

**JUDICIAL COUNCIL RULING 1378
TRADITIONAL PLAN**

What was ruled as constitutional by Judicial Council in Decision 1378 – These listed below are only in ruling 1378, April 26, 2019. There were other rulings during General Conference.

1. Footnote to Paragraph 304.3: Strengthens qualifications for ministry and widens the definition of self-avowed practicing homosexual
2. Paragraph 415.6: Bishops prohibited from consecrating bishops who are self-avowed homosexuals – even if the duly elected by Jurisdictional Conference
3. Paragraph 2711.3: Minimum penalty for clergy performing same sex weddings – upon trial court rendering a guilty verdict – First Offense 1 Year suspension without pay; 2nd Offense not less than termination of conference membership and revocation of credentials to take effect immediately unless otherwise indicated by trial court.
4. Paragraph 304.3 Qualifications for Ministry: DCOM and BOOM shall not approve candidates for ministry who fall under paragraph 304.3.
5. Paragraph 362.1.e & 413.3d – Complaint Process: Stops Bishops from deciding which parts of church law won't fall under complaint.
6. Paragraph 362.1, 413.3.c, 2701.5, 2706.5.c.3: Lists the just resolution process
7. Paragraph 362.1.c, 413.3.c, 2701.5, and 2706.5 c.3. – Just Resolution – Complainant (one who writes the complaint must be part of the just resolution process.
8. Paragraph 2715.10 – Church appeal – The Church or the respondent may appeal a ruling by the committee on appeals.

These changes will take place January 1, 2020. Until January 1 we are under the guidance and rules of the 2016 Book of Discipline.

Below are the full petitions and paragraphs that were ruled constitutional.

PETITIONS THAT WERE RULED CONSITUTIONAL

1. 90032: *Footnote to Paragraph 304.3* - Strengthens qualifications for ministry and widens the definition of self-avowed practicing homosexual

304.3: (footnote): "Self-avowed practicing homosexual' is understood to mean that a person openly acknowledges to a bishop, district superintendent, district committee on ordained ministry, Board of Ordained Ministry, or clergy session that the person is a practicing homosexual; or is living in a same-sex marriage, domestic partnership or civil union, or is a person who publicly states she or he is a practicing homosexual."
2. 90036: *Paragraph 415.6: Episcopal Responsibilities* – Bishops prohibited from consecrating bishops who are self-avowed homosexuals

415.6: Bishops are prohibited from consecrating bishops who are self-avowed homosexuals, even if they have been duly elected by the Jurisdictional or Central Conference. Bishops are prohibited from commissioning those on the deacon or elder track if the Board of Ministry has determined the individual is a self-avowed homosexual or has failed to certify it carried out the disciplinary mandated examination, even if the individual has been recommended by the Board of Ordained Ministry and approved by the Clergy Session of the Annual Conference. Bishops are prohibited from ordaining deacons or elders if the Board of Ministry has determined the individual is a self-avowed homosexual or has failed to certify it carried out the disciplinarily mandated examination, even if the individual has been recommended by the Board of Ordained Ministry and approved by the Clergy Session of the Annual Conference.
3. 90042: *Paragraph 2711.3: Minimum Penalty for clergy performing same sex weddings* – upon guilty conviction at church trial

First Offense: One (1) Year's suspension without pay
 Second offense: Not less than termination of conference membership and revocation of credentials.. .
 The penalty fixed by the trial court shall take effect immediately unless otherwise indicated by the trial court.
4. 90043: *Paragraph 304.5: Qualifications for Ministry* - DCOM and BOOM shall not approve candidates who fall under 304.3 (footnote above) who are self-avowed practicing homosexuals.

In all votes regarding license, ordination, or conference membership, the requirements set forth herein are minimum requirements. Each person voting is expected to vote prayerfully based on personal judgment of the applicant's gifts, evidence or God's grace, and promise of future usefulness for the mission of the Church. The District Committee on Ordained Ministry and the Board of Ordained Ministry shall not approve or recommend any person for candidacy, licensing, commissioning, or ordination who does not meet the qualifications of par. 304.1-3, based on the full examination and thorough inquiry into the person's fitness by the committee and board. The bishop presiding in the clergy session shall rule any such unqualified candidate out of order and not eligible to be acted upon.

5. 90044: Paragraph 362.1.e & 413.3d – Complaint Process – Prevents a bishop from deciding which parts of church law should be upheld in a given conference – protects against unreasonable dismissal

362.1.e Referral or Dismissal of a Complaint – Upon receiving a written and signed complaint, the Bishop shall, within 90 days, carry out the supervisory response process outlined above. If within 90 days after the receipt of the complaint resolution is not achieved, the bishop shall either:

1. Dismiss the complaint as having no basis in law or fact, with the consent of the cabinet giving the reasons therefore in writing, copies of which shall be placed in the clergy person's file and shared with the complainant; or
2. Refer the matter to the counsel for the church as a complaint.

