



Overview of Complaint Process
January 11, 2017 Clergy Gathering
presented by the District Superintendents

While gathered today as colleagues who are called to live together in a covenantal community, we want to share how thankful we are that The United Methodist Church, unlike many denominations, has a process for handling complaints brought against clergy.

We also are grateful that this process is used rarely here in GNJ and grateful for the healthy boundaries our clergy maintain.

As a cabinet we felt it important to briefly share about the process in light of a very challenging complaint we will talk about today that involved one of our clergy brothers. Our goal is to have clarity and understanding for the body.

Our procedures through the Book of Discipline are informed by the conviction that the entire church is a covenantal community where clergy serve out their calling and are also accountable within the clergy covenant. Clergy are called to live in a covenant of mutual care and accountability with both laity and all other clergy.

We believe that membership in an annual conference is a sacred trust. The United Methodist Church has put its trust in all clergy to lead in ministries of service, word, order, compassion and justice.

Clergy have been called to equip laity for this ministry through proclamation, teaching, pastoral care, deeds of mercy and kindness, the administration of the sacraments, and the ordering of the congregation for mission and service. These responsibilities flow from the gospel as taught by Jesus and proclaimed by his apostles.

Whenever a clergyperson is accused of violating this sacred trust, his or her ministerial office shall be subject to review.

The purpose of this review is to find a just and loving resolution to any violation of this sacred trust, in the hope that God's work of justice, reconciliation and healing may be realized in the body of Christ.

This process never forgets that the church is a redemptive community whose purpose is to relate persons to God and each other after the example of Christ Jesus.

In The United Methodist Church, this review is put in motion when a written and signed complaint is received by the bishop. The nature of the complaint can be either administrative or judicial.

Administrative Fair Process & Complaint Procedures (§362 & 363) are processed through the conference relations committee and the board of ordained ministry when there are allegations of ineffectiveness. Administrative complaints may lead to discontinuance, involuntary leave of absence, administrative location or involuntary retirement.

The Book of Discipline specifies procedures to be followed in processing such a complaint. These procedures exist for the protection of the rights of clergy and the safety of the church.

Judicial Complaints (¶2702) A bishop, clergy person, or a diaconal minister, may be tried when allegations are made that an individual has violated a number of offenses as outlined in ¶2702.1.

Judicial Complaints include one or more of the following offenses:

- Immorality, including but not limited to, not being celibate in singleness or not faithful in a heterosexual marriage;
- Practices declared by The United Methodist Church to be incompatible with Christian teachings, including but not limited to: being a self-avowed practicing homosexual; or conducting ceremonies that celebrate homosexual unions; or performing same-sex wedding ceremonies;
- Crime;
- Disobedience to the order and discipline of The United Methodist Church;
- Dissemination of doctrines contrary to the established standards of doctrine of The United Methodist Church;
- Relationship and or behavior that undermines the ministry of another pastor;
- Child abuse;
- Sexual abuse;
- Sexual misconduct or harassment, including, but not limited to racial and/or sexual harassment; and
- Racial or gender discrimination. (¶2702.1)

If a clergyperson is charged with any of these listed offenses, such charges may or may not be heard by a trial court. It should never be assumed that all complaints will go to trial. Church trials are regarded as a last resort. Trials are held only after due investigation, and they are to be conducted in a manner consistent with the highest ideals of compassion and justice.

Complaint Process includes:

- Supervision & Supervisory Process – ¶ 363.1a,b
- Notification to Chair of BOOM – ¶ 363.1b
- Just Resolution – ¶ 363.1c
- Suspension – ¶ 363.1d
- Referral of a Complaint – ¶ 363.1e
- Supervisory Follow-Up and Healing – ¶ 363.1f
- Referral of Original Complaint to Counsel for the Church – ¶ 2704.2
- Outline of the Committee on Investigations Procedures – ¶ 2706
- Outline of the Principles, Organization and Process for Trials – ¶ 2707-13

A supervisory process is followed when a signed complaint has been brought to the attention of the bishop claiming misconduct or unsatisfactory performance of ministerial duties. This response is pastoral and it should be directed toward a just and redemptive resolution among all parties.

