

DECISION 1287

IN RE: A Request from the College of Bishops of the Western Jurisdiction for a Declaratory Decision Regarding the Meaning, Application, and Effect of ¶¶ 413, 2701.5, and 2704.1 if a Complaint is Filed against a Bishop under ¶ 2702

DIGEST OF CASE

When a complaint is filed with the president of a Jurisdictional College of Bishops, it may be handled initially through the supervisory process seeking just resolution (¶ 413 of the *2012 Discipline*). If just resolution cannot be achieved, the involved parties may initiate an administrative complaint or a judicial complaint. The process and possible outcomes, including dismissal, for each of the three complaint procedures is described in the referenced paragraphs and must be followed.

STATEMENT OF FACTS

The College of Bishops of the Western Jurisdiction of The United Methodist Church held a scheduled meeting in Pasadena, California, on January 16 and 18, 2014. The minutes reflect that on January 18 it was moved and seconded that the College request a declaratory decision. The motion was passed and reads as follows:

If the President of the College of Bishops receives a complaint against a bishop in the College for a chargeable offense under ¶2703 of the 2012 *Book of Discipline*, what are the meaning, application and effect of ¶413, ¶ 2701.5 and ¶2704.1?

Paragraph 413 guides the complaint process against bishops, in response to a complaint against a bishop concerning the effectiveness, competence, or one or more offenses listed in ¶2702. Paragraph 413 describes the responsibility of the president of the College of Bishops to work with the secretary of the College of Bishops and members of the jurisdictional Committee on Episcopacy in a supervisory response to the complaint that is

similar in some ways to the supervisory response to complaints against clergy found in ¶ 363....

Minutes of the meeting were received.

JURISDICTION

The Judicial Council has jurisdiction under ¶ 2610 of the *2012 Discipline*.

ANALYSIS AND RATIONALE

The cited paragraphs do appear to be contradictory. However, when read *in toto*, they describe a series of steps. When a complaint against a bishop is received by the President of that bishop's College of Bishops, the first step is to initiate a supervisory response as described in ¶ 413, the purpose of which is "a just resolution of any violation of the sacred trust of their ordination in the hope that God's work of justice, reconciliation, and healing may be realized." At this point the process is confidential and no verbatim record is kept. Time limits for this process are specified in ¶ 413. If the consultation with members selected from the Jurisdictional Episcopacy Committee does not reach a just resolution or move to dismissal, an administrative or judicial response is initiated. At this point, for a judicial complaint, a counsel is named and the procedure described in ¶ 2704.1 is in effect. The selections, notifications, and process are to occur "forthwith" or "as soon as possible."

In response to the specific questions raised by the request for a declaratory decision:

1. "Does the word "forthwith" in ¶2704.1 refer to all or only some of the following: 1) deliverance of a copy of the complaint to the respondent bishop 2) notification of active bishops of the existence and nature of the complaint, and 3) referral of the complaint to an elder...who shall serve as counsel for the Church?"

Two timelines are specified in the *Discipline*. If the complaint has become a Judicial Complaint, the process is to be handled “forthwith.” Time constraints and requirements for the supervisory complaint are specified in ¶ 413.

2. Is it possible for the president of the College of Bishops to conduct a supervisory response to a complaint against a bishop according to ¶413 without violating ¶2704.1

The supervisory response is a possible first step in the process. If just resolution is achieved during the supervisory response process or, if the complaint is dismissed, ¶ 2704 is not a consideration. If resolution is not achieved the complaint returns to the president of the College of Bishops and is handled as an administrative or judicial complaint. When these paragraphs are taken together, they describe a two or three part process. All charges against bishops begin with the confidential supervisory process, regardless of the alleged offense. The outcome of the supervisory process may be just resolution, dismissal, or referral for administrative or judicial complaints. See Decision 1275.

3. Does the president of the College of Bishops have authority, in consultation with other members of the supervisory team and within the time parameters defined in ¶ 413, to determine when and if a complaint against a bishop will be referred to counsel for the church as described in ¶ 2704.1?
4. Does the president of the College of Bishops, in consultation with the supervisory team, have the authority to interpret the meaning, and application of “in a confidential manner” in a supervisory response to a complaint against a bishop and are the complainant(s) and respondent(s) expected to abide by the bishop’s interpretation?
5. Does notification of active bishops of the existence and nature of a complaint (¶ 2704.1) violate the expectation of ¶ 413 that the supervisory response be carried out in a “confidential manner”?

The supervisory response is a confidential process and includes carefully specified persons and no verbatim record. If the complaint moves to a judicial complaint

level, a church counsel is named and other specified individuals are included in the recorded proceedings.

DECISION

When a complaint is filed with the president of a Jurisdictional College of Bishops it is handled initially through the supervisory process seeking just resolution (¶413 of *2012 Discipline*). If just resolution cannot be achieved, the involved parties may initiate an administrative complaint or a judicial complaint. The process and possible outcomes, including dismissal, for each of the three complaint procedures is described in the referenced paragraphs and must be followed.

J. Kabamba Kiboko was absent.

Timothy K. Bruster, first clergy alternate, took part in this decision.

William B. Lawrence, President

F. Belton Joyner, Jr., Secretary

October 25, 2014