



THE UNITED METHODIST CHURCH
HARRISBURG AREA – SUSQUEHANNA CONFERENCE

303 Mulberry Drive, Suite 100 • Mechanicsburg, PA 17050-3198
Phone (717) 766-7871 • Fax (717) 766-3210 • Email: bishoppark@susumc.org

Bishop Jeremiah J. Park

Christy Mackey
Executive Admin. Asst.
cmackey@susumc.org

Rev. Gregory C. Myers
Clergy Assistant
gmyers@susumc.org

Rev. Dr. Thomas Salsgiver
Clergy Assistant
tsalsgiver@susumc.org

Sarah Filizzi
Admin. Assistant
sfilizzi@susumc.org

November 6, 2018

Dear Colleagues in Ministry,

The Judicial Council released their findings regarding the Three Plans to be sent to General Conference October 26, 2018.

The purpose of the Judicial Council's rulings on each plan is to determine whether each plan and each petition is in harmony with the Constitution of the United Methodist Church. Their role is not to rule on which plan is better or which plan they support. The Judicial Council's findings were determined by their understanding of the Constitution and former rulings by the Judicial Council.

There is a link following this letter to help you understand exactly what the Judicial Council ruled, and which petitions they found in harmony and which were not. You will also see their rationale for each decision.

It is hoped that this will help us understand more fully the role and the decisions of the Judicial Council as we move toward General Conference 2019.

God's blessings.

Tom Salsgiver
Clergy Assistant to Bishop Park

JUDICIAL COUNCIL RULING DECISION NO. 1366

Decision 1366 is the Judicial Councils ruling based on a request from the Council of Bishops as to the constitutionality of the Three Plans put forth by the Commission on the Way Forward and the Council of Bishops. In their writing the following headings are important:

1. Digest of Case. This is a summary of their findings.
2. Statement of Facts
3. Jurisdiction (does the Judicial Council have authority to rule on a particular request)
4. Scope of Review
5. Timeliness
6. Jurisdictional Test
7. Questions before the Judicial Council. There were nine questions posed to the Judicial Council. They only ruled on the four questions below:
 - a. Question 1: Is the proposed legislation known as One Church Plan constitutional?
 - b. Question 2: If any petition included within the proposed legislation knows as the One Church Plan is not constitutional, may the other proposed petitions constituting the One Church Plan be enacted without violating the constitution?
 - c. Question 7: Is the proposed legislation known as the Traditional Plan constitutional?
 - d. Question 9: If any petition included within the proposed legislation knows as the Traditional Plan is not constitutional, may the other proposed petitions constituting the One Church Plan be enacted without violating the constitution?
8. Analysis and Rationale. This section of the Decision is the technical reasons and rationale why they ruled as they did. In this section, they give rationale for why they ruled as they did on all 17 Petitions in the One Church Plan and the 17 Petitions on the Traditional Plan

What follows is the digest of the case. Given is the ruling and any statements on why they ruled. For a complete understanding, please go to: <http://www.umc.org/decisions/78141>.

The Judicial Council ruled only on the One Church Plan and the Traditional Plan. They did not rule on the Connectional Conference Plan. Their reasoning is:

The Judicial Council has 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 but lacks the authority to scrutinize proposed constitutional amendments under ¶ 2609.2. To trigger jurisdiction and be properly before the Judicial Council, a petition for declaratory decision must contain proposed legislation that *prima facie* requires no constitutional amendment(s) for implementation and can be tested directly against the constitutional provisions in effect at the time of filing. The Connectional Conference Plan contains proposed constitutional changes and does not pass this jurisdictional test.

In this document **JCD** refers to **Judicial Council Decision**.

ONE CHURCH PLAN

The Judicial Council wrote the following as an introduction to the digest of their ruling regarding the One Church Plan:

As a primary principle in any organizational structure of The United Methodist Church, connectionalism denotes a vital web of interactive relationships—multi-leveled, global in scope, and local in thrust—that permits contextualization and differentiation on account of geographical, social, and cultural variations and makes room for diversity of beliefs and theological perspectives but does not require uniformity of moral-ethical standards regarding ordination, marriage, and human sexuality. Full legislative power of the General Conference includes the authority to adopt a uniform, standardized, or a non-uniform, differentiated theological statement. Our Constitution commands not that all church policies enacted by the General Conference be uniform but that all uniform church policies be enacted by the General Conference. It assigns the legislative function to set standards related to certification, commissioning, ordination, and marriage to the General Conference and the administrative responsibility for applying them to the annual conferences, local churches, and pastors within their missional contexts. The legislative branch of the Church is constitutionally free to set the standards for entrance into the ministry wherever and whenever it sees fit. Regardless of where that threshold may be at any given time, the annual conference may enact additional requirements that are not in conflict with the letter or intent of the minimum standards set by the General Conference.

Petition 1 – Paragraph 105 – Our Theological Task – page 1

Rationale: This addition acknowledges the common theological guidelines that are the sources of the diverse views in our global church regarding human sexuality. It recognizes the desire of the church to fulfill Christ’s call to unity while holding a convicted humility toward one another as we honor religious liberty for all.

105: We agree that we are not of one mind regarding human sexuality. As we continue to faithfully explore issues of sexuality, we will honor the theological guidelines of Scripture, reason, tradition and experience, acknowledging that God’s revelation of truth and God’s extension of grace as expressed in Jesus Christ (John 1:14) may cause persons of good conscience to interpret and decide issues of sexuality differently. We also acknowledge that the Church is called through Christ to unity even amidst complexity. We affirm those who continue to maintain that the Scriptural witness does not condone the practice of homosexuality. We believe that their conscience should be protected in the church and throughout society under basic principles of religious liberty. We also affirm those who believe the witness of Scripture calls us to reconsider the teaching of the church with respect to monogamous homosexual relationships.

JCD: Petition 1 is constitutional.

Petition 2 – Paragraph 161.c – Social Principles – page 2

Rationale: The traditional understanding of marriage is honored. Religious liberty is intentionally protected for those whose consciences would be impinged if they celebrated a same-sex union in societies where it is allowed.

161.c: Marriage – We affirm the sanctity of the monogamous marriage covenant that is expressed in love, mutual support, personal commitment, and shared fidelity, traditionally understood as a union of one man and one woman. We believe that God’s blessing rests upon such marriage, whether or not there are children of the union. We reject social norms that assume different standards for women than for men in marriage. Where laws in civil society define marriage as union between two adults, no United Methodist clergy shall be required to celebrate or bless a same-sex union.

JCD: **Petition 2 is constitutional.**

Petition 3 – Paragraph 161.g – Social Principles – page 5

Rationale: Sexuality is affirmed as a good gift to all people. Sexual relations are bound by the covenant of monogamous marriage between two adults. The elimination of this language is in recognition that we are not of one mind.

161.g: The change in this paragraph has just two changes – one redefining marriage as between two adults and deleting the last sentence concerning incompatibility with Christian teaching
Although all persons are sexual beings whether or not they are married, sexual relations are affirmed only with the covenant of monogamous ~~heterosexual~~ marriage between two adults.... In the same paragraph the following sentence is to be deleted: ~~The United Methodist Church does not condone the practice of homosexuality and considers this practice incompatible with Christian teaching.~~

JCD: **Petition 3 is constitutional.**

Petition 4 – Paragraph 304.3 – Qualifications for Ordination – pages 7-8

Rationale: The Conference Board of Ordained Ministry and the clergy session of the annual conference set standards of holy living for clergy. By expanding this responsibility to include standards of human sexuality, they can best serve their missional context. Bishops can seek the non-binding input of the annual conference session.

304.3 While persons set apart by the church for ordained ministry are subject to all the facilities of human condition and the pressures of society, they are required to maintain the highest standards of holy living in the world. The responsibility for determining how standards, including standards related to human sexuality, may apply to certification or ordination in a given annual conference falls to the Conference Board of Ordained Ministry and the clergy session of the annual conference. The bishop may choose to seek the non-binding advice of an annual conference session on standards relating to human sexuality for ordination to inform the Board of Ordained Ministry in its work.

