Complaint Procedures

The primary purpose of the complaint process is "a just resolution of any violations of this sacred trust, in the hope that God's work of justice, reconciliation and healing may be realized in the body of Christ." (¶362.1, *2016 BOD*)

Principles

1. All changes in conference relationships are recommended by Board of Ordained Ministry to the Clergy Executive Session. The complaint process, which may affect conference relationships, begins with the Bishop and the Cabinet. The Board of Ordained Ministry works with the Bishop and Cabinet regarding such changes.

2. A complaint is a written and signed statement claiming misconduct as defined in ¶2702.1. The complaint process applies only to "chargeable offenses," including:
    - Immorality
    - Practices declared by the UMC to be incompatible with Christian teachings, including (but not limited to) being a self-avowed practicing homosexual; or conducting ceremonies which celebrate homosexual unions or performing same-sex wedding ceremonies
    - Crime
    - Disobedience to the order and discipline of the UMC
    - Discrimination of doctrines contrary to the established standards of doctrine of the UMC
    - Relationships and/or behavior that undermines the ministry of another pastor
    - Child abuse, sexual abuse, or sexual misconduct
    - Harassment
    - Racial or gender discrimination; or
    - Fiscal malfeasance.

    Concerns that relate to clergy effectiveness ordo not rise to the level of a chargeable offense under ¶2702.1 are handled under ¶359, following the process specified in ¶343.3. (See ¶361 and ¶2701 for fair process.)

3. When a complaint is received or initiated, a Supervisory Response is carried out by the Bishop and a District Superintendent in a confidential and timely manner (¶362.1b).
    - When a complaint is received by the bishop, both the person making the complaint and the person against whom the complaint is made will immediately receive a written copy of the process to be followed at this stage and as stages change, written details of the new process in a timely fashion.
    - A complaint is a written and signed statement claiming misconduct under ¶2702.1.
    - At the determination of the bishop, persons with qualifications and experience in assessment, intervention, or healing may be selected to assist in the supervisory response
    - When the supervisory response is initiated, the bishop shall notify the Chairperson of the Board of Ordained Ministry (BOM) that a complaint has been filed, the clergyperson named, and the general nature of the complaint; and when concluded the disposition of the complaint.

4. When deemed appropriate, the Bishop with recommendation of Executive Committee of Board of Ordained Ministry may suspend the individual from all clergy responsibilities, but not from an appointment, for up to 90 days. The suspension may be extended for 30 days. Salary, housing and other benefits will continue at a level no less than on the date of suspension. (¶362.1c)

5. If Supervisory Response (¶362.b) does not reach a just resolution, the Bishop may refer the complaint as follows (¶362.1e):
    - Dismiss the complaint with the consent of the cabinet giving the reasons in writing; or
    - Refer the matter to the counsel for the church as a complaint (¶2704).

6. See ¶2704 and following for procedures for referral and investigation of a complaint.

7. Note the Statute of Limitations provisions in ¶2702.4 and the Time of Offense provisions in ¶2702.5.

8. Local Pastors can be discontinued without complaint. Local Pastors can be discontinued under ¶320.1, *2016 BOD*. Only if a formal written complaint under ¶2702 is brought against a local pastor does the local pastor have a right to the supervisory response, and if a complaint (¶2704), the right to a trial

9. Provisional members can be recommended for discontinuance by the Board of Ordained Ministry (¶327.6, *2016 BOD*). Prior to any final recommendation of discontinuance without consent, a provisional member has a right to a hearing before the executive committee of the board of ordained ministry and the provisions of fair process (¶361.2, *2016 BOD*) shall be observed, and a right to a review by the Administrative Review Committee under ¶636 before a decision by the clergy session of the annual conference.

03/2018

Guidelines for Fair Process for Involuntary Change in Conference Relations

¶361.2 (*2016 Book of Discipline)*

1. Every clergy where a request has been made for discontinuance of a provisional member, involuntary leave of absence, administrative location, or involuntary retirement has a right to be heard before the Conference Relations Committee of the Board of Ordained Ministry (BOM).

2. Notice of a hearing must be sent at least 20 days before the hearing. (¶361.2b)

3. Respondent has the right to be accompanied by a clergy person in full connection who has the right to voice. (¶361.2c)

4. No party may discuss substantive issues with members of the pending hearing body without the other party being present. (¶361.2d)

5. The respondent shall have access to all records relied upon in the determination of the outcome of the administrative process. (¶361.2e)

6. If the respondent fails to respond, the hearing can still be held. (¶3612f)

7. The Cabinet, Bishop, and Board, etc. are granted immunity from prosecution of complaints and civil court proceedings (see ¶361.3).

8. The Administrative Review Committee checks the process to make sure everything was done properly and reports this to the clergy session of the annual conference. (¶636)