retirement are sent to the bishop, cabinet, and BOM. Annual conference action on retirement is then taken upon recommendation of the BOM.

b) Involuntary Retirement (¶358.3)

- In rare instances, the BOM may recommend the retirement of a conference member without his or her consent. Although constitutionally acceptable and affirmed in Judicial Council Decision 522, such action should be taken with extreme caution and only when all other options have been exhausted.
- The procedures for fair process in administrative hearings shall be followed in any involuntary retirement procedure.
- Written notice of the intended action shall be given to such member by the board of ordained ministry at least one hundred and eighty days prior to annual conference.
- The administrative review committee shall ensure that the disciplinary procedures for involuntary retirement were properly followed.

The district superintendent named by the bishop as a representative of the cabinet shall not participate in the deliberations of the BOM and its committees, and voting in such bodies, on the administrative processes related to the involuntary retirement. (Judicial Council Decision 917)

6. Honorable Location (§359)

a) Honorable Location Requests

- The BOM shall interview clergy requesting honorable location and make a recommendation to the annual conference.

b) Conditions

- Those recommended shall be in good standing, shall not be under judicial complaints, and shall intend to discontinue service in the itinerant ministry.
- **Honorable location is not an acceptable alternative when the cabinet has a judicial complaint which should be forwarded to the committee on investigation.**
- A certificate of location shall be signed by the bishop and given to those granted location.
- The BOM shall provide guidance and counsel to conference members entering honorable location.
- Clergy on honorable location retain their orders, maintain a relationship with the annual conference through the charge conference where membership is held, and are accountable for their character and the performance of ministry.

c) Honorable Location Retirement (§359.3)

- Located Ministers may apply for and be granted the status of honorable location retired.
- It is important to remember that both the annual conference and the pastor in charge are responsible for supervising the ministerial service of a clergyperson on honorable location.
- Only ministers of good moral character and conduct and a good service record should be allowed to enter or be permitted to continue on location.

Each Annual Conference has authority to determine health benefits for its clergy and the requirements for eligibility. A person granted the status of honorable location-retired may qualify for pension . . .

(Judicial Council Decision 717)

7. *Withdrawal* (§360)

a) To Unite with Another Denomination (§360.1)

- Ordained members in good standing may surrender their credentials and withdraw to unite with another denomination.
- When authorized by the annual conference, the bishop and conference secretary may return these credentials with an inscription dismissing the person from the ministry of The United Methodist Church. (See Judicial Council Decision 696)
- **When judicial complaints or charges are pending or are under consideration by the committee on investigation, the conference has the right to retain the credentials of a conference member seeking to unite with another denomination.**
- **When judicial action is pending, it is the responsibility of the cabinet and the BOM to share information on the complaint when requested by the judicatory receiving the conference member.**

b) From the Ordained Ministerial Office (§360.2)

- Associate members and full conference members in good standing may leave their ministerial office and withdraw from the conference.
- Credentials are to be given to the district superintendent and deposited with the conference secretary.
- Membership may be transferred to a local church after consultation with the pastor.

c) Under Complaints Or Charges (§360.3)

- When clergy members are accused of an offense under ¶2702 and desire to withdraw from the membership of the annual conference, their credentials shall be surrendered to the district superintendent for deposit with the conference secretary.
- The complaints or charges shall be placed in the permanent personnel files of the annual conference maintained by the conference secretary or other officer designated as the custodian.

- When a clergy member or a diaconal minister is charged with an offense under ¶2702 and withdraws from the Church, the record shall indicate “Withdrawn under charges” and that person’s status shall be the same as if expelled. (¶2719.2)

An ordained minister who withdraws under complaints or charges forfeits the constitutional right to trial. (Judicial Council Decision 691)

d) Between Conference Sessions (¶360.4)

- When withdrawal or surrender of the office of an ordained minister occurs between sessions of the annual conference, credentials are surrendered to the district superintendent, and a letter of withdrawal along with any complaints or charges are to be given to the conference secretary for deposit in the permanent personnel files of the annual conference.
- This interim action shall be reported by the BOM for confirmation at the next session of the annual conference.