JCD: **Petition 4 is constitutional except for the last sentence beginning, “The bishop may choose to...” This part violates the separation of powers, is contrary to Par. 33 and, therefore, unconstitutional.**

Petition 5 – Paragraph 310.2.d (footnote) – Candidacy – page 9

Rationale: This footnote is adjusted to reflect proposed changes in 161.c and 161.g
310.2.d: *The General Conference reaffirms the present language of the Discipline regarding the character and commitment of persons seeking ordination and affirms its high standards.... The social Principles, state that “we affirm the sanctity of the marriage covenant that is expressed in love, mutual support, personal commitment, and shared fidelity between two adults.*

JCD: **Petition 5 is constitutional.**

Petition 6 – Paragraph 329 – Ministry of Deacons – page 10

Rationale: Deacons currently have the ability to decide whether or not to perform a marriage, union or blessings of heterosexual couples. This ability would be extended to these services for same-sex couples where legal. The right to refuse such a service due to conscience is expressly protected.

329.4 In conferences where civil law permits a pastor to perform a same-sex marriage service, no deacon in full connection shall at any time be required or compelled to perform, or prohibited from performing, any marriage, union or blessing of same-sex couples, or any couples. Each deacon shall have the right to exercise his or her conscience to refuse or agree when requested to perform any marriages, unions, or blessings as a matter of his or her individual religious liberty.

JCD: **Petition 6 is constitutional.**

Petition 7 – Paragraph 334 – Ministry of an Elder – page 11

Rationale: Elders currently have the ability to decide whether or not to perform a marriage, union or blessings of heterosexual couples. This ability would be extended to these services for same-sex couples where legal. The right to refuse such a service due to conscience is expressly protected.

334.6: In conferences where civil law permits a pastor to perform a same-sex marriage service, no elder shall at any time be required or compelled to perform, or prohibited from performing, any marriage, union or blessing of same-sex couples, or any couples. Each elder shall have the right to exercise his or her conscience to refuse or agree when requested to perform any marriages, unions, or blessings as a matter of his or her individual religious liberty.

JCD: **Petition 7 is constitutional.**

Petition 8 – Paragraph 340 – Responsibilities of Elders and Licensed Pastors – Paragraph 340.3 – pages 12-13

Rationale: Clergy would be allowed to perform or not perform a marriage, union or blessing of same-sex couples where legal. Clergy who desire to transfer from conferences that ordain gay persons could transfer. Continued security of appointment for clergy is affirmed.

340.3.3a: Each clergy shall have the right to exercise his or her conscience when requested to perform such marriages, unions or blessings as a matter of his or her individual religious liberty.

340.3.3b.: In conferences where civil law permits a pastor to perform same-sex marriage services, no clergy shall at any time be required or compelled to perform, or prohibited from performing, any marriage, union, or blessing of same-sex couples, or of any couples.

340.3.c: Clergy who cannot in good conscience continue to serve in a conference based upon that conference's standards for ordination regarding practicing homosexuals, may seek to transfer under par. 347, and shall be supported and assisted in that process. Similarly, clergy who cannot in good conscience continue to serve a particular church based on unresolved disagreements over same-sex marriages as communicated by the pastor and

Staff-Parish Relations Committee to the district superintendent, shall be reassigned. All clergy with security of appointment shall continue under appointment by the bishop of the annual conference.

JCD: Petition 8 is constitutional except for the sentence, “Similarly, clergy who cannot in good conscience continue to serve a particular church....” This is in conflict with Par. 54 and is unconstitutional.

Petition 9 – Paragraph 341.6 – Unauthorized Conduct – page 14-15

Rationale: This provision allows local church members to decide what is best for their congregational and missional context related to ceremonies of same-sex marriage on church property. A called Church conference requires due notification of the meeting and invites all members to participate.

341.6: Ceremonies that celebrate same-sex marriage shall not be performed by clergy on church-owned property unless the church decides by a majority vote of a church Conference to adopt a policy to celebrate same-sex marriage on church property.

JCD: Petition 9 is constitutional.

Petition 10 – Paragraph 415.6 – Ordination by Bishops – page 15

Rationale: The religious liberty of bishops who cannot in good conscience commission, license or ordain self-avowed practicing homosexuals is protected. Provision is made for such persons in annual conferences where they are deemed to be duly qualified and approved candidates. Security of appointment for appointed clergy continues.

Par. 415.6: No bishop shall be required to ordain an elder or deacon, commission a deaconess, home missionary, or missionary, or license a local pastor who is a self-avowed practicing homosexual. The Jurisdictional College of Bishops shall provide for the ordination, commissioning, and licensing of all persons recommended by the Board of Ordained Ministry and the clergy session of the annual conference in the bounds of its jurisdiction. All clergy with security of appointment shall continue under appointment by the bishops of the annual conference.

JCD: Petition 10 is constitutional.

Petition 11 – Paragraph 416 adding a sub-paragraph after 416.7 -page 16

Rationale: Clarity related to the boundaries of authority for bishops related to marriage, union, or blessing the same-sex couples enables clergy and congregations to know that their religious liberty will be affirmed in the future without penalty or unforeseen consequence.

Par. 416.8: The Bishop shall neither require any pastor to perform nor prohibit any pastor from performing any marriage, union, or blessing of same-sex couples.

Par. 416.9: The bishop shall neither require any church to hold nor prohibit any church from holding a same-sex marriage service on church property.

JCD: Petition 11 is constitutional.

Petition 12 – Paragraph 419 adding sub-paragraphs after 419.12 – page 17-18

Rationale: Clarity related to the boundaries of authority for district superintendents related to marriage, union, or blessing of same-sex couples enables clergy and congregations to know that their religious liberty will be affirmed in the future without penalty or consequence.

416.13: The superintendent shall neither require any pastor to perform nor prohibit any pastor from performing any marriage, union, or blessing of same-sex couples.

416.14: The superintendent shall neither require any church to hold nor prohibit any church from holding a same-sex marriage service on church property or otherwise coerce, threaten, or retaliate against any pastor who exercises his or her conscience to perform or refuse to perform a same-sex marriage.

JCD: **Petition 12 is constitutional.**

Petition 13 – Paragraph 605 adding a sub-paragraph after 605.9 – page 19

Rationale: After receiving a motion from the Board of Ordained Ministry related to the ordination of self-avowed practicing homosexuals, the clergy session will not re-address this matter unless the Bishop sees a critical need to re-address the question sooner.

605.10: At any clergy session of an annual conference, the chairperson of the Board of Ordained Ministry shall, if directed by vote of the Board of Ordained Ministry, present a motion regarding certification, ordination, and appointment of self-avowed practicing homosexuals. Provided, however, that any clergy session of an annual conference that votes on such matters shall not, without the consent of the presiding bishop, take up any subsequent motion on that issue during any called or special session of annual conference held within 30 full calendar months from the date of such vote regardless of the outcome

JCD: **Petition 31 is constitutional except for the second sentence beginning, “Provided, however, that any clergy session...” This part infringes upon an annual conference’s reserved rights under Par. 33 and is unconstitutional.**

Petition 14 – Paragraph 2702.1 – Chargeable Offenses – page 20-21

Rationale: The language is adjusted to reflect proposed changes in paragraph 161.c, 161.g, 304.3 and 341.6.

2702.1: A bishop, clergy member of an annual conference (par. 370), local pastor, clergy on honorable or administrative location, or diaconal ministry may be tried when charged (subject to the statute of limitations in par. 2702.4) 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 monogamous marriage; (b) practices declared by The United Methodist Church to be incompatible with Christian teachings; (c) crime; (d) disobedience to the order and discipline of The United Methodist Church; (e) dissemination of doctrines contrary to the established standards of the doctrine of The United Methodist Church (f) relationships and/or behavior that undermines the ministry of another pastor; (g) child abuse; (h) sexual abuse; (i) sexual misconduct 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.

