

SUBJECT TO FINAL EDITING

## JUDICIAL COUNCIL OF THE UNITED METHODIST CHURCH

### DECISION NO. 1343

IN RE: Review of a Bishop's Decision of Law in the New York Annual Conference, as remanded by Judicial Council Decision 1330, concerning if the Conference Board of Ordained Ministry is required to ascertain whether a candidate meets the qualifications for candidacy and ordained ministry, including whether or not she or he is exhibiting "fidelity in marriage and celibacy in singleness" or is a "self-avowed practicing homosexual."

### DIGEST

The Board of Ordained Ministry [hereinafter Board] is mandated by *The Book of Discipline, 2012* [hereinafter *The Discipline*] 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 to local pastor, (2) election to associate membership (3) election to provisional membership, (4) election to full conference membership ¶ 635.2(h). The Board's examination must include all paragraphs relevant to election of pastoral ministry, including those provisions set forth in paragraphs that deal with issues of race, gender, sexuality, integrity, indebtedness, etc. ¶¶ 304.2, 305, 306, 310. Candidates for licensed or ordained ministry in the United Methodist Church should be treated fairly and denial of entry must be based upon the evidence received from the results of the full examination. The bishop's decision of law is modified.

### STATEMENT OF FACTS

In Decision No. 1330 last October 27, 2016, the request for decision of law was remanded to the bishop for ruling on questions one and two, namely:

1. Is the Conference Board of Ordained Ministry required to ascertain whether a candidate meets the qualifications for candidacy and ordained ministry, including whether or not she or he is exhibiting fidelity in marriage and celibacy in singleness or is a self-avowed practicing homosexual?
2. Can the Conference Board of Ordained Ministry legally recommend to the clergy session a candidate whom they believe to be self-avowed practicing homosexual or otherwise in violation of the fidelity and celibacy standard?

The bishop has responded in the negative to both questions:

1. No, the Board of Ordained Ministry is not required to "ascertain" whether a candidate meets the qualifications for candidacy and ordained ministry, including whether or not she or he is exhibiting "fidelity in marriage and celibacy in singleness" or is a "self-avowed practicing homosexual." [...]  
Rather, there is a process of both written and oral examination (¶¶330.5, 335(c)(3). The annual conference makes its decision by 2/3 vote of the voting members of the Board and the Clergy Session as to whether the candidate meets the Disciplinary

standards for ministry. [...] It is the annual conference that decides whether to ordain an individual or not, using a process of examination, review, measurement and evaluation, not a process of ascertaining with certainty. This is not to deny that the Discipline states that if a person being evaluated is known, by extrinsic evidence or self-admission, to be self-avowed practicing homosexual, they cannot be commissioned or ordained. (JCD 542 and 1321)

2. No, the members of the Board of Ordained Ministry cannot base their votes as to whether or not to recommend [sic] a candidate on their “beliefs” about the person’s homosexuality.

## JURISDICTION

The Judicial Council retained jurisdiction over this matter in Judicial Council Decision [hereinafter JCD] 1330 and has jurisdiction independently under ¶¶ 51 and 2609.6 of *The Discipline* as modified by JCD 1244.

## ANALYSIS AND RATIONALE

The guidelines and parameters for the Board of Ordained Ministry are clearly delineated in the entire ¶ 635. The Board is charged with identifying and recruiting ministerial leadership for our churches (¶ 624.h), required to examine all applicants as to their fitness for ordained ministry and make full inquiry into the fitness of the candidate for (1) election as a local pastor; (2) election as associate membership; (3) election to provisional membership; and (4) election to full conference membership. The duty of the Board is to conduct a careful and thorough examination and investigation, not only in terms of depth but also breadth of scope. There is a variety of methods to accomplish its investigative responsibility, ranging from evaluating written exams, conducting personal interviews, to reading social media postings of candidates.

Determining a candidate’s fitness for ministry requires Boards of Ordained Ministry to examine candidates based upon the requirements set forth in ¶ 304, which includes the provision in ¶ 304.3 which states:

While persons set apart by the church for ordained ministry are subject to all frailties of the human condition and the pressures of society they are required to maintain the highest standards of holy living in the world. The practice of homosexuality is incompatible with Christian teaching. Therefore, self-avowed practicing homosexuals are not to be certified as candidates, ordained as ministers, or appointed to serve in the Methodist Church.

The prohibitive language of ¶ 304.3 prevents a Board of Ordained Ministry from ignoring statements of self-disclosure about any action that violates any portion of church law as is the case for these persons who avowed their homosexuality. A decision not to recommend a person to the clergy session should be substantiated by the evidence that surfaces from the examination of the requirements set forth in ¶¶ 304, 310, 324 and 330.

## RULING

The Board of Ordained Ministry [hereinafter Board] is mandated by *The Book of Discipline, 2012* 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 to local pastor, (2) election to associate membership (3) election to provisional membership, (4) election to full conference membership ¶ 635.2(h). The Board’s

examination must include all paragraphs relevant to election of pastoral ministry, including those provisions set forth in paragraphs that deal with issues of race, gender, sexuality, integrity, indebtedness, etc. ¶¶ 304.2, 305, 306, 310. Candidates for licensed or ordained ministry in the United Methodist Church should be treated fairly and denial of entry must be based upon the evidence received from the results of the full examination. The bishop's decision of law is modified.

Member Beth Capen recused herself.

First Lay Alternate Warren Plowden participated in this decision.