The Judicial Council declared that when a person withdraws between sessions of the annual conference, that withdrawal becomes effective immediately. (Judicial Council Decision 691)

8. Administrative Location (¶363.3)

a) Cabinet Request for Administrative Location

- When the cabinet finds that a clergy member of the annual conference is unable to competently and effectively perform the duties of itinerant ministry, they may refer the matter to the BOM for a recommendation concerning administrative location.

b) Board of Ordained Ministry Process

- When received by the BOM, the request of the cabinet may either be referred to the BOM as a whole or to a committee of the BOM which deals with matters of conference relations (other than the executive committee). The fair process provisions of ¶362.2 must be followed in any administrative location procedure. (See Judicial Council Decision 695 and 643) However, the right to a trial is not assured.
- Whenever the BOM considers a recommendation for administrative location, the chairperson of the BOM shall inform the chairperson of the administrative review committee (¶635) of the BOM’s consideration and action.

c) Administrative Review Committee Process

- The administrative review committee shall make a report to the clergy session of members in full connection on the entire process leading to a recommendation for administrative location. The purpose of the report is to document that the *Disciplinary* provisions for administrative location were followed.
- The administrative review committee does not assess the merits of a recommendation for administrative location, but simply makes sure that the provisions of the *Discipline* have been followed. It may wish to report on additional actions taken by the bishop, BOM, or cabinet that go beyond those required by the *Discipline*.
- At any point in the process, it also may wish to voice its concern if the required steps have not been followed and recommend remedial action to the bishop or chairperson of the BOM. The committee has the right to retain in confidence, a complete record of the matters it reviews.

9. Conference Relations of Diaconal Ministers (1992 Book of Discipline, ¶313)

c) Personal Leave of Absence

- A diaconal minister may request a personal leave under the provisions of *The 1992 Book of Discipline*, ¶313.1d.
- In exceptional circumstances, an extended leave, beyond that described in ¶313.1d, may be granted with the approval of the conference BOM, *The 1992 Book of Discipline*, ¶313.1e.
- When a diaconal minister is on extended leave, he or she shall not have voice or vote in the annual conference.
- He or she may request reinstatement upon recommendation of the conference BOM and vote of the annual conference.

b) Maternity/Paternity Leave

- The rules governing maternity/paternity leave for diaconal ministers are found in *The 1992 Book of Discipline*, ¶313.1b.

c) Disability Leave

- Diaconal ministers may receive a disability leave under the provisions of *The 1992 Book of Discipline*, ¶313.1a.

d) Retired Relationship

- Diaconal ministers may be placed in the retired relationship by action of the members of the Annual conference at their own request or on recommendation of the conference board of ordained ministry, *The 1992 Book of Discipline* ¶313.2.

e) Withdrawal/Termination of Diaconal Ministers

- Diaconal ministers may voluntarily withdraw from membership in the annual conference under the provisions of *The 1992 Book of Discipline*, ¶313.3a.
- A diaconal minister's relationship to the annual conference may be terminated by a two-thirds vote of the members of the annual conference on recommendation of the BOM, *The 1992 Book of Discipline* ¶313.3b.
- Termination may be recommended, in consultation with the diaconal minister in question, on the basis of incompetence in professional function, indifference to the work of the ministry, or personal conduct which is deemed seriously to impair usefulness as a diaconal minister.

Complaint Procedures (¶361)

1. Complaints and Supervision (¶361.1a)

a) Review of a Violation of Trust

- Whenever clergy members of an annual conference are accused of violating the sacred trust granted to them in licensing, ordination, commissioning, 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

b) A Just Resolution

- 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 and gender contexts are valued throughout the process in terms of their understandings of fairness, justice, and restoration.

c) Filing a Complaint with the Office of the Bishop

- The bishop and district superintendent are authorized to initiate or receive written complaints about the performance or character of a conference member.
- When a complaint is received by the bishop, both the person making the complaint and the person against whom the complaint is made will be informed in writing of the process to be followed (See Judicial Council Decision 974).
- Complaints come in many forms. Frequently, the person filing the initial complaint will want to speak privately about a matter without putting it in writing. The district superintendent or bishop will want to inform the person filing the initial complaint as well as the clergyperson of the complaint process and its purpose.
- As much as possible, an initial complaint should be written with specifications containing as many facts as are available, such as date, place, and specific events alleged to have occurred.