JCD: **Petition 14 is constitutional.**

Petition 15 – Paragraph 543.17 - Central Conference Implementation Time – page 22

Rational: An additional six months give the central conferences the appropriate time to meet, translate the legislation and consider whether they want to make adaptations.

543.17: In a central conference or provisional central conference using a language other than

English, legislation passed by a General Conference shall not take effect until 18 months after the close of that General Conference in order to afford the necessary time to make adaptations and to publish a translation of the legislation that has been enacted.

JCD: **Petition 15 is constitutional.**

Petition 16 – Paragraph 1504 adding a new subparagraph 23 – page 23-24

Rationale: Local churches that change the nature of their connection to the Church must pay a proportional fair share of the annual conference's aggregate unfunded pension liability using market factors similar to a commercial annuity provider to account for the investment, longevity, and other risks they leave to the Church.

1504.23: If a local church or charge in the United States changes its relationship to The United Methodist Church through closure, abandonment, or release from the trust clause pursuant to par. 2548, 2549 or otherwise, notwithstanding whether property with title held by the local church is subject to the trust (under the terms of par. 2501), the local church shall contribute a withdrawal liability in an amount equal to its pro rata share of any aggregate unfunded pension obligations to the annual conference. The General Board of Pensions and Health Benefits shall determine the aggregate funding obligations of the annual conference using market factors similar to a commercial annuity provider, from which the annual conference will determine the local church's share.

JCD: **Petition 16 is constitutional.**

Petition 17 – Paragraph 1504.1 – CRSP Amendment – page 25-26

Rationale: The Clergy Retirement Security Program should be amended so active clergy who change their covenant are removed from the defined benefit and annuity risk pools for their former annual conference and the Church and are provided an actuarially equivalent account balance benefit.

1504.1 The General Board of Pensions and Health Benefits is directed by the General Conference to amend the Clergy Retirement Security Program such that active clergy participants who terminate their annual conference relationship under par. 360 of The Book of Discipline will be treated as terminated vested participants under the Clergy Retirement Security Program. The terminated vested participant's accrued pension benefits shall be secured and protected from future disruptions by converting such benefits to an actuarially equivalent account balance, using factors corresponding to those used when determining annual conference plan sponsor contributions to the Clergy Retirement Security Program. Such converted benefits, along with all other retirement account balances, shall be transferred to the United Methodist Personal Investment Plan, a voluntary defined contribution plan maintained by the General Board of Pensions and Health Benefits under par. 1504.2. The General Board of Pensions and Health Benefits is directed, authorized, and empowered to amend the Clergy Retirement Security Program effective as of the close of the 2019 General Conference and in the manner described above.

JCD: **Petition 17 is constitutional.**

TRADITIONAL PLAN

The Judicial Council wrote the following as an introduction to the digest of their ruling regarding the One Church Plan:

With respect to the Traditional Plan, the Judicial Council makes the following decision:

Impartiality and independence of decision-making bodies are the hallmarks of due process and bedrock principles of procedural justice in our constitutional polity. No process can be fair and equitable if the body bringing the complaint is also empowered to determine its merits. The fundamental right to fair and due process of an accused bishop is denied when the complainants are also among those tasked with reviewing and making the final decision. The Council of Bishops was not designed to function as an inquisitorial court responsible for enforcing doctrinal purity among its members.

As a tenet of United Methodist constitutionalism, the principle of legality means that all individuals and entities are equally bound by Church law, which shall be applied fairly and without regard to race, color, national origin, status, or economic condition. It forbids selective or partial enforcement of Church law at all levels of the connection and demands that *The Discipline* in its entirety be followed without distinction. All decisions and actions by official bodies and their representatives must be based on and limited by the Constitution and *The Discipline*. Individuals must be informed with specificity and clarity as to what is prescribed and proscribed by Church law. No person or body can be required to act contrary to Church law or prohibited from engaging in lawful conduct. No person can be punished for actions and conduct that are permitted or required by Church law. Clergy persons whose credentials and conference membership are at stake have the right to know what to expect when they choose a course of action or take a particular stance on ordination, marriage, and human sexuality. To pass constitutional muster, any proposed legislation affecting clergy rights must define with sufficient clarity and specificity the standards to guide future actions of all concerned persons and entities.

Under the principle of legality, the General Conference can prescribe or proscribe a particular conduct but cannot contradict itself by prescribing prohibited conduct or prohibiting prescribed conduct. It can require bishops, annual conferences, nominees, and members of boards of ordained ministry to certify or declare that they will uphold *The Discipline* in its entirety and impose sanctions in case of non-compliance. But it may not choose standards related to ordination, marriage, and human sexuality over other provisions of *The Discipline* for enhanced application and certification. The General Conference has the authority to require that the board of ordained ministry conduct a careful and thorough examination to ascertain if an individual meets all disciplinary requirements and certify that such an examination has occurred. But it cannot reduce the scope of the board examination to one aspect only and unfairly single out one particular group of candidates (self-avowed practicing homosexuals) for disqualification. Marriage and sexuality are but two among numerous standards candidates must meet to be commissioned or ordained; other criteria include, for example, being committed to social justice, racial and gender equality, and personal and financial integrity, that all should be part of a careful and thorough examination.

Petition 1 – Paragraph 304.3 – Footnote 1 Qualifications for Ministry – pages 1-2

Rationale: The current wording has sometimes allowed practicing homosexuals to serve, even while being public about their practice, defeating the purpose of the requirement in par. 304.2. The added language identifies other means by which an individual openly acknowledges that they are engaged in the practice of homosexuality and can be determined by access to public

records or declaration made in public forums. It incorporates Judicial Council Decision 1341 in the Discipline.

304.3: (footnote): "Self-avowed practicing homosexual" is understood to mean that a person openly acknowledges to a bishop, district superintendent, district committee on ordained ministry, Board of Ordained Ministry, or clergy session that the person is a practicing homosexual; or is living in a same-sex marriage, domestic partnership or civil union, or is a person who publicly states she or he is a practicing homosexual.

JCD: Petition 1 is constitutional

Petition 2 – Paragraph 2 – Episcopal Accountability – 408.3.c – pages 3-4

Rationale: Additions to par. 408, 410, and 422 go together and create a process by which the Council of Bishops may hold one another accountable, based on the constitutional amendment to par. 50 that was ratified in 2017. This proposal includes assurances of Fair Process and enables great consistency and uniformity of accountability across the church.

408.3.c: By a majority vote of those present and voting, the members of the Council of Bishops may place any bishop in retired relation with or without their consent and irrespective of their age if such a relation is recommended by the council relations committee. The procedures for fair process in administrative hearings shall be followed in any voluntary retirement procedure (par 422.5). Written notice also should be given to the chairperson of the administrative review committee (par.422.5).

JCD: Petition 2 is not constitutional. It's denies a bishop's right to fair and due process guaranteed in Pars. 20, 58

Petition 3 – paragraph 410.5 – Episcopal Accountability – pages 4-5

410.5: Involuntary Leave of Absence— a) By a majority vote of those present and voting, the members of the Council of Bishops may place any bishop in an involuntary leave status if such a relation is recommended by the council relations committee. The procedures for fair process in administrative hearings shall be followed in any involuntary leave of absence procedure (par 422.5). Written notice also should be given to the chairperson of the administrative review committee (par 422.6).

b) Involuntary leave of absence shall be approved annually by the Council of Bishops after review and recommendation of the council relations committee.

c) During the period for which the leave is granted, the bishop shall be released from all episcopal responsibilities, and another bishop chosen by the College of Bishops shall preside in the episcopal area. Salary and other benefits may be continued through the Episcopal Fund for a maximum of six months.

