

Petition 2015-09

TOTAL NUMBER OF PAGES: 4

SUGGESTED TITLE: **Complainant as party to just resolution**

DISCIPLINE PARAGRAPH: *Discipline ¶¶* ¶ 363.1(c), 413.3(c), 2701.5, 2706.5(c)3

GENERAL CHURCH BUDGET IMPLICATION: No

GLOBAL IMPLICATIONS: No

Amend ¶¶ 363.1(c), 413.3(c), 2701.5, and 2706.5(c)3 by adding the same sentence to all four as follows: No matter where in the process a just resolution is achieved, the complainant(s) shall be a party to the resolution process and agree to the resolution before it may take effect.

¶ 363. *Complaint Procedures*—1. Ordination and membership in an annual conference in The United Methodist Church is a sacred trust. . .

. . .

c) *Just Resolution*—The supervisory response may include a process that seeks a just resolution in which the parties are assisted by a trained, impartial third party facilitator(s) or mediator(s), in reaching an agreement satisfactory to all parties.⁶⁹ If the bishop chooses to initiate a mediated attempt to produce a just resolution, then the bishop, the person filing the complaint, the respondent, and other appropriate persons shall enter into a written agreement outlining the process, including any agreements on confidentiality. A process seeking a just resolution may begin at any time in the supervisory, complaint, or trial process. No matter where in the process a just resolution is achieved, the complainant(s) shall be a party to the resolution process and agree to the resolution before it may take effect. If resolution is achieved, a written statement of resolution, including any terms and conditions, shall be signed by the parties and the parties shall agree on any matters to be disclosed to third parties. A just resolution agreed to by all parties shall be a final disposition of the related complaint.

¶ 413. *Complaints Against Bishops*

...

3. After receiving a complaint as provided in ¶ 413.2, . . .

...

c) The supervisory response may include a process seeking a just resolution in which the parties are assisted by a trained, impartial third party facilitator(s) or mediator(s) in reaching an agreement satisfactory to all parties. (See ¶ 363.1b, c.) The appropriate persons, including the president of the College of Bishops, or the secretary if the complaint concerns the president, should enter into a written agreement outlining such process, including an agreement as to confidentiality. No matter where in the process a just resolution is achieved, the complainant(s) shall be a party to the resolution process and agree to the resolution before it may take effect. If resolution is achieved, a written statement of resolution, including terms and conditions, shall be signed by the parties and the parties shall agree on any matters to be disclosed to third parties. Such written statement of resolution shall be given to the person in charge of that stage of the process for further action consistent with the agreement.

¶ 2701.5. *A Just Resolution in Judicial Proceedings*—A just resolution is one that focuses on repairing any harm to people and communities, achieving real accountability by making things right in so far as possible and bringing healing to all the parties. Special attention should be given to ensuring that cultural, racial, ethnic, age and gender contexts are valued throughout the process in terms of their understandings of fairness, justice, and restoration. During the just resolution process, the parties may be assisted by a trained, impartial third party facilitator(s) or

mediator(s), in reaching an agreement satisfactory to all parties. Processes that seek a just resolution are encouraged at any time, including through the judicial proceedings. After the referral of a matter as a judicial complaint from counsel for the church to the committee on investigation, if a process seeking a just resolution is used, the appropriate persons, including the counsel for the Church and the counsel for the respondent, should enter into a written agreement outlining such process, including any agreement on confidentiality. No matter where in the process a just resolution is achieved, the complainant(s) shall be a party to the resolution process and agree to the resolution before it may take effect. If resolution is achieved, a written statement of resolution, including terms and conditions, shall be signed by the same persons who signed the written agreement outlining the process, and they shall agree on any matters to be disclosed to third parties. If the resolution results in a change of ministerial status, the disclosure agreement shall not prevent the disciplinary disclosures required for possible readmission.

¶ **2706.5. Bill of Charges and Specifications, Deliberations, Vote, and Referral**

c) Findings other than reasonable grounds by committee or other actions

(1) If the committee on investigation determines ...

(2) If the committee on investigation determines ...

(3) Upon recommendation of the counsel for the Church and the counsel for the respondent, the committee may refer the matter to the resident bishop as deemed appropriate for a process seeking a just resolution. The bishop shall institute such a process and may use the assistance of a trained, impartial third party facilitator(s) or mediator(s). Such referral will not constitute a dismissal or double jeopardy under ¶ 2701.5. The appropriate persons, including the complainant, the counsel for the Church and counsel for the respondent, should enter into a

written agreement outlining the process, including any agreements on confidentiality. No matter where in the process a just resolution is achieved, the complainant(s) shall be a party to the resolution process and agree to the resolution before it may take effect. If resolution is achieved, a written statement, affirming such resolution, including any terms and conditions, shall be signed by the same persons who signed the written agreement outlining the process, and they shall agree on any matters to be disclosed to third parties. If the resolution results in a change of ministerial status, the disclosure agreement shall not prevent the Disciplinary disclosures required for readmission. The written statement affirming such resolution shall be given to the bishop for further action(s) to implement the agreement, if any. If the process does not result in resolution, the matter shall be returned to the committee.

Rationale:

Whereas:

The current practice of allowing the counsel for the church to enter into a just resolution with the respondent without the participation or agreement of the complainant is unjust and circumvents the goal of restoration of relationship. In order for justice to be done and healing to take place, the complainant must participate in the just resolution process. Otherwise, the complainant experiences the resolution as one that is imposed upon him/her and is a further victimization of the complainant.

Therefore:

The Indiana Annual Conference instructs our Conference Secretary to submit this Petition to Gary M. Graves, Petitions Secretary of the 2016 United Methodist General Conference, amending Paragraph 363.1(c), 413.3(c), 2701.5, 2706.5(c)3 of the Book of Discipline.

Submitted to Indiana Annual Conference By:

Beth Ann Cook, Elder
Pastor, Ogilville & Rockford United Methodist Churches
Southeast District
(812) 550-4736
revbethanncook@gmail.com