2. Supervisory Response (§361.1b)

a) Full Inquiry into the Complaint

- Whenever the performance or character of a clergy member of an annual conference is brought into question, it is the responsibility of the district superintendent or the bishop to inquire fully into the nature of the accusation. The complaint shall be treated as an allegation or allegations during the supervisory process.
- The bishop or a district superintendent seeking to resolve the issue through an appropriate supervisory response may be guided by conference policies.

b) Exploration of Options

- The supervisory response to any serious questions should be weighed carefully in consultation with the bishop and cabinet. Options open to the bishop or district superintendent include:
- Assistance from persons experienced in assessment, intervention, or healing;
- Consultation with the pastor-parish relations committee, the committee on superintendency or other appropriate personnel committee;
- A process that seeks a just resolution through a trained, impartial third party facilitator or mediator.

c) Seeking A Just Resolution

- A process seeking a just resolution may be begun at any time in the supervisory or complaint process.
- This is not an administrative or judicial proceeding, and unless otherwise agreed by the parties in writing, what is shared by the parties shall be kept confidential and not be used in any Church proceeding and, to the extent possible by law, in a civil or criminal proceeding.
- **When the supervisory response is initiated, the bishop may notify the chairperson of the board of ordained ministry that a complaint has been filed, the name of the clergy person, the general nature of the complaint; and, when concluded, the disposition of the complaint.**
- Mediation is one of the bishop's options during the supervisory response. It can go forward only when all parties voluntarily agree to it. As with reconciliation, even after mediation, the bishop may still believe the matter needs to be referred on as a complaint.
- **Complaints may be dismissed when no one is willing to put the complaint in writing, and it is the judgment of the cabinet that the complaint is without sufficient evidence of merit to proceed further. A written initial complaint may be dropped if the bishop believes it is groundless.**
- **Complaints also may be dropped by the bishop when the supervisory process leads to reconciliation between all parties and, in the judgment of the bishop, no additional action is necessary.**
- **However, when the bishop decides not to forward an initial complaint for whatever reason, or if there is reconciliation, it is advisable that a record of the complaint, decision not to forward or reconciliation be kept in the personnel records of the conference and supervisory files of the bishop and cabinet.**

3. *Suspension (§361.1c)*

a) Conditions

- 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.
- During the suspension, salary, housing, and benefits are continued and the rights of conference membership are retained.

b) Purpose

- Suspension gives the annual conference the means by which the interests of the Church, clergy and complainant can be protected for a limited period of time under urgent circumstances.
- It also gives the annual conference time to address serious accusations that may require some additional consideration and action.

c) Process

- Suspension requires: a) the recommendation of the bishop or cabinet; b) the approval of the executive committee of the BOM; and c) the action of the bishop based on the decision of the executive committee of the BOM.
- **The *Discipline* does not allow the bishop or the cabinet to suspend a clergy member without first obtaining approval from the executive committee of the BOM.**
- **Although the decision to suspend is reserved for the executive committee of the BOM, this does not mean that the matter must wait until the next meeting of the executive committee or the submission of a formal complaint.**
- **The bishop and the 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 have counsel for the Church submit a written complaint which can then be forwarded to the committee on investigation (judicial complaint) or the BOM (administrative complaint).**

4. Referral of Complaint (§361.1d)

a) Judicial Complaint

- If the bishop and/or district superintendent cannot resolve the matter relating to **chargeable offenses** through the supervisory options chosen, the matter is referred by the bishop to the counsel for the Church who drafts (revises initial complaint) and forwards a judicial complaint to the committee on investigation.
- A judicial complaint may be forwarded as charges by the committee to the trial court, and on conviction, may result in termination of clergy membership.