JCD: Petition 3 is not constitutional. It's denies a bishop's right to fair and due process guaranteed in Pars. 20, 58

Petition 4 - paragraph 422 – Episcopal Accountability – pages 6-9

Rational: Additions to par 408, 410, and 422 go together and create a process by which the Council of Bishops may hold one another accountable, based on the constitutional amendment to par. 50 that was ratified in 2017. This proposal includes assures of Fair Process and enables greater consistency and uniformity of accountability across the church.

422.2: The Council of Bishops is also a body in which its individual members are held accountable for their work, both as general superintendents and as presidents and residents in episcopal areas.

- 422.5 The Council of Bishops shall establish from its membership a Council Relations Committee of at least three persons to hear requests for involuntary leave of absence, involuntary retirement, as may be referred to it by the Council of Bishops or any seven active bishops.
- a) When there is a recommendation for an involuntary status change to be referred to the Council Relations Committee, the Council Relations Committee shall conduct an administrative hearing following the provisions of fair process. The Council of Bishops shall designate the person to present the recommendation to the committee. The respondent shall be given an opportunity to address the recommendation in person, in writing, and with the assistance of a clergyperson in full connection, who shall have voice. Once the committee has heard the person designated to represent the recommendation, the respondent, and others as determined by the chairperson of the committee, it shall report its decision to the Council of Bishops. The Council of Bishops may affirm or reverse the decision of the committee. The Council of Bishops shall refer to the Council Relations Committee any bishop who is unwilling to certify that he or she is willing to uphold, enforce and maintain The Book of Discipline relative to self-avowed practicing homosexuals. When the Council Relations Committee reaches a positive finding of fact that the bishop has not so certified, the Council Relations Committee shall recommend either involuntary leave or involuntary retirement to the Council of Bishops after conducting a Fair Process Hearing.
- b) Fair Process Hearings – *Paragraph 422.5.b.1-6 Explains the Fair Hearing Process for Bishops.*
- 422.6 *This paragraph defines the membership and process of the Administrative Review Committee.*

JCD: **Petition 4 is not constitutional. It's denies a bishop's right to fair and due process guaranteed in Pars. 20, 58**

Petition 5 – paragraph 415.6 - Episcopal Responsibilities – pages 10-11

Rationale: Clarifies that bishops are not allowed to consecrate, ordain, or commission persons who are not qualified under par. 304.3, even if they are elected or approved by the relevant jurisdictional conference or clergy session. This enhances the bishop's role in upholding the Discipline and makes him/her individually responsible to do so. Resolved a tension identified by Judicial Council Decision 1341 holding such act illegal.

415.6: Bishops are prohibited from consecrating bishops who are self-avowed homosexuals, even if they have been duly elected by the Jurisdictional or Central Conference. Bishops are prohibited from commissioning those on the deacon or elder track if the Board of Ministry has determined the individual is a self-avowed homosexual or has failed to certify it carried out the disciplinary mandated examination, even if the individual has been recommended by the Board of Ordained Ministry and approved by the Clergy Session of the Annual Conference. Bishops are prohibited from ordaining deacons or elders if the Board of Ministry has determined the individual is a self-avowed homosexual or has failed to certify it carried out the disciplinarily mandated examination, even if the individual has been recommended by the Board of Ordained Ministry and approved by the Clergy Session of the Annual Conference.

JCD: **Petition 5 is constitutional.**

Petition 6 – paragraph 635.1.a – Composition of Board of Ordained Ministry – pages 12-13

Rationale: Guarding against non-conforming board of ordained ministry, this provision ensures that members of the board commit to upholding the requirements of the Discipline and makes the bishop responsible for nominating only such persons. Permitting boards to not conform to the Discipline tears the unity of the church.

635.1.a.: Members shall be nominated by the presiding bishop after consultation with the chairperson of the board, the executive committee, or a committee elected by the board of the previous quadrennium, and with the cabinet. Prior to being nominated for membership on the Board of Ministry by the bishop, any individual must certify that he or she will uphold, enforce and maintain The Book of Discipline related to commissioning, ordination and marriage of self-avowed practicing homosexuals. Additionally, the bishop must certify that he or she only has nominated individuals who will uphold, enforce and maintain The Book of Discipline related to ordination and marriage of self-avowed practicing homosexuals. To ensure adequate board membership....

JCD: Petition 6 is not constitutional. It's violates the principle of legality.

Petition 7 – paragraph 635.h – Full Examination – pages 14-15

Rationale: Incorporates Judicial Council Decisions 1343, 1344, and 1352 in the Discipline, requiring boards of ordained ministry to fully examine candidates' qualifications under par. 304.3. Guarding against non-conforming boards of ordained ministry, this forbids boards from recommending persons found to be unqualified under that paragraph to the clergy session.

635.2.h To examine all applicants as to their fitness for the ordained ministry and make full inquiry as to the fitness of the candidate for: (1) annual election as local pastor; (2) election to associate membership; (3) election to provisional membership; and (4) election to full conference membership. The Board of Ministry shall conduct an examination to ascertain whether an individual is a practicing homosexual, including information on social media, as defined by The Book of Discipline. The board shall certify that such an examination has occurred and its results. If it is determined as a matter of fact that an individual is a practicing homosexual, the board shall not recommend the individual to the Clergy Session of the Annual Conference for commissioning or ordination.

JCD: Petition 7 is not constitutional. It's violates the principle of legality.

Petition 8 – paragraph 806.9 – Composition of Board of Ordained Ministry – page 16

Rationale: Guarding against non-conforming boards of ordained ministry, this provides that the annual conference ensures that the bishop has complied with the requirements to nominate only persons who are committed to upholding the Discipline to the board of ordained ministry, adding accountability for the annual conference as well.

806.9: "Every Annual Conference shall certify that the bishop has nominated only members of the Board of Ministry who will uphold, enforce and maintain The Book of Discipline related to ordination and marriage of practicing homosexuals. Failure to do so shall result in The General Council on Finance an Administration withholding all funds from the United Methodist Church and withdrawing the annual conference's ability to use the denominational cross and flame logo."

JCD: Petition 8 is not constitutional. It's violates the principle of legality.

Petition 9 – paragraph 613. 19 – page 17

Rationale: Guarding against non-conforming boards of ordained ministry, this provides that the annual conference ensures that the bishop has complied with the requirements to nominate only persons who are committed to upholding the Discipline to the board of ordained ministry, adding accountability for the annual conference as well.

613.9 “Every Annual Conference shall certify that the bishop has nominated only members of the Board of Ministry who will uphold, enforce and maintain The Book of Discipline related to ordination and marriage of practicing homosexuals. Failure to do so shall result in The General Council on Finance and Administration withholding all funds from the United Methodist Church and withdrawing the annual conference’s ability to use the denominational cross and flame logo.”

JCD: Petition 9 is not constitutional. It’s violates the principle of legality.

Petition 10 – New paragraph 2801 – Traditional Plan Implementation - pages 18-31

Rational: The heart of the Traditional Plan, this paragraph provides a mechanism for ensuring that annual conferences and bishops will uphold the Discipline, while also providing for a gracious exit for those conscience-bound not to do so. Definitely resolving the impasse requires releasing from the church those unwilling to live by its requirements.

2801. Implementing Gracious Accountability – Because of the current deep conflict over The United Methodist Church’s position on marriage and sexuality, a local church or annual conference may indicate its desire to form or join a self-governing church under this paragraph based upon its declaration that it is irreconcilable conflict for reasons of conscience with the doctrine or moral teachings and requirements of The Book of Discipline of The United Methodist Church on the issues of human sexuality, or with the way such requirements are being enforced, or with the resolution of those matters adopted by the 2019 General Conference.

