

Checklist for Fair Process of Administrative Complaints
As defined in ¶¶ 361-363 in the 2008 *Book of Discipline*

Approved by GCFA Legal Services Department and GBHEM
2009

Clergyperson Name: _____

1. A complaint may be received or initiated by the bishop or district superintendent. (¶ 361.1a)
Date received: _____
Complainant: _____
(A complaint is a written and signed statement claiming misconduct or unsatisfactory performance of ministerial duties.)

Nature of complaint: _____

2. The person filing the complaint and the clergyperson against whom complaint is filed shall be informed in writing by the district superintendent or bishop of the process for filing the complaint and its purpose, and of the process to be followed.
(The Discipline does not specify a time period for providing these notices. It is recommended that they be provided as soon as possible.)

Date notices sent: _____

3. Upon receiving a written and signed complaint, the Bishop shall, within 45 days (extendable by 30 days with written consent of complainant and respondent), either **dismiss the complaint** after consultation with the cabinet **or initiate the Supervisory Response Process**. (¶ 361.1d) The complaint may be dismissed if the bishop, after consultation with the cabinet, concludes that it has no basis in law or in fact.

_____ Complaint dismissed. _____ Supervisory Response Process initiated.

Date of dismissal or initiation of Supervisory Response Process: _____

4. **Suspension**

When deemed appropriate, the Bishop, with the recommendation of the Executive Committee of Board of Ordained Ministry, may suspend the person for a period not to exceed 90 days. (¶ 361.1c)

Date of suspension: from _____ to _____

5. **Supervisory Response Process**

The Supervisory Response Process shall be completed within 120 days from the date of initiation. This time limitation may be extended for 30 days upon the consent of the complainant and the respondent. (¶ 361.1d)

Date of initiation: _____ + 120 days = completion deadline of: _____

Deadline extension #1 to (date): _____

Deadline extension #2 to (date): _____

At all supervisory meetings no verbatim record will be made; no legal counsel will be present; the clergyperson may choose another person to accompany him or her with right to voice; and the person making the complaint will also have the right to choose a person to accompany him or her with right to voice. (§ 361.1b)

The bishop may notify the chair of the board of ordained ministry that a complaint has been filed (not mandatory). (§ 361.1b)

Date chair of BOM notified of initiation, if notified: _____

Date(s) of meeting(s): _____

Who was present: _____

Complainant accompanied by: _____

Respondent accompanied by: _____

Outcome of Supervisory Response:

_____ Written just resolution, including any terms and conditions, reached and signed by the parties. (§ 361.1b)

_____ Referred the matter to a third party mediator, if not previously attempted. [§ 361.1d(1)]

_____ Referred the matter as an Administrative Complaint. (§ 362.1a)

_____ Referred the matter as a Judicial Complaint. (§ 2704)

_____ Dismissed the complaint with consent of cabinet giving reasons in writing.

Date completed: _____

Notes: _____

6. If the complaint is referred as an Administrative Complaint, the bishop shall notify the Board of Ordained Ministry in writing for its consideration of remedial or other action. (§ 362.1a)

Date notification sent/received: _____

7. The Board of Ordained Ministry (BOM) shall refer the administrative complaint to the Conference Relations Committee (CRC) or its equivalent. (§ 362.1a)

8. The procedures for fair process in administrative hearings commences upon referral as an administrative complaint. (¶ 362.2)

9. **Disposition of Administrative Complaints (¶ 363)**

Fair Process in Administrative Hearings (¶ 362.2)

The bishop or the bishop's designee and the respondent shall have a right to be heard before any final action is taken. (¶ 362.2a)

Due notice of any hearing shall be sent at least 20 days before the hearing. Notice should be sent certified mail. The notice shall advise the respondent of the reasons for the proposed procedures with sufficient detail to allow the respondent to prepare a response. (¶ 362.2b)

Date mailed: _____

Date received: _____

A. A hearing will be held with the members of the Conference Relations Committee. (¶ 363.1)

Date meeting held: _____

B. The clergyperson in question may select an advocate who is in full connection to be present and give voice. (¶¶ 362.2c, 363.1)

Name: _____

C. The bishop or a district superintendent will present the administrative complaint to the committee. (¶ 363.1)

Who presented: _____

D. Others may be invited to present as determined by the CRC chair. (¶ 363.1)

Other presenter(s): _____

E. No ex parte communications. One party will not discuss substantive issues with members of the pending hearing body, without the other party being present. (¶ 362.2d)

F. Questions of procedure may be raised with the presiding officer of the hearing body. (¶ 362.2d)

G. The respondent will have access to all records relied upon in the determination of the outcome of the administrative process. (¶ 362.2e)

H. Agenda will be: (¶ 363.1)

- i. Presentation by the Bishop or cabinet representative;
- ii. Questions by the Conference Relations Committee;
- iii. Presentation of the clergy person in question, with assistance by accompanying clergy in full connection;
- iv. Questions by the Conference Relations Committee;