Throughout the supervisory process, the written complaint shall be treated as an allegation or allegations. These supervisory meetings are to be conversational, and they are to be held in the spirit of holy conferencing.

The resident bishop is charged with the responsibility to make certain that the supervisory process is carried out in a timely manner. The aim is to have clear and honest communication. The supervisory process may involve professional persons with experience in assessment, intervention, healing, and mediation.

When the supervisory response is initiated, the **bishop notifies the Chair of BOOM (¶ 363.1b)** that a complaint has been filed against a clergy person, the general nature of the complaint and when concluded, of the disposition of the complaint.

The supervisory response may include a process that seeks a **Just Resolution (¶ 363.1c)**. If all parties agree on a fair and loving resolution, there will be a written statement of how the complaint is to be resolved. This written understanding must be signed by all parties. A just resolution agreed to by all parties shall constitute a final disposition of the complaint.

Suspension (¶ 363.1d) may also occur. When deemed appropriate, to protect the well-being of the person making the complaint, the congregation, annual conference, other context for ministry, and/or clergy, the bishop, with the recommendation of the executive committee of the BOOM, may suspend the person from all clergy responsibilities, but not from an appointment, for a period not to exceed 90 days.

After 90 days there must be a **Referral of the Complaint (¶ 363.1e)**: either—

1. Dismiss it with the consent of the cabinet giving the reasons therefore in writing
2. Refer it to the counsel for the church as a complaint.

Supervisory Follow-Up and Healing (¶ 363.1f)

The bishop and cabinet shall provide a process for healing with the congregation, annual conference or other context of ministry if there has been significant disruption by the complaint. This process may include sharing of information by the bishop or the bishop's designee about the nature of the complaint without disclosing alleged facts, which may compromise any possible forthcoming administrative or judicial process. Regard is given to the interests and needs of all concerned.

This process for healing could also include a process for a just resolution, which addresses unresolved conflicts, support for victim(s) and reconciliation for parties involved, can happen at any time during the supervisory, complaint or trial process.

¶ 2704.2 Referral of Original Complaint to Counsel for the Church, Who Shall Prepare Judicial Complaint and Supporting Material for Consideration by Committee on Investigation...When Respondent is a Clergy Member of an Annual Conference, Clergy on Honorable or Administrative Location, or a Local Pastor

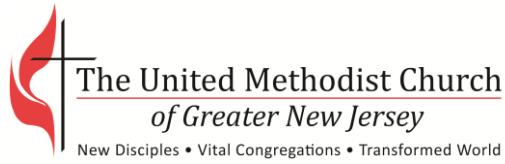
The bishop shall refer the complaint to the counsel for the church (clergy in full connection), appointed by the bishop. The counsel reviews all alleged facts and events related to the chargeable offense(s), may do additional investigation if necessary, and determine if evidence supports moving forward. Counsel can recommend dismissal or to move forward with the complaint and a bill of charges to Committee on Investigations.

¶ 2706 Outlines the Committee on Investigations Procedures

The role of the Committee on investigation is to conduct an investigation into the allegations made in the judicial complaint and to determine if reasonable grounds exist to bring a bill of charges and specifications to trial.

¶ 2707-13 Outlines the Principles, Organization and Process for Trials

Church trials are to be regarded as a "last resort," and have the responsibility to render a just decision that will determine the final disposition of the complaint.



For much of the recent history of the United Methodist Church, complaints were to be confidential. In the 2012 Book of Discipline, the phrase about confidentiality was removed. Best practices today indicates sharing complaints and details of the complaint are appropriate in some cases to actually vindicate and/or protect victims or potential future victims.

It can also lead to healing. For instance, if a clergy person has harmed an individual or the church by crossing a boundary, the victim or leaders may want this to be shared to protect potential future victims or to allow other victims to come forward.

The Book of Discipline does warn the cabinet not to share alleged facts until after the complaint is fully resolved so as not to compromise any pending judicial or administrative process.