1. Before March 31, 2020, each annual conference shall vote to approve one of the following two statements.
 - a. “The _____ Annual Conference and its subsidiary units will support, uphold, and maintain accountability to the United Methodist standards found in par. 304.3 ‘Qualifications for Ordination,’ par. 341.6 ‘Unauthorized Conduct,’ par. 613.9 ‘Responsibilities for the Council of Finance and Administration,’ and par. 2702.1.a-b ‘chargeable Offenses’ of The Book of Discipline of the United Methodist Church (2016) in their entirety.”
 - b. The _____ Annual Conference and its subsidiary units will not support, uphold, and maintain accountability to the United Methodist standards found in par. 304.3 ‘Qualifications for Ordination,’ par. 341.6 ‘Unauthorized Conduct,’ par. 613.9 ‘Responsibilities for the Council of Finance and Administration,’ and par. 2702.1.a-b ‘chargeable Offenses’ of The Book of Discipline of the United Methodist Church (2016) in their entirety.”
2. In extreme cases in which an annual conference outside of the United States is unable, due to extraordinary circumstances, to take a vote by this deadline, its resident bishop may request a one-time, one-year extension of this deadline, which would also be a one-year extension of the deadlines in par. 2801.3-4 below, to be granted by the General Council on Finance and Administration. Such requests for extensions must be submitted by April 1, 2020.
3. The General Council on Finance and Administration shall canvass the votes of each annual conference. Those returning a majority vote for the second option, failing to

respond, unclear in their response, or qualifying their commitment to the first option in any way shall be placed on a list of conferences ideally suited for the self-governing status. This list shall be made available to the Council of Bishops and released to the public no later than May 1, 2020.

4. Beginning January 1, 2021, the General Council on Finance and Administration shall neither receive funds from nor send funds to the annual conferences listed under par. 2801.3 except as a self-governing Methodist church formed under this paragraph. The General Council on Finance and Administration shall also prohibit the use of the United Methodist name and insignia by these annual conferences except under the terms of a concordat agreement.

Allegations that an annual conference has not fulfilled its commitment under Par. 2801.1.a shall be addressed to the Council of Bishops Relations Committee as evidence of possible misconduct by the Conference's residential bishop.

5. Annual conferences who are not placed on the list in par. 2801.3 may nonetheless vote to enter the self-governing status.
6. The General Council on Finance and Administration shall offer and facilitate a timeline allowing annual conferences moving into the self-governing status to continue uninterrupted financial participation in the connectional ministries of the United Methodist Church under the terms of this paragraph and may grant a one-time delay to the restrictions in 2801.4 of up to twelve months upon request by an annual conference that has voted to enter the self-governing status to allow for the transition.
7. By June 30, 2020 each bishop of The United Methodist Church shall return one of the following statements to the President of the Council of Bishops and the General Council on Finance and Administration:
 - a. I, (Name) certify that I will uphold United Methodist standards on marriage and sexuality in their entirety (par. 414.5). I will enforce the requirements of the Book of Discipline forbidding same-sex weddings and the ordination of self-avowed practicing homosexuals (par. 304.3, 341.6, 2702.1.a.b., 414.9). I will further hold all those under my supervision accountable to those standards (par. 415.2, 613.19).
 - b. I (Name), certify for reasons of conscience, I cannot uphold United Methodist standards on marriage and sexuality in their entirety (par. 414.5). I am unwilling or unable to enforce the requirements of the Book of Discipline forbidding same-sex weddings and the ordination of self-avowed practicing (par. 304.3, 341.6, 2702.1.a.b., 414.9), or to hold all those under my supervision accountable to those standards (par. 415.2, 613.19).

Bishops who submit the second option (in whole or in part), fail to respond, are unclear in their response or qualify their commitment to the first option in any way shall be subject to review by the Council of Bishops' Council Relations Committee for possible action.

Complaints against bishops who are alleged to have not fulfilled their commitment under par. 2801.7a above, or who are alleged to have committed one of the chargeable offenses under par. 27012.1.a.b shall be automatically and immediately forwarded to the Council of Bishops Council Relations Committee, which shall administer the complaint.

8. Clergy who find themselves for reasons of conscience unable to live within the boundaries of par. 304.3, 341.6, 613.19 and 2702.1.a-b are encouraged to transfer to

a self-governing church formed under this paragraph. Clergy who remain United Methodist but do not maintain their conduct within the boundaries established by The Book of Discipline shall be subject to chargeable offense.

9. Annual conference becoming self-governing Methodist churches
 - a. Any annual conference may become a self-governing church or join an existing one when that annual conference votes by simple majority to seek this status under the terms of this paragraph. The annual conference shall notify the president of its college of bishops of its decision at least 30 days before a regular or specially called session of its jurisdictional or central conference. The jurisdictional or central conference shall reallocate the territory of the former annual conference among the remaining annual conferences or create a new annual conference. It shall be the new self-governing church's own responsibility to develop its Book of Discipline and establish itself as a legal entity. The existence of the self-governing church shall be effective upon the adjournment of the jurisdictional or central conference or upon the effective date established by the annual conference in its request, whichever is later. An annual conference shall not consider a switch in its affiliation within less than four years from a previous annual conference vote on the question.
 - b. If a U.S. annual conference ceases to be a part of The United Methodist Church through becoming a self-governing Methodist church, or otherwise, it should contribute to the General Board of Pension and Health Benefits any amount necessary to fully fund its obligations under the Clergy Retirement Security Program. The former annual conference's sponsorship of and legal responsibilities under the Clergy Retirement Security Program will continue as a self-governing Methodist Church. However, accruals and benefit improvements under the Clergy Retirement Security Program shall cease. The sponsorship and administration of the Clergy Retirement Security Program for the self-governing Methodist church will be sequestered and treated separately from all other annual conferences that remain part of The United Methodist Church. For purposes of administering the Clergy Retirement Security Program in this manner, the General Board of Pensions and Health Benefits is authorized and empowered to:
 1. Identify which of the self-governing Methodist church's (former annual conference's) plan participants have chosen to remain with the United Methodist Church, and those who are members of the former annual conference (whether the former annual conference becomes a self-governing Methodist church or otherwise disaffiliates) based on records of service and membership of the annual conferences; non-clergy participants, e.g.; surviving spouses, contingent annuitants, and alternate payees, will be deemed to remain associated with The United Methodist Church.
 2. Calculate and sequester the former annual conference's share of defined benefit plan assets and liabilities for all participants of the former annual conference using factors corresponding to those used when determining annual conference plan sponsor contributions to the Clergy Retirement Security Program; and to the extent and at any time that certain participants, whether active or inactive, become the responsibility of The United Methodist Church, retain for The United

Methodist Church from such calculated share an amount necessary to fully fund the liabilities of such participants, using factors similar to a commercial annuity provider;

3. Calculate the amount of any plan contributions required to be made by the former annual conference in the future, as part of the self-governing Methodist church's ongoing sponsorship of its separate frozen part of the Clergy Retirement Security Program;
4. Collaborate with the self-governing Methodist church (former annual conference) to determine how plan design changes may be requested by the self-governing Methodist church, and the scope and administrative reasonableness of amendments that may be made to the separate frozen part of the Clergy Retirement Security Program; and
5. Amend the Clergy Retirement Security Program effective as of the close of the 2019 General Conference to conform with this paragraph of The Book of Discipline.

If the self-governing Methodist church (former annual conference) does not satisfy any required ongoing contributions within a reasonable time under this paragraph or the terms of the Clergy Retirement Security Program, as determined by the General Board of Pension and Health Benefits, or the self-governing Methodist church elects not to, refuses to, or fails to satisfy its legal sponsorship of the Clergy Retirement Security Program, the General Board of Pension and Health Benefits shall convert all accrued pension benefits of the self-governing Methodist church's (former annual conference) assigned participants to an actuarially equivalent account balance, adjusted, as necessary, to take into account the former annual conference's funding level of the Clergy Retirement Security Program. Such account balances, and all other retirement account balances, will be transferred to the United Methodist Personal Investment Plan. The General Board of Pension and Health Benefits may also take such actions if the Clergy Retirement Security Program is amended to require an account balance conversion for similar classes of participants, or if continuing administration for the self-governing Methodist church is no longer administratively reasonable.