Ministers from other denominations while serving under appointment in an Annual Conference are amenable to the Annual Conference for obedience to the same standards of character and conduct as those required of United Methodist clergy. They are included in the procedures in ¶360, with the exception of those provisions which apply specifically to termination of conference membership or surrender of United Methodist credentials. (Judicial Council Decision 676)

- The obvious concern is to avoid intimidation of the complainant by the pastor or friends of the pastor. To have the complaint process function properly, the complainant must feel safe and be safe from any influence or pressure.
- The bishop and/or district superintendent, as part of the supervisory process, should specifically tell the respondent that he should not attempt to call, meet with, write to, or otherwise try to contact the complainant or participate if the complainant initiates contact.
- Further, the pastor should be aware that the complainant has been given a similar instruction along with a request that any attempted contact by the pastor be reported. The pastor should not in any way attempt to have friends or family contact the complainant in relation to the complaint.
- The bishop or the district superintendent needs to tell the complainant that during the complaint process, contact should not occur. The complainant should not initiate contact with the pastor.
- If the pastor attempts contact, the complainant should decline, then promptly inform the district superintendent or advocate of the attempt.
- There may be instances in the complaint process in which a controlled communication may be desirable (meeting with advocates and counsel present mediation) but there should be no contact without third parties being present to monitor the interaction.
- **The *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 with a complainant will end a complaint process or mean that no penalty should be imposed on the accused.**
- **Reconciliation at the supervisory level may result in an end to the matter. For example, if the bishop learns that the parties have reconciled their differences relating to one minor incident of alleged sexual harassment (e.g., inappropriate comment) and the bishop believes that the clergyperson is fully fit and**

able to continue in ministry, then the bishop may decide not to proceed further.

- However, if the allegations are serious (e.g., sexual misconduct involving inappropriate grabbing, attempted rape, etc.), then even if the complainant forgives the clergyperson, the bishop probably should forward the matter as a judicial complaint regardless of whether the parties say they have “reconciled,” when, as in this second example, there are serious questions about whether this pastor is fit to stay in ministry either in the short term or on a long term basis.

b) Administrative Complaint (§362)

- If the bishop determines that the complaint is based on allegations of incompetence, ineffectiveness, unwillingness or an inability to perform ministerial duties, the bishop may refer the complaint as an administrative complaint to the BOM for its consideration of remedial or other action.

The district superintendent named by the bishop as a representative of the cabinet shall not participate in the deliberations of the BOM and its committees, and voting in such bodies, on the administrative processes related to an administrative complaint. In any such matter, the district superintendent shall not be present for the deliberations and the vote, and shall not discuss with the BOM and its committees substantive issues in the absence of the responding clergyperson. (Judicial Council Decision 917)

5. Fair Process in Administrative Hearings (§362.2)

a) General §362.2

- The procedures presented in §362.2 are for the protection of the rights of individuals and the Church in administrative hearings.
- The process set forth in this paragraph commences upon referral of a matter as an administrative complaint.
- Special attention should be given to the timely disposition of all matters and to ensuring racial, ethnic and gender diversity in the committee hearing the complaint.
- The administrative fair process provisions are an important part of all administrative proceedings.
- Fair process seeks to protect the rights of a clergyperson by giving him/her every opportunity to know sufficient detail of the

administrative complaint, to have adequate time to prepare a response and to have that response presented effectively.

- These provisions are intended to enhance trust and reliance upon the Church's own process as a fair method to resolve disputes.
- The fair process principles of ¶362.2 are meant to be applicable to the procedures outlined in ¶362 for dealing with administrative complaints.
- The *Discipline* cannot anticipate each and every potential scenario and has therefore sought to provide these overriding principles of fairness that should be applicable in any situation.
- They parallel the fair process provisions for judicial complaints found in ¶2701 with the exception that references to "Double Jeopardy" and "Healing Process" are omitted.

b) Right To Be Heard ¶362.2a

- *In any administrative proceeding, the bishop or the bishop's designee and the respondent (the person against whom the administrative complaint has been filed) shall have a right to be heard before any final action is taken.*
- Both the bishop and the respondent have a right to be heard and to present their positions in an administrative hearing before the BOM or any of its committees.

b) Notice ¶362.2b

- *Notice of any hearing shall advise the 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.*
- Whenever notice is given, it should specify the purpose of the hearing, 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 where the hearing will commence.
- Notice must go out at least 20 days before the hearing date.
- The notice should be in written form and, ideally, be delivered personally to the respondent or sent via certified mail with attached return receipt requested and a separate identical copy sent by regular mail.
- When at all possible, a verbal confirmation of the hearing or acknowledgment of the receipt of mail delivered by the respondent also should be attempted.