- v. Presentation by others as determined by the chair of the Conference Relations Committee;
 - vi. All except committee members depart.
- I. The Conference Relations Committee will make a recommendation to the BOM. (§§ 363.1, 363.2)
 Action and Date completed: _____

Recommendation may be:

- Program of continuing education
- Leave of Absence, voluntary or involuntary
- Early or Involuntary Retirement
- Sabbatical leave
- Honorable Location
- Surrender of ordained ministerial office
- Counseling/Therapy
- Program of Career Evaluation
- Peer support/supervision
- Private Reprimand
- Administrative Location
- Refer back to Bishop as possible Judicial Complaint
- Dismissal of the complaint

- J. The Board of Ordained Ministry may accept or amend the recommendation of the Conference Relations Committee, dismiss the complaint, or make a referral. (§ 363.1)

BOM Action and Date: _____

_____ Accepted CRC's recommendation

_____ Amended CRC's recommendation: _____

_____ Dismissed

_____ Referred to Bishop for referral as a judicial complaint

_____ Referred to Bishop for a process that seeks a just resolution

(See § 363.1 for extensive details on this process).

- K. Respondent is to be notified in writing of BOM decision.

Date written notification mailed: _____ received: _____

- L. If the recommendation is for **Involuntary Leave of Absence**, the provisions of § 355 shall be followed.

- The respondent has a right to a hearing before the Bishop, Cabinet, and Executive Committee of the Board of Ordained Ministry, preferably at least ninety days prior to the annual conference. (§ 355.1) Note the Judicial Council rulings related to this hearing and the fair process procedures of § 362.2 shall be followed.)
- The 90 days notice of involuntary leave may be waived by recommendation of the Bishop, district superintendents, and Board of Ordained Ministry, by a 2/3 vote of

the clergy executive session prior to taking action on the recommendation for involuntary leave. (§ 355.3)

- A 2/3 majority vote is required by the clergy executive session for involuntary leave of absence. A counted vote shall be recorded for any action. (§ 355.3)
- For ad interim action, see § 355.4.

M. If the recommendation is for **Administrative Location**, the provisions of § 363.3b shall be followed.

- Notice of the recommendation must be sent by the BOM to the respondent, the chair of the administrative review committee, the bishop, the district superintendent, and the complainant at least sixty (60) days before the opening of the next annual conference. (§ 363.3b(2))
- The notice shall inform the respondent of the right to a hearing, before the executive committee, prior to the recommendation being forwarded to the clergy session for consideration and action. (§ 363.3b(2))
- The choice for a hearing before the board must be made by the respondent, and notification of the choice sent to the bishop and chair of the Board of Ordained Ministry, within thirty days following receipt of notice from the board. (§ 363.3b(2))
- The BOM chair will preside at such a hearing, (§ 363.3b(2))
- The fair process procedures of § 362.2 shall be followed.
- *The administrative review committee (§ 636) shall ensure the required process is followed and report its findings to the Clergy Executive Session before a vote is taken. (§ 363.3b(3)) (See * on last page for more detail.)
- The recommendation of the Board of Ordained Ministry shall be acted upon by the clergy session of members in full connection. (§ 363.3b(2))

N. If the recommendation is for **Involuntary Retirement**, the provisions of § 358.3 shall be followed.

- The proceedings for fair process in administrative hearings (§ 362.2) shall be followed.
- Written notice of the intended action shall be given to such member by the BOM at least 180 days prior to annual conference.
- Written notice should also be given to the chair of the administrative review committee.
- A 2/3 majority vote is required by the clergy executive session for involuntary retirement.
- Any clergy member who is placed in the retired relationship under this subparagraph shall be entitled to the privilege of receiving his or her pension for the number of approved years served in the annual conference or conferences and such other benefits as the final annual conference may provide, payment to begin the first of any month after the ordained minister attains age 62.

O. If the recommendation is for **discontinuance of provisional membership**, the provisional member shall be advised of the right to a hearing before the Executive Committee of the Board of Ordained Ministry. The provisions of fair process shall be observed and be reviewed by the administrative review committee. (§ 327.6)

Recommendation: _____

- P. If a vote of the clergy session is required for any action recommended, the BOM will present the recommendation to the Clergy Executive Session.

***Administrative Review Committee**

The purpose of the Administrative Review Committee is to ensure that the disciplinary procedures for involuntary leave of absence, involuntary retirement, or administrative location are properly followed. The entire administrative process leading to the action will be reviewed. (¶¶ 636, 363.3b(3))

The Administrative Review Committee will notify the parties of the review process. (¶ 636)

Who was notified:

_____	Date done: _____
_____	Date done: _____
_____	Date done: _____
_____	Date done: _____

Administrative Review Committee will report its findings to the Clergy Executive Session of Members in Full Connection before a vote is taken. (¶ 363.3b (3))

Date of Report: _____

Committee Members present: _____

Prior to its report, if Administrative Review Committee determines that any error has occurred, it may recommend to appropriate person or body that action be taken promptly to remedy the error, decide the error is harmless, or take other action. (¶ 636)