- c. Institutions owned by or affiliated with the annual conference shall continue that relationship unless, under their own bylaws and in conjunction with the annual conference they establish a change in affiliation.
- d. The newly created body shall continue under the supervision of the college of bishops of the jurisdiction until supervisory leadership is in place under its constitution.
- e. Any local church or charge of the annual conference becoming or joining a self-governing church shall have the right to remain in the existing jurisdiction of The United Methodist Church by a simple majority vote of a church conference before or during the first two years of the self-governing church's existence and shall have the right to hold a church conference to vote on this matter within no more than 120 day of notifying the relevant leadership of the Annual Conference or the self-governing church. After the first two years, release of a congregation from a self-governing church shall be according to that church's

governing documents. Supervision of the congregation shall transfer to the cabinet of the annual conference assigned to cover their location by the jurisdictional or central conference upon written acknowledgement to the self-governing body by the receiving cabinet.

Local churches electing to remain United Methodist by exiting an annual conference that is forming or joining a self-governing Methodist church shall not owe any payment to the annual conference they are departing, except for the local church's proportional share of the annual conference's aggregate unfunded pension liability, as determined by the General Board of Pension and Health Benefits. The General Board of Pension and Health Benefits shall determine the aggregate funding obligations of the annual conference using market factors similar to a commercial annuity provider, from which the annual conference will determine the local church's share. The local church payment of pension liabilities shall be made prior to the effective date of exit.

- f. Clergy members of the departing annual conference shall by default remain members of that annual conference unless they request to remain in The United Methodist Church. They shall communicate such a request before or within 90 days after the annual conference exit effective date to the bishop or the departing annual conference and to the jurisdiction or central college of bishops, but may, at the discretion of the bishop of the departing annual conference, continue serving the current appointment for up to one year from the date of such request until a suitable appointment is found. The United Methodist jurisdictional or central college of bishops shall work together to provide an appointment for any clergy member subject to security of appointment (and may do so for the clergy members not subject to security of appointment) in the area of his/her former annual conference or in another annual conference in the jurisdiction, unless the clergy member agrees to transfer to an annual conference out of the jurisdiction.
10. Groups of local churches forming new self-governing Methodist churches in the United States. Any fifty or more United Methodist local churches may form a self-governing Methodist church by the following procedure:
 - a. Those organizing the self-governing church shall develop a vision and mission statement describing the nature and work of the body.
 - b. Local churches seeking to form the self-governing church shall vote to do so by a 55 percent majority vote of a church conference. Such vote shall indicate the desire of the congregation to join the forming group, but the congregation remains part of The United Methodist Church until the self-governing church becomes established and the other provisions for exit under this paragraph are satisfied. The bishop and district superintendent shall facilitate the change of affiliation and shall preside over a church conference within 120 days when requested by the local church's pastor or church council (par. 246, 248). A local church shall not consider a switch in its affiliation within less than four years from a previous church conference vote on the question.
 - c. The organizers shall select a United Methodist college of bishops to supervise the church until such time as supervisory leadership is in place under its own constitution. If no selection is made, the college of bishops supervising the territory where most of the local churches are

located shall provide supervision. Notice shall be given to the president of the college of bishops and the college shall include the church in its plan of oversight. The bishop placed in charge of the group of congregations shall have the right to assemble a transitional cabinet should the bishop deem that necessary.

- d. Once a group of fifty or more congregations has been formed under part 2801.10.b, an organizing conference shall be held, at which time the constitution, Book of Discipline, and provisional leadership for the newly organized church shall be approved. It shall be the new church's own responsibility to develop its Book of Discipline and establish itself as a legal entity. Existence of a self-governing church shall become effective at the adjournment of the organizing conference or upon an effective date established by that conference, provided that all of the provisions for exit under this paragraph are satisfied.
 - e. The local church shall retain all property, assets, and liabilities, except as provided under par 2801.1.2. On the effective date the provisions of the Trust Clause (par. 2501) shall be released to the new church, and its provisions administered according to the governing documents of the new church. Congregations leaving United Methodist annual conferences shall not have claim or be entitled to a share of the assets or non-pension liabilities of the annual conference they are exiting.
11. Local churches seeking to join any existing, self-governing church formed under this paragraph shall be granted a change in affiliation upon a 55 percent majority vote of a church conference. The bishop and district superintendent shall facilitate the change of affiliation and shall preside over a church conference within 120 days when requested by the congregation's pastor or church council (par. 246, 248). Such a request to join an existing, self-governing church shall also require the approval of the receiving self-governing church by whatever means are provided in its governing documents. A local church shall not consider a switch in its affiliation within less than four years from a previous church conference vote on the questions. Transfer of the affiliation of a local church under par. 2801.11 shall be effective upon written acknowledgement to the cabinet of the annual conference from the supervisory leadership of the receiving church that the transfer to them is accepted. On the effective date of the congregation's joining a self-governing church, the provisions of the Trust Clause (par. 2501) shall be released to the self-governing church, and its provisions administered according to the governing documents of the new church. The local church shall retain all property, assets, and liabilities, except as provided under par. 2801.23. Congregations leaving the United Methodist annual conference shall not have claim or be entitled to a share of the assets or non-pension liabilities of the annual conference they are exiting.
12. Conditions. A local church electing to join a new or existing self-governing church through the provisions of par. 2801.10-11 shall enter into a written agreement with the bishop setting an effective date and resolving any financial obligations to the United Methodist Church.
- a. On the effective date, the local church shall assume all liabilities, and the local church (and any of its affiliates) shall cease participation in and cease to be eligible to participate in all programs and operations of The United Methodist Church, except as provided in par. 2810.1.9. The local church

shall immediately remove all references to the words “United Methodist” as well as all United Methodist symbols and insignia, except as provided in par. 2801.15, although it may continue to use the word “Methodist”. The local church shall retain all its property, assets, and liabilities not specifically accounted for in the agreement. Such agreement shall be in writing and signed and approved by the duly qualified and authorized representatives of the annual conference and the local church.

- b. Local churches electing to join a new or existing, self-governing Methodist church through the provisions of par. 2801.10-11 shall not owe any payment to the annual conference they are departing except for the local church’s proportional share of the annual conference’s aggregate unfunded pension liability, as determined by the General Board of Pension and Health Benefits. The Board shall determine the aggregate funding obligations of the annual conference using market factors similar to a commercial annuity provider, from which the annual conference will determine the local church’s share. The local church payment of pension liabilities shall be made prior to the effective date of exit.
 - c. Upon receipt of any payment required and fulfillment of all other provisions of this paragraph, the district superintendent shall deliver a signed letter waiving all rights the conference trustees or annual conference may have in the local church’s real estate or other property and assets, as of the exit effective date.
13. Annual conferences or local churches outside the United States may join a self-governing Methodist Church formed under this paragraph under the same terms as are spelled out in this paragraph, in such case, the self-governing church becomes a global body.
 14. When one or more annual conferences vote to become a self-governing body after the adjournment of the jurisdictional or central conference, the jurisdictional or central college of bishops shall call a special jurisdictional or central conference within 180 days of being notified of the annual conference’s action. The jurisdictional or central conference shall adjust its annual conference boundaries at the special conference as necessary to provide coverage for the geographic territory of the withdrawing annual conferences. The Interjurisdictional Committee on Episcopacy (par. 512) shall monitor the changing landscape of the United States annual conferences and bring recommendation to General Conference related to reorganization of the jurisdictional conferences that may be warranted based on the effects of this paragraph.
 15. Self-governing Methodist churches formed under this paragraph may use an insignia or logo that utilizes a form of the United Methodist cross and flame, so long as such a logo is noticeably distinguishable from the United Methodist cross and flame. Any self-governing church logo that utilizes the cross and flame shall be subject to the approval of the General Council on Finance and Administration, which shall make its decision in such a way as to protect the United Methodist brand while acknowledging the historical connection of the self-governing church with United Methodism.
 16. Other disciplinary provisions notwithstanding, a clergy member (active or retired) may transfer to any self-governing Methodist church formed under this paragraph upon the clergy member’s request and upon acceptance by the self-governing

church. Release by the United Methodist bishop shall not be required for these transfers.