- Taking these steps can prevent a last-minute cancellation or postponement of the hearing due to allegations of a lack of receipt of the notice.
- Promptness is essential in many of these procedures; no postponement or delay should be permitted without proof of good cause or good reason.

d) Representative Present ¶362.2c

- **The respondent shall have a right to be accompanied by a clergyperson in full connection to any hearing, in accordance with the appropriate disciplinary provisions. The clergyperson accompanying the respondent shall have the right to voice.**
- The respondent has the right to be accompanied by another clergyperson at any administrative hearing. The clergyperson accompanying the respondent shall have the right to speak and present the respondent's viewpoint. It would be hoped that in any hearing the respondent would speak to the issues in person.

Where administrative or judicial proceedings are pending, a clergy person has the right to select, and when warranted change, his or her advocate. All persons involved in administrative or judicial proceedings are bound by confidentiality. (Judicial Council Decision 972)

e) No *Ex Parte* Communications ¶362.2d

- **In any administrative hearing, under no circumstances shall one party, in the absence of the other party, discuss substantive issues with members of the pending hearing body. Questions of procedure may be raised with the presiding officer of the hearing body.**
- Whenever one party or the representative of a party communicates with a body which conducts an administrative hearing, such communication may influence that body. There shall be no *ex parte* communications, by a party or a representative of that party, with the body that is hearing the pending matter.
- The other side 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 body, when asked to discuss substantive matters in a pending hearing, must decline to do so.
- If an individual other than a chair or presiding officer is asked any question whatsoever, it should be referred to the presiding officer or secretary. The chair or presiding officer can then decide whether

the question raised is of a substantive nature (inappropriate) or procedural nature (appropriate) and respond accordingly.

Procedural Questions: Matters of procedure, however, may be raised with the chair or presiding officer of the BOM or body. They may respond to a party's request for: information concerning the rules of procedure and process regarding notice; filing of materials; the persons who may be present at a hearing; confirming a date, time, or place; or other procedural concerns. These are matters that are properly raised with the chair.

f) Right To Records Relied Upon ¶362.2e

- **The respondent shall have access to all records relied upon in the determination of the outcome of the administrative process.**
- When the BOM reviews written records and relies upon those in making its determination in an administrative hearing, the respondent is to be allowed access to those records.
- A respondent must be able to see what information is relied upon to reach a decision in order to prepare his or her response. Therefore, the BOM or body should keep a record of what material was reviewed and relied upon and make that information available to the respondent.
- If, for some reason, the BOM feels that it cannot make evidence available to the respondent, it is crucial that it not rely upon the evidence in reaching a determination (e.g., a privileged communication which the writer is unwilling to share with the respondent).
- Preservation of the integrity of any documents or evidence is critical. If a respondent wishes to review records or other information, photocopies or duplicates of that information should be provided, when at all possible.
- If, for some reason, the original must be viewed, then the respondent should view those materials in the actual presence of a reliable third party (typically a member of the BOM) to protect both the respondent and the conference from any charges or allegations of tampering with and/or the disappearance of any materials.
- Under no circumstances should original documents be shown to the respondent or a representative of the respondent absent close supervision.
- If the respondent would like copies of materials, they should be marked or identified (by using post-it notes) and copying arranged for by the Church representative. The copies would be sent to the respondent.

- Minutes shall be maintained as a record of administrative hearings conducted by the BOM or other body; all written documents submitted during a hearing shall be kept as part of that record as well.
- Copies of the actions of the body shall be placed in the personnel files maintained by the BOM or the annual conference.

