

FIRST STEPS

<http://www.aiateam.org/first-steps.html>

What to do if you get a call from the District Superintendent or Bishop...

Know your rights as granted in the Book of Discipline.

Guidelines For Responding

As a pastor in the United Methodist Church, you may find yourself facing a complaint by a lay or clergy person or a Cabinet member. The superintendent or bishop may call you to a personal meeting at which you, without prior warning, may be confronted with accusations. The usual strategy is to get you to admit you did wrong and get you to take a leave of absence or withdraw from conference membership, and that you have to make that decision within 24 hours.

YOU CANNOT TALK YOUR WAY OUT OF THIS! SAY NOTHING ABOUT WHAT YOU MAY THINK IS INVOLVED. SAY NOTHING ABOUT IT NO MATTER HOW GUILTY YOU FEEL!

Here's how to respond:

1. Do NOT attend any meeting with the bishop or superintendent alone, if at all possible,
2. Do NOT try to charm or persuade them because everything you say will be used against you!
3. Do NOT admit to any behavior or feelings related to the complaint or any implied complaints they bring up.
4. Do NOT relinquish any of your Fair Process rights.
5. Do NOT verbally agree to anything they suggest except a possible meeting time after you get an advocate.
6. Do NOT sign any agreement of any kind other than acknowledging you have received a written copy of the complaint and supporting documents.
7. Do NOT think the complaints are frivolous because the DS and bishop obviously do not think so!

8. Do NOT think that going along with the bishop or DS will "make everything easier" or "get it over with."
9. DO ask for a copy of the complaint so you may prepare a response.
10. DO ask for any support materials they have about the complaint.
11. DO ask for time to get an advocate (an experienced and respected Elder, preferably retired).
12. DO ask what the next step is as they understand it.
13. DO thank them for their time and get out of there gracefully and rapidly.
14. DO keep the faith. God is at work here and you have not seen why or how just yet.

MORE INFORMATION for a "respondent" (that's you, if you're accused):

The paragraph numbers cited are from the 2016 Discipline.

ADMINISTRATIVE COMPLAINTS are allegations of "unsatisfactory performance" (P 362.1a) such as "incompetence, ineffectiveness, or inability to perform ministerial duties" (P 354.2b).

JUDICIAL COMPLAINTS are ones which allege misconduct of the kind mentioned on the list of chargeable offenses in 2702.1.

Fair Process Rights

1. Presumption of innocence (P 2701, preamble)
2. The right to be heard before any final action is taken (P 361.2a)
3. Notification of "the reason for the proposed procedures with sufficient detail to allow the respondent to prepare a response...not less than 20 days prior to the hearing" (P 361.2b)
4. The right to have an advocate present with voice at any hearing to which you are subject (P 361.2c). This advocate has to be an elder in your conference.
5. The right to be present whenever any member of a hearing body is speaking with the person who brought the complaint (P 361.2d)

6. The right to all records which the hearing body relies upon at least seven days before any hearing (P 361.2e)
7. The right to assurance that attention has been given to racial, ethnic, and gender diversity on all the groups dealing with your case (P 361.2 preamble)
8. The right to ask the bishop to "ensure fair process" (P 415.3)

Some portions of the 2016 Discipline may apply to your specific case. Check the list below to see which may be relevant to you.

[Note: Starting Nov. 1, 2019, the Discipline's provisions for four types of change in status are regarded as unconstitutional by Judicial Council Decision No. 1383: involuntary leave of absence (354), involuntary retirement (357.3), administrative location (359), and discontinuance of provisional membership (327.6). Cases filed before Nov. 1, 2019, however, may still proceed. It is possible that Decision No. 1383 will be overturned if some church leaders ask for it to be reconsidered, so pay attention to notices about the Judicial Council. In the fall of 2019, members of AIA wrote briefs to the Judicial Council to argue that those portions are unconstitutional and will vigorously contest any future action which seeks to overturn Decision No. 1383.]

Paragraph 361-363 - Administrative Fair Process

Paragraphs 343-345 - Appointment to Extension & Ecumenical Ministries

Paragraph 416.5 - Transfer to another annual conference

Paragraphs 353-356 - Leaves of absence (voluntary or not; including medical). See also above note.

Paragraph 357 - Retirement. See also above note.

Paragraph 358-359 - Location (honorable and administrative). See also above note.

Paragraphs 320, 355.1, 358.3, 362.1 and 415.3 - Role of Cabinet members

Paragraph 2701 - Judicial Fair Process