17. Other disciplinary provisions notwithstanding, a United Methodist bishop (active or retired) may transfer to a self-governing Methodist church formed under this paragraph upon request by the bishop and approval by the receiving church.
18. Institutions related to The United Methodist Church may choose to develop missional ties with self-governing churches, so long as governing control remains vested with The United Methodist Church. If such an institution vests its governing control with a self-governing church or churches, the relationship with The United Methodist Church shall be renegotiated in a spirit of common mission and shared religious bonds and convictions. Such institutions may also request to change their affiliation to a self-governing Methodist church under the provisions of their own bylaws. Institutions related to an annual conference that forms or joins a self-governing Methodist church may likewise develop missional ties with The United Methodist Church and may petition the United Methodist jurisdiction or successor annual conference to remain in The United Methodist Church through processes established in their bylaws.
19. No self-governing church is required to participate in any programs or services of The United Methodist Church, nor is such official participation permitted without the agreement of the sponsoring United Methodist agency. Each self-governing church may negotiate participation in and receipt of fee-based services from any United Methodist general board or agency, including sponsorship and participation in health, welfare or retirement plans of the General Board of Pensions and Health Benefits. The self-governing church, its annual conferences and/or local congregations are permitted to engage in or continue partnerships in mission, including financial support, with United Methodists annual conferences, institutions, or local congregations, with the agreement of the United Methodist entity involved and may channel such support and partnership through United Methodist general agencies such as the General Council on Finance and Administration or General Board of Global Ministries.
20. The self-governing church shall set its own geographic borders, which may overlap those of United Methodist annual conferences and other self-governing churches organized under this paragraph of The Book of Discipline of The United Methodist Church and may include territory outside the United States.
21. Self-governing churches may organize themselves together with other self-governing churches under a common Discipline or unite to form one self-governing church.
22. The self-governing church shall be fully financially self-supporting, including funding its own bishop(s).
23. The provisions of this paragraph shall take effect immediately upon the adjournment of the 2019 General Conference.

JCD: Petition 10: (the paragraphs reference the paragraphs listed in Petition 10)

Par. 2801.1-7: Are unconstitutional and violate the principle of legality.

Par. 2801.8: The first sentence beginning "Clergy who find themselves for reasons of conscience unable to live within the boundaries...."

Is constitutionally vague and violates the principles of legality.

Par. 2801.9 is constitutional.

Par. 2801.10-12 and the "local churches in Pr. 2801.13 are unconstitutional as they are in conflict with current par. 41.

Par. 2801.14-23 are constitutional.

Petition 11 – paragraph 2711.3 – Minimum Penalty – page 32-33

Rationale: Assigning a penalty of less than a suspension for a first offense or less than termination of conference membership and/or revocation of conference membership and ordination or consecration in such circumstances encourages open defiance of the order and the discipline of The United Methodist Church.

2711. Power of the Trial Court

3. Penalties – If the Trial Results in Conviction. Further testimony may be heard and arguments by counsel presented regarding what the penalty should be. The trial court shall determine the penalty, which shall require a vote of at least seven members. The trial court shall have the power to remove the respondent from professing membership, terminate the conference membership and/or revoke the credentials of conference membership and/or ordination or consecration of the respondent, suspend the respondent from the exercise of the functions of office, or to fix a lesser penalty. Except, where the conviction is for conducting ceremonies which celebrate homosexual unions, or performing same-sex wedding ceremonies under par. 2702.1 (b) or (d), the trial court does not have the power to and may not fix a penalty less than the following:
 - a. First (1st) offense – One (1) year’s suspension without pay.
 - b. Second (2nd) offense – Not less than termination of conference membership and revocation of credentials of licensing, ordination, or consecration. The penalty fixed by the trial court shall take effect immediately unless otherwise indicated by the trial court.

JCD: **Petition 11 is constitutional.**

Petition 12 – paragraph 304.5 – Qualifications for Ministry – page 34

Rationale: Incorporates Judicial Council Decisions 1343, 1344, and 1352 in the Discipline, requiring district committees and boards of ordained ministry to fully examine candidates’ qualifications under par. 304.3. Guarding against non-conforming committees and boards of ordained ministry, this forbids them from approving or recommending persons found to be unqualified under that paragraph.

304.5 In all votes regarding license, ordination, or conference membership, the requirements set forth herein are minimum requirements. Each person voting is expected to vote prayerfully based on personal judgment of the applicant’s gifts, evidence or God’s grace, and promise of future usefulness for the mission of the Church. The District Committee on Ordained Ministry and the Board of Ordained Ministry shall not approve or recommend any person for candidacy, licensing, commissioning, or ordination who does not meet the qualifications of par. 304.1-3, based on the full examination and thorough inquiry into the person’s fitness by the committee and board. The bishop presiding in the clergy session shall rule any such unqualified candidate out of order and not eligible to be acted upon.

JCD: **Petition 12 is constitutional.**

Petition 13 - paragraph 362.1e, paragraph 413.3d – Complaint Process – pages 36-37

Rationale: This petition restores language from 2008 guarding against the arbitrary dismissal of complaints. Prevents a bishop from deciding which parts of church law should be upheld in a given conference. Unreasonable dismissal can deprive the church and complainants of the ability to hold person accountable and repair harm done to individuals and communities. Since a

cabinet is an extension of the office and ministry of the bishop, it is often unable to be an independent check on the bishop's decision to dismiss a complaint. Complainants have sometimes not been informed of the rationale of a bishop's dismissal of a complaint.

362.1.e Referral or Dismissal of a Complaint – Upon receiving a written and signed complaint, the Bishop shall, within 90 days, carry out the supervisory response process outlined above. If within 90 days after the receipt of the complaint resolution is not achieved, the bishop shall either:

- (1) Dismiss the complaint as having no basis in law or fact, with the consent of the cabinet giving the reasons therefore in writing, copies of which shall be placed in the clergy person's file and shared with the complainant; or
- (2) Refer the matter to the counsel for the church as a complaint.

413.3.d (i) if the supervisory response results in the resolution of the matter, the bishop in charge of the supervisory response and the two episcopacy committee members appointed to the supervisory process (par. 413.3) shall monitor the fulfillment of the terms of the resolution. If the supervisory response does not result in resolution of the matter, the president or secretary of the College of Bishops may either dismiss the complaint as having no basis in law or fact, with the consent of the College of Bishops and the committee on episcopacy, giving the reasons therefore in writing, copies of which shall be placed in the bishop's file and shared with the complainant, refer the matter to the committee on episcopacy as an administrative complaint pursuant to par. 413.3.e, or refer the matter to counsel for the church pursuant to par. 2704.1 to prepare a complaint to forward to the committee on investigation.

JCD: Petition 13 is constitutional.

Petition 14 – paragraph 362.1, 413.3.c, 2701.5, 2706.5.c.3 – Just Resolution – pages 38-40

Rationale: The purpose of a Just Resolution is to repair harm and achieve accountability, both of which are enhanced by the respondent's willingness to change future behavior, as witnessed by a commitment not to repeat the offense. Refusal to make such a commitment increases the likelihood of future offenses and complaints.

362. Complaint Procedures – 1. Ordination and membership in an annual conference in the United Methodist Church is...This review shall have as its primary purpose a just resolution of any violations of this sacred trust, in the hope that God's work ...
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. Just resolutions shall state all identified harms and how they shall be addressed by the church and other parties to the complaint. In cases where the respondent acknowledges action(s) that are a clear violation of the provisions of the Discipline, a just resolution shall include, but not be limited to, a commitment not to repeat the action(s) that were a violation. In appropriate situations, processes seeking a just resolution as defined in par. 362.1.c may be pursued. Special attention should be given to ensuring that cultural, racial, ethnic and gender contexts are valued throughout the process in terms of their understanding of fairness, justice, and restoration.
A complaint is a written and signed statement claiming misconduct as defined in par. 2702.1

413. Complaints Against Bishops: 3.c. The supervisory response may include a process seeking a just resolution in which the parties are assisted by a trained, impartial third-party facilitator (s) or mediator (s) in reaching an agreement satisfactory to all parties. (See par. 362.1.b.c) The appropriate person....Just resolutions shall state all identified harms

and how they shall be addressed by the church and other parties to the complaint. In cases where the respondent acknowledges action(s) that a clear violation of the provisions of the Discipline, a just resolution shall include, but not limited to, a commitment not to repeat the action(s) that were a violation.