f) Failure To Respond/Appear ¶362.2f

- **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.**
- This provision is intended to avoid the situation in which a clergyperson knowingly seeks to avoid a process or proceeding.
- It is important that there be a clear record that notice of the hearing has been given, all attempts to contact the clergyperson have been made and attempts at rescheduling have been attempted, if requested and possible.
- If the chairperson of the BOM believes that there is no good excuse for a failure to appear, it should proceed with a 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 absence of the clergyperson.
- While a hearing with witness testimony may proceed without the presence of the clergyperson in the above circumstances, it would be wise to try to allow the clergyperson some opportunity to be heard at a different time before a final decision is reached.
- From time to time, parties to a hearing may request a continuance or delay. ¶362.3b requires that the clergyperson be given at least 20 days notice prior to the hearing date. The chair or presiding officer of the hearing may, for good cause, grant additional time for preparation or a delay for 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 estimation 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 proceed and have the matter heard in a timely and expeditious manner.

g) Immunity from Prosecution ¶362.3

- **In order to preserve the integrity of the Church’s administrative process and ensure full participation in it at all times, the bishop, cabinet, BOM, witnesses, advocates, administrative review committee, elders voting in executive session, and all others who participate in the Church’s administrative process shall have immunity from prosecution of complaints brought against them related to their role in a particular administrative process, unless they have committed a chargeable offense in conscious and knowing bad faith. The complainant/plaintiff 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 in this provision shall extend to civil court proceedings, to the fullest extent permissible by the civil laws.**
- This provision prohibits persons from bringing complaints about the way an official role is carried out by a person with an official responsibility or role in an administrative process.
- The purpose is to ensure that the leaders and other participants in the Church process be allowed to proceed without fear of retribution or unfair complaints by parties unhappy with the events or outcome.
- It is not a complete immunity or bar to bringing a complaint relating to a person’s conduct during the administrative 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.

6. Disposition of Administrative Complaints (¶363)

When the BOM receives an administrative complaint from the bishop, the BOM shall develop an appropriate response. It may:

a) Recommend a Program of Remedial Action

- If accepted by the person against whom the complaint is filed, remedial action may resolve the issue. (¶363.2)

b) Require Involuntary Change in Conference Relationship

- Discontinuance of a local pastor (¶320.1)
- Discontinuance of a provisional member (¶327.6)

- Involuntary Leave of Absence (§355)
- Administrative Location (§363.3)

c) Refer Complaint to Bishop as Judicial Complaint (§363.1)

d) Dismiss Complaint as Unwarranted (§363.1)

7. Remedial Action (§363.2)

In cooperation with the cabinet and in consultation with the local pastor or clergy member, the BOM may choose or recommend a program of remedial action to bring about the just resolution of a complaint. The forms of remedial action chosen will be subject to regular oversight and annual review by the BOM. Programs of remedial action may include:

- a) Program of continuing education (§351)
- b) Leave of absence, voluntary or involuntary (§354)
- c) Early retirement or involuntary retirement (§358)
- d) Sabbatical leave (§352)
- e) Honorable location (§359)
- f) Withdraw from the ordained ministerial office (§360.2)
- g) Personal counseling or therapy
- h) Program of career evaluation
- i) Peer support and supervision
- j) Private reprimand

Conference officer to oversee supervision: Some conference BOMs have a clergy person who has the job of oversight in relation to discipline of clergy – to make sure counseling takes place, following up on supervision, etc.

- Programs of continuing education, personal counseling or therapy, career evaluation, peer support, and supervision require no change in conference relationships when the BOM and the clergy member agree that this is the means to address an administrative complaint. However, these programs also may be included in a letter of reprimand as a condition of its withdrawal, or be included as part of a leave or absence as a condition for return to active ministry.
- All remedial action requiring a voluntary change in conference relationship shall be requested by the local pastor or clergy member of the annual conference. Involuntary changes in conference relationship shall be recommended by the BOM and approved by the executive session of clergy members in full connection with the annual conference. A record of

the circumstances related to any change in conference relationship shall be placed in the permanent personnel records maintained by the annual conference.

- If the remedial action includes a private reprimand, there shall be a letter signed by the chairperson of the BOM and the clergyperson's district superintendent, addressed to the clergyperson with a file copy in the permanent file of the BOM (§606.6) stating the appropriateness of the complaint, the specific remedial action required and the conditions under which the letter shall be withdrawn from the file and destroyed.
- When a letter of reprimand is withdrawn from the personnel file because the conditions of the reprimand have been met, a report of the reprimand and the remedial action taken shall permanently remain in the personnel file, §361.4a(10).

