

SUBJECT TO FINAL EDITING

JUDICIAL COUNCIL OF THE UNITED METHODIST CHURCH

DECISION NO. 1339

IN RE: Review of a Bishop's Decision of Law in the West Michigan Annual Conference, as remanded by Memorandum 1335, concerning (a) if a Wesley Foundation is considered a conference board or agency by the West Michigan Plan of Organization and the Book of Discipline (¶ 610, ¶ 701), and (b) if a local pastor appointed as campus minister of a Wesley foundation under ¶ 344.1a is ineligible for nomination to the Conference Leadership Team because of the membership requirement established by the West Michigan Plan of Organization.

DIGEST

The Judicial Council has jurisdiction to review the Bishop's decision of law under ¶ 2609.6 of *The Book of Discipline, 2012*. Under the Plan of Organization of the West Michigan Conference the campus ministry at issue is a subdivision of the Board of Higher Education and Campus Ministries and is not a conference board or agency. Further, the local pastor currently serving as director of the campus ministry is not a local pastor serving a charge. She is, instead, an employee of the Conference and therefore ineligible for nomination to the CLT under the conflict of interest provisions of the Plan of Organization. The decision of law of the Bishop is affirmed.

STATEMENT OF FACTS

On Monday, June 13, 2016, during the regular session of the West Michigan Conference, a lay member of the Conference submitted the following questions of law to the Bishop:

Is a Wesley Foundation considered a conference board or agency by the West Michigan Plan of Organization and ¶¶ 610 and 701 of the *Book of Discipline* and in light of Judicial Council Decision No. 175 that states that "1. Direct and final responsibility for the organization, administration, and supervision of a local Wesley Foundation rests upon the local Board of Directors of such a Wesley Foundation, subject only to the Annual Conference Board or Board of Education, an Inter-Conference Commission of Student Religious Work, and the General Board of Education."?

Further, is a local pastor who is appointed as a campus minister of a Wesley Foundation under *Book of Discipline* ¶ 344.1.a. ineligible for nomination to the Conference Leadership Team because of its membership requirement on page 244 of the West Michigan Annual Conference Plan of Organization [Section III B 4 c.3) d)] that states "They shall not be chairpersons or employees of Conference boards or agencies."? Does this requirement conform with Book of *Discipline* ¶ 610, which, in part, states "3...All local pastors serving charges are eligible for election or appointment to such agencies, except those dealing with qualifications, orders, and status of clergy and local pastors."?

These two questions were submitted following the denial of Appellant's nomination from the floor of a licensed local pastor serving as a Director of a Wesley Foundation in the West Michigan Conference for an open at-large position on the Conference Leadership Team. The Bishop declined to answer the questions on the floor of the conference and issued her decision of law on July 7, 2016 holding that the Wesley Foundation is not one of the eight program units of the Conference and that it is a subdivision of

the Board of Higher Education and Ministry. The Bishop further held that a local pastor appointed as a campus minister of a Wesley Foundation is ineligible for nomination to the Conference Leadership Team (CLT).

The Appellant appeals the Bishop's ruling and asks the Judicial Council to reverse both findings of the Bishop. The succeeding Bishop adopts all of the findings of the Bishop presiding at the 2016 Conference and carries over the brief and response brief previously submitted.

The Appellant appealed the bishop's ruling to the Judicial Council. In Memorandum 1335, the Judicial Council remanded the matter to the West Michigan Annual Conference, and instructed it to forward to the Secretary of the Judicial Council the Daily Proceedings of the 2016 West Michigan Annual Conference within 30 days of that decision. The Judicial Council retained jurisdiction.

JURISDICTION

The Judicial Council has jurisdiction to review the questions presented to the Bishop under ¶ 2609.6 of *The Book of Discipline, 2012* [hereinafter *The Discipline*] as modified by Judicial Council Decision 1244. The Judicial Council, in Memorandum 1335, retained the jurisdiction that it had in this matter under ¶ 2609.

ANALYSIS AND RATIONALE

The Bishop of the West Michigan Conference submitted with her decision the detailed Plan of Organization of the West Michigan Conference. That Plan makes clear that in the Definitions, Section F, that there are eight program units of the West Michigan Conference--none of which are campus ministries, but one of which is the Board of Higher Education and Campus Ministries. On the face of this definition, a campus ministry is a subdivision or subset of this Board. We also note that *The Discipline* is clear in ¶ 610 that conferences are given substantial latitude and discretion in determining their own organization and structure. Thus, we agree that the campus ministry at issue here is clearly not a board or agency under the West Michigan Plan of Organization.

On the second issue of whether the campus ministry pastor is eligible for nomination for the CLT, the Plan of Organization is similarly clear. The campus minister is paid by and is an employee of the West Michigan Conference. She is paid by the Conference Treasurer's Office and is appointed to the subdivision of the Board of Higher Education and Campus Ministries. She is clearly not serving in a local pastor role while she is working for the campus ministry. The provision of the Plan of Organization that controls is Section I.G.2. That provision clearly states:

No person receiving compensation from a Conference unit shall be eligible to be an officer on an organizational unit from which he/she would receive compensation, unless required by the *Discipline*, this plan of organization, or the expressed intention of this conference.

Nothing in *The Discipline*, Plan of Organization or expressed intent of the conference overcomes the explicit conflict of interest bar in the Plan of Organization. We further note that the next sentence in Section I.G.2. States:

Care should be given to avoid, as much as possible, appearance of conflict of interest of persons serving on organizational units who at the same time work with congregations or other bodies who receive funding from the Conference. No member of an organizational unit shall vote on any matters pertaining to Conference or District funding for any congregation or agency by which he/she is employed.

No directive could be more clear. The Appellant raises a series of arguments that various provisions of *The Discipline* preclude this reading of the conflict of interest provisions of the West Michigan Plan of Organization. We disagree and hold that no provision of *The Discipline* forecloses the application of the conflict of interest provisions of the Plan of Organization. Therefore, the campus minister nominated by appellant is ineligible for nomination to the CLT. We affirm the ruling of law of the Bishop.

RULING

The Judicial Council has jurisdiction to review the Bishop's decision of law under ¶ 2609.6 of *The Book of Discipline, 2102*. Under the Plan of Organization of the West Michigan Conference the campus ministry at issue is a subdivision of the Board of Higher Education and Campus Ministries and is not a conference board or agency. Further, the local pastor currently serving as director of the campus ministry is not a local pastor serving a charge. She is, instead, an employee of the Conference and therefore ineligible for nomination to the CLT under the conflict of interest provisions of the Plan of Organization. The decision of law of the Bishop is affirmed.