2701.5: 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 parties. Just resolutions shall state all identified harms and how they shall be addressed by the church and other parties to the complaint. In cases where the respondent acknowledges action(s) that are a clear violation of the provisions of the Discipline, a just resolution shall include, but not be limited to, a commitment not to repeat the action(s) that were a violation. 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....

2706.5.c Findings other than reasonable grounds by committee or other actions – (3) Upon recommendation of the counsel for the Church and the counsel for the respondent, the committee may refer the matter to the resident bishop as deemed appropriate for a process seeking a just resolution. The bishop shall institute such a process and may use the assistance of a trained, impartial third-party facilitator(s) or mediator(s). Such referral will not constitute a dismissal or double jeopardy under par. 2701.2.d. The appropriate persons, including the counsel for the church and counsel for the respondent, should enter into a written agreement outlining the process, including any agreements on confidentiality. If resolution is achieved, a written statement, affirming such resolution, including any 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. Just resolutions shall state all identified harms and how they shall be addressed by the church and other parties to the complaint. In cases where the respondent acknowledges action(s) that are a clear violation of the provisions of the Discipline, just resolution shall include, but not limited to, a commitment not to repeat the action(s) that were a violation. If the resolution results in a change of ministerial status, the disclosure agreement shall not prevent the disciplinary disclosures ...

JCD: **Petition 14. The second sentence beginning, “In cases where the respondent acknowledges actions(s) that are a clear violation of the provisions....” Is constitutional because it violates Pars. 20, 58.**

Petition 15 – paragraph 362.1.c, 413.3.c, 2701.5, and 2706.5 c.3. – Just Resolution – pages 41-46

Rationale: The current practice of allowing the counsel for the church to enter into a just resolution without the participation or agreement of the complainant is unjust and circumvents the goal of restoration of relationship. In order for justice to be done and healing to take place, the complainants must be part of the process and, wherever possible, must agree to the just resolution.

362.1.c, 413.3.c, 2701.5, and 2706.5 c.3. by adding the same sentence to all four as follows: No matter where in the process a just resolution is achieved, the complainant(s) shall be a party to the resolution process and every effort shall be made to have the complainant(s) agree to the resolution before it may take effect. Also add, the complainant in Par. 2701.5 and 2706.6.c.3.

362. Complaint Procedures – 1. Ordination and membership in the annual conference in The

United Methodist Church is a sacred trust. . .

- c. Just resolutions – The supervisory response may include a process that seeks a just resolution in which the parties are assisted by a trained, impartial third-party facilitator(s) or mediator(s) in reaching an agreement satisfactory to all parties. If the bishop chooses to initiate a mediated attempt to produce a just resolution, the bishop, the person filing the complaint, the respondent, and other appropriate persons shall enter into a written agreement outlining the process, including any agreement on confidentiality. A process seeking a just resolution may begin at any time in the supervisory, complaint, or trial process. No matter where in the process a just resolution is achieved, the complainant(s) shall be a party to the resolution process and every effort shall be made to have the complainant(s) agree to the resolution before it may take effect. If resolution is achieved, a written statement of resolution, including any terms and conditions, shall be signed by the parties and the parties shall agree on any matters to be disclosed to the third parties. A just resolution agreed to by all parties shall be the final disposition of the related complaint.

413. Complaints Against Bishops 3.c The supervisory response may include a process seeking a just resolution in which the parties are assisted by a trained, impartial third party facilitator(s) or mediator(s) in reaching an agreement satisfactory to all parties (see par.363.1.b.c) The appropriate persons, including the president of the College of Bishops, or the secretary if the complaint concerns the president, should enter into a written agreement outlining such process, including an agreement as to confidentiality. No matter where in the process a just resolution is achieved, the complainant(s) shall be a party to the resolution process and every effort shall be made to have the complainant(s) agree to the resolution before it may take effect. If resolution is achieved, a written statement of resolution, including terms and conditions, shall be signed by the parties and the parties shall agree on any matters to be disclosed to their parties. Such written statement of resolution shall be given to the person in charge of that stage of the process for further action consistent with the agreement.

2701.5 A Just Resolution in Judicial Proceedings – A just resolution is one that focuses...the petition adds “the complainant should enter into a written agreement”. The line also adds “No matter where in the process a just resolution is achieved, the complainant(s) shall be a party to the resolution process and every effort shall be made to have the complainant(s) agree to the resolution before it may take effect.” In the next line.

2706.5 Bill of charges and Specifications, Deliberations, Vote, and Referral c.3 adds the words The complainant in the sentence beginning “the appropriate persons, including the counsel for the church...” In the following sentence the lines also adds, “No matter where in the process a just resolution is achieved, the complainant(s) shall be a party to the resolution process and every effort shall be made to have the complainant(s) agree to the resolution before it may take effect.”

JCD: **Petition 15 is constitutional.**

Petition 16 - Paragraph 2715.10 – Church appeal – pages 45-46

Rationale: Enables the Church to correct errors in the trial process that prejudice the results of the trial. Disallowing appeals by the Church fails to protect the rights of the complainant and closes off one avenue to work for justice. Levels the playing field for the church/complainant and

the respondent with the same rights for each. The addition of “or central conference” clarifies that all appeals are available both in jurisdictions and in central conferences. The addition of “and/or The Judicial Council” clarifies that the church or respondent may appeal a ruling by the committee on appeals.

2715.10 Appeal Procedures. The Church shall have no right of appeal from the findings of fact of the trial court. The church shall have a right of appeal to the committee on appeals and then to the Judicial Council from findings of trial court based on egregious errors of Church law or administration that could reasonably have affected the findings of the trial court. When the committee on appeals or the Judicial Council shall find egregious errors of Church law or administration under this part, it may remand the case for a new trial, along with a statement of the grounds of its action. This is not to be double jeopardy. In regard to cases where there is an investigation under par. 2702 but no trial is held, egregious errors of Church law or administration may be appealed to the jurisdictional or central conference committee on appeals and then to the Judicial Council by counsel for the Church. The committee on Investigation’s decision not to certify a bill of charges does not alone constitute an egregious error of Church law or administration. When the committee on appeals or the Judicial Council shall find egregious errors of Church law or administration under this part, it may remand the case for a new hearing, in which event it shall return to the chair of the committee on investigation a statement on the grounds of its actions. This is not to be double jeopardy.

JCD: Petition 16 is constitutional.

Petition 17 – paragraphs 570 and 574.1 – Concordat Churches – pages 47-48

Rationale: This opens the possibility for concordat churches in the United States, allowing negotiated covenants and relationships between self-governing Methodist churches formed under par. 2801 and The United Methodist Church. This allows a continuing connection with those congregations departing from the denomination because of conscience.

570 and 574.1 amend both to create the option of concordat churches in the United States. The changes in these paragraphs shall take effect immediately upon the adjournment of the 2019 General Conference.

570. Churches located outside the boundaries of the jurisdictional conference and churches formed through the provision of par. 2801 and which have entered into relationship with or have agreements with the United Methodist Church, including that of sending representatives to General Conference of The United Methodist Church are described as follows:

574 Concordat Agreements 1. With the exception of The Methodist Church of Great Britain and churches formed through the provisions of par. 2801, such concordats may be established by the following procedure:

JCD: Is constitutional insofar as it refers to self-governing Methodist churches formed by annual conferences under the provisions of proposed 2801.9