8. *Administrative Location (§363.3)*

- See pages 16-17 above.

9. *Clergy Residing Beyond the Bounds of the Conference (§363.3a)*

- Any clergy members residing beyond the bounds of the conference in which membership is held, shall be subject to administrative complaints or process exercised by the appropriate officers or committees of the conference of which he or she is a member, unless the presiding bishops of the two annual conferences and the clergy member subject to the process agree that fairness would be better served by having the process carried out in the annual conference in which he or she is serving under appointment, or if retired, currently residing.

10. *Recommendation to Terminate Membership (§635.2k)*

- The BOM may recommend the discontinuance of a local pastor (§320.1) or a provisional member (§327.6) without going through the judicial complaint process. However, any recommendation to terminate the conference membership of an associate or clergy member in full connection must be referred to the bishop to be dealt with as a judicial complaint based on one or more of the offenses listed in §2702.
- A clergyperson who withdraws under complaints or has conference membership terminated shall surrender credentials to the district superintendent for deposit with the conference secretary.
- Should the clergyperson fail to surrender credentials, the district superintendent must make all efforts to obtain compliance and document those efforts in the file.
- A record of the complaint and documentation of circumstances surrounding withdrawal must be placed in the permanent personnel records maintained by the annual conference.

Readmission to Conference Relationship

1. *Readmission to Provisional Membership (§364)*

- The readmission of provisional members requires:
 - a) Request for readmission to the conference from which they were discontinued;
 - b) Recommendation of the district committee, the BOM, and the cabinet;
 - c) Review of their qualifications and the circumstances relating to their discontinuance; and
 - d) Vote of the clergy members in full connection.

2. *Readmission After Honorable or Administrative Location (§365)*

- Ordained ministers requesting readmission after honorable location or administrative location shall have:
 - a) Recommendations from their charge conference and local church pastor;
 - b) Recommendation of the dCOM, the BOM, and the cabinet after review of their qualifications and the circumstances relating to their location;
 - c) And reinstatement by vote of the clergy members in full connection.
- **The conference BOM may require at least one year of service as a local pastor prior to readmission from honorable or administrative location.**

3. *Readmission after Leaving the Ordained Ministerial Office (§366)*

- Clergy members who have left the ministerial office under the provisions of §360:
 - a) Withdrawal to Unite with Another Denomination, (§360.1)
 - b) Withdrawal from the Ordained Ministerial Office, (§360.2)
 - c) Withdrawal Under Complaints or Charges, (§360.3)
 - d) Withdrawal Between Conferences, (§360.4)
- May be readmitted upon their request:
 - a) With the recommendation of the dCOM, the BOM, and cabinet
 - b) After review of their qualifications and circumstances relating to their leaving the ministerial office, and
 - c) Two years of service as a local pastor. (This service may be rendered in any annual conference of the UMC with the consent of the BOM of the annual conference in which members previously held membership).

Judicial Council Decision 552 requires that associate members or members in full connection of an annual conference who have surrendered their ministerial office must “. . . seek readmission to the annual conference, or its legal successor, to which such surrender was made.” Although persons who have discontinued from a provisional membership may begin anew in another annual conference of The United Methodist Church, associate members or members in full connection who have surrendered their credentials do not have that option.

4. Readmission After Termination by Action of the Annual Conference (§367)

- Persons who have been terminated by an annual conference may seek full membership:
 - a) Upon recommendation of the cabinet
 - b) After completing all of the requirements for full membership,
 - c) Including all requirements for election to candidacy and provisional membership.

5. Readmission after Involuntary Retirement (§368)

- Clergy members desiring to return to effective relationship after having been placed in involuntary retirement (§358.3) shall:
 - a) Submit a written request to the BOM and
 - b) Receive the recommendation of the BOM and cabinet
 - c) After a review of the member’s qualifications and the circumstances relating to the retirement.
- **The BOM may require a psychological evaluation for those being readmitted to conference membership. Any pension being received through the General Board of Pension and Health Benefits shall be discontinued upon their return to an effective relationship. The pension is reinstated upon subsequent retirement.**