

# Complaint Process In The United Methodist Church

Our Book of Discipline reminds us that “Ordination and membership in an annual conference in The United Methodist Church is a sacred trust.” (¶ 362) All individuals who take part in ministerial leadership occupy a position of power and authority and are called to maintain an environment that is safe for people to live and grow in God’s love. Yet, people in ministerial leadership sometimes violate the trust given to them. Sexual and professional misconduct within ministerial relationships inhibits the full and joyful participation of all in the community of God, hinders the mission of Jesus Christ, and is a betrayal of sacred trust.

Whenever the sacred trust of the ministerial office is violated, the appropriate response is to file a complaint. Both laypersons and clergypersons may file a complaint when the sacred trust of the ministerial office is violated. In some cases, a concern may be presented to a District Superintendent by an individual who does not wish to file a complaint but describes conduct that, if proven, would constitute a chargeable offense. In these cases, the District Superintendent may choose to file a complaint based upon the information provided by the other person. The complaint process is a church process, not a secular one. Therefore, the goal of our denominational process is to follow a Biblical understanding of justice and process, by acting with pastoral concern through a fair process of justice-making for victims and survivors, real accountability for those who violate the trust, and healing for all parties.

Always keep in mind that in both the State of Kentucky and the State of Tennessee the law requires mandatory reporting of reasonably suspected child abuse, neglect, and dependency and the abuse, neglect, or financial exploitation of adults who have a physical or mental disability and are unable to protect themselves. Our denominational policy encourages immediate reporting to the civil authorities all allegations of abuse against a minor regardless of personal confidentiality issues.

All those who serve in ministerial leadership are called to protect the sacred trust of the ministerial office by avoiding actions and words that harm others. Ministry leaders are also called to protect the vulnerable against actions or words that cause harm. The Tennessee-Western Kentucky Conference will not condone or tolerate instances of sexual or professional misconduct. Your conference leadership is committed to making every reasonable effort to prevent any such incidents.

The Book of Discipline of The United Methodist Church is clear with regard to the qualifications and duties of local pastors, associate members, provisional members, and full members of the Conference. **Whenever a person in any of the above categories, including those on leaves of all types, honorable or administrative location, or retirement, is accused of violating this trust, the membership of his/her ministerial office shall be subject to review. A complaint should be filed in response to any violation of the sacred trust of the ministerial office.**

Anyone who desires to discuss a concern regarding sexual or professional misconduct may contact their pastor, another United Methodist clergy person, or the district superintendent for their district. Persons may also choose to contact a confidential hotline, staffed by the Commission on the Status and Role of Women of the UMC, by calling 1-800-523-8290. In order for a complaint to be formally acted upon under ¶362 of the Book of Discipline, it must be in writing, signed and dated; however, anything that can be reasonably considered a “signature” (such as an electronic signature) will be considered

## Our Understanding of Justice and Process

The biblical ideal of justice emphasizes right relationship with God, oneself, individuals, and the entire community. We live in a world marred by brokenness and sin. In addition to the systems of oppression that damage society, we, as individuals, often miss the mark and harm one another. Sometimes our actions lead to hurt feelings. Sometimes the effects of our actions are far worse. For our administrative and judicial process, **Biblical justice** is seen as fulfilling the demands and obligations of the clergy covenant. When there is a breach, biblical justice attempts to make things right, heal the harm, and find solutions that would restore the well-being or shalom of the relationship. Biblical justice is about restoring community and bringing the world to the way it was created to be.

**Restorative justice** focuses on the violation or harm to people and relationships with the aim of identifying obligations, meeting needs, and promoting healing. Restorative justice asks: Who has been harmed? What should be done, and by whom, to make things right? How can we restore those who have been harmed and the offenders to community? Restorative justice gives substance to an understanding of real accountability and repentance. Restorative justice seeks the manifestation of shalom or right relations as well as healing and reconciliation.

Following Matthew 18:15-16, we understand that the primary process which Jesus encourages us to follow is collaborative, involving the parties to the complaint. The church (the trial court) is asked to decide for the parties only if collaboration fails (Mt. 18:17).

**Restorative justice** gives substance and guidance in realizing the “primary purpose” of the review of membership in the ministerial office and of the judicial process as expressed in the Book of Discipline (§1359 and §12701), which is a “just resolution...in the hope that God’s work of justice, reconciliation and healing may be realized in the body of Christ.”

### **Key principles that define just resolution (¶362.1)**

- Repairing any harm to people and communities
- Achieving real accountability by making things right in so far as possible
- Bringing healing to all the parties
- Through a just resolution process, which involves an engagement of the parties.

### **General Elements of the Just Resolution Process In Supervisory and Judicial Context (¶362.1c, the essential structure, to which other paragraphs refer.)**

- The goal of the process is a resolution satisfactory to all parties.
- If resolution is achieved, a written statement of agreement and resolution, including any terms and conditions, shall be signed by the parties.
- If resolution is achieved, the parties shall agree on any matters to be disclosed to third parties.
- This is not an administrative or judicial proceeding.
- This process can be instituted at any time in the supervisory or complaint procedure, and can even be instituted once a judicial process is underway.
- Special attention should be given to ensuring that cultural, racial, ethnic and gender contexts are valued throughout the process in terms of their understandings of fairness, justice and restoration. (¶362.1)

### **Supervisory Response**

- The bishop is the person who initiates a supervisory response/ just resolution process for local pastors, associate members, probationary members, full members, and diaconal ministers. (¶362.1b) (¶2704.3a— for diaconal ministers)
- The pastor or district superintendent, as well as the bishop, might institute a just resolution process for a layperson. In all cases, the pastor or district superintendent should take pastoral steps to resolve any grievances or complaints. (2704.4a)

### **Judicial Complaint (¶ 2701)**

If a just resolution process is instituted while the matter is pending before either the Committee on Investigation or the Trial Court:

- The appropriate persons for working out the written agreement on the process shall include the counsel for the Church, the complainant, and the counsel for the respondent. No matter where in the process a just resolution is achieved, the complainant shall be a party to the process and every effort shall be made to have the complainant agree to the resolution before it may take effect.
- If the resolution results in a change of ministerial status, the disclosure agreement shall not prevent the disciplinary disclosures required for possible readmission.

### **Committee on Investigation (¶2706.5c(3))**

- The committee may refer the matter to the resident bishop for a just resolution process upon recommendation of the counsel for the Church and the counsel for the respondent. The bishop shall institute such a process. Counsel for the church, the complainant and counsel for the respondent should enter into a written agreement outlining the process.
- Such referral will not constitute a dismissal or double jeopardy under ¶2701.5. The matter is returned to the committee if there is no resolution.
- If resolution is achieved, a written statement affirming the resolution and its terms shall be signed by the counsel for the church, the complainant and counsel for the respondent. Such a written statement shall be given to the bishop for further action consistent with the agreement.

- If the process does not result in resolution, the matter shall be returned to the Committee.

**Trials (§2707, §2708.3)**

- Trials are regarded as an expedient of last resort.
- The presiding officer may refer the matter to the resident bishop for a just resolution process upon consultation with the counsel for the Church and counsel for the respondent.
- This referral will not constitute a dismissal or double jeopardy under §2701.5.
- A written statement of resolution shall be given to the presiding officer and the presiding officer shall take action consistent with the agreement.
- If no resolution results, the matter is returned to the presiding officer for further action.