413.3.d (i) if the supervisory response results in the resolution of the matter, the bishop in charge of the supervisory response and the two episcopacy committee members appointed to the supervisory process (par. 413.3) shall monitor the fulfillment of the terms of the resolution. If the supervisory response does not result in resolution of the matter, the president or secretary of the College of Bishops may either dismiss the complaint as having no basis in law or fact, with the consent of the College of Bishops and the committee on episcopacy, giving the reasons therefore in writing, copies of which shall be placed in the bishop's file and shared with the complainant, refer the matter to the committee on episcopacy as an administrative complaint pursuant to par. 413.3.e, or refer the matter to counsel for the church pursuant to par. 2704.1 to prepare a complaint to forward to the committee on investigation.

6. 90045: Paragraph 362.1, 413.3.c, 2701.5, 2706.5.c.3 Lists the Just Resolution process
362. Complaint Procedures – 1. Ordination and membership in an annual conference in the United Methodist Church is...This review shall have as its primary purpose a just resolution of any violations of this sacred trust, in the hope that God's work ...
- 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. Just resolutions shall state all identified harms and how they shall be addressed by the church and other parties to the complaint. In appropriate situations, processes seeking a just resolution as defined in par. 362.1.c may be pursued. Special attention should be given to ensuring that cultural, racial, ethnic and gender contexts are valued throughout the process in terms of their understanding of fairness, justice, and restoration. A complaint is a written and signed statement claiming misconduct as defined in par. 2702.1 413. Complaints Against Bishops: 3.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 par. 362.1.b.c) The appropriate person....Just resolutions shall state all identified harms and how they shall be addressed by the church and other parties to the complaint. In cases where the respondent acknowledges action(s) that a clear violation of the provisions of the Discipline, a just resolution shall include, but not limited to, a commitment not to repeat the action(s) that were a violation. 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 parties. Just resolutions shall state all identified harms and how they shall be addressed by the church and other parties to the complaint. In cases where the respondent acknowledges action(s) that are a clear violation of the provisions of the Discipline, a just resolution shall include, but not be limited to, a commitment not to repeat the action(s) that were a violation. 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....2706.5.c Findings other than reasonable grounds by committee or other actions – (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 par. 2701.2.d. The appropriate persons, including the counsel for the church and counsel for the respondent, should enter into a written agreement outlining the process, including any agreements on confidentiality. 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. Just resolutions shall state all identified harms and how they shall be addressed by the church and other parties to the complaint. In cases where the respondent acknowledges action(s) that are a clear violation of the provisions of the Discipline, just resolution shall include, but not limited to, a commitment not to repeat the action(s) that were a violation. If the resolution results in a change of ministerial status, the disclosure agreement shall not prevent the disciplinary disclosures...

7. 90046: paragraph 362.1.c, 413.3.c, 2701.5, and 2706.5 c.3. – *Just Resolution – Complainant (one who writes the complaint must be part of the just resolution process.*

362.1.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 every effort shall be made to have the complainant(s) agree to the resolution before it may take effect. Also add, the complainant in Par. 2701.5 and 2706.6.c.3.

362. Complaint Procedures – 1. Ordination and membership in the annual conference in The United Methodist Church is a sacred trust. . .

- a. Just resolutions – 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. If the bishop chooses to initiate a mediated attempt to produce a just resolution, the bishop, the person filing the complaint, the respondent, and other appropriate persons shall enter into a written agreement outlining the process, including any agreement 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 every effort shall be made to have the

complainant(s) 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 the third parties. A just resolution agreed to by all parties shall be the final disposition of the related complaint.

413. Complaints Against Bishops 3.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 par.363.1.b.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 every effort shall be made to have the complainant(s) 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 their 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...the petition adds “the complainant should enter into a written agreement”. The line also adds “No matter where in the process a just resolution is achieved, the complainant(s) shall be a party to the resolution process and every effort shall be made to have the complainant(s) agree to the resolution before it may take effect.” In the next line.

2706.5 Bill of charges and Specifications, Deliberations, Vote, and Referral c.3 adds the words The complainant in the sentence beginning “the appropriate persons, including the counsel for the church...” In the following sentence the lines also adds, “No matter where in the process a just resolution is achieved, the complainant(s) shall be a party to the resolution process and every effort shall be made to have the complainant(s) agree to the resolution before it may take effect.”

8. 90047: Paragraph 2715.10 – *Church appeal – The Church or the respondent may appeal a ruling by the committee on appeals.*

2715.10 Appeal Procedures. The Church shall have no right of appeal from the findings of fact of the trial court. The church shall have a right of appeal to the committee on appeals and then to the Judicial Council from findings of trial court based on egregious errors of Church law or administration that could reasonably have affected the findings of the trial court. When the committee on appeals or the Judicial Council shall find egregious errors of Church law or administration under this part, it may remand the case for a new trial, along with a statement of the grounds of its action. This is not to be double jeopardy. In regard to cases where there is an investigation under par. 2702 but no trial is held, egregious errors of Church law or administration may be appealed to the jurisdictional or central conference committee on appeals and then to the Judicial Council by counsel for the Church. The committee on Investigation’s decision not to certify a bill of charges does not alone

constitute an egregious error of Church law or administration. When the committee on appeals or the Judicial Council shall find egregious errors of Church law or administration under this part, it may remand the case for a new hearing, in which event it shall return to the chair of the committee on investigation a statement on the grounds of its actions. This is not to be double jeopardy.