

## CHAPTER VII

# CHURCH DISCIPLINE

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# CHAPTER VII

## CHURCH DISCIPLINE

### PREAMBLE

¶ A/700. Church discipline seeks the awakening, renewal, and growth of erring members, and their reconciliation to the Christian fellowship. It seeks to preserve the integrity and witness of the church, and to protect those whom the church serves. It also serves as a warning to the vulnerable and careless.

Though all believers are called to live holy lives, the Scriptures give special attention to the example of leaders. Conference ministerial candidates, ordained deacons and elders, and any others under appointment shall come under the jurisdiction of the annual conference. Licensed conference ministerial candidates shall be accountable for their character and conduct to the local church.

### A. DISCIPLINE AND RESTORATION OF A MINISTER

#### 1. ACCOUNTABILITY TO COVENANT COMMITMENTS

¶ A/701. Ministers subscribe to the membership covenant. They also make commitments upon entry into conference membership and subscribe to vows of ordination. If these commitments are ignored or broken, both personal integrity and the trust of the church are violated. Therefore, ministers must be held accountable to these commitments.

#### 2. PURPOSE AND GOAL

¶ A/702. The process for correction and discipline of ministers is designed to lead to repentance and forgiveness. The goals are a return to fellowship with God and the church, and a restoration to active ministry. Full restoration, however, may not be possible in every case.

#### 3. CATEGORIES FOR CORRECTION AND DISCIPLINE

¶ A/703. The reasons for which a minister may receive discipline are as follows:

1. teachings contrary to the Articles of Religion or the membership covenant;
2. conduct which is immoral, criminal, or unbecoming to a minister;
3. insubordination, such as intractability to leadership or unreasonable refusal to accept an appointment.

#### 4. GENERAL PROCEDURES

¶ A/705. Leaders administering discipline shall act firmly but in love. During the process of correction or discipline, ministers shall be held accountable for their relationships. This includes: (1) submitting to the counsel and discipline of those in authority; (2) maintaining fellowship with peers; (3) refraining from irresponsible talk; (4) demonstrating a consistent Christian life before family and community.

¶ A/706. Discipline is to be commensurate with the offense and in accordance with accepted principles of confidentiality.

¶ A/707. In addition to the provisions applying to a pastor under Chapter VII, Section A, the superintendent shall be responsible for caring for the three sets of persons affected by the misconduct: the pastor's family, the person or persons most immediately involved with the pastor in the misconduct, and the members of the congregation.

#### 5. PRIVATE COUNSEL

¶ A/711. 1. When a person under appointment voluntarily confesses to an offense, the first step is the private counsel of the immediate superior: senior pastor, superintendent, or bishop.

2. When a person is accused of an offense and the person's integrity is found to be intact, the immediate supervisor, together with the person accused, shall develop a plan to deal jointly with the testimony, rumor or impressions which led to the accusation.

3. When a person is accused of an offense which is supported by verifiable testimony, the first response shall be the offer of the private counsel of the immediate supervisor.

4. When the person is repentant and the offense has not and shall not become the cause of public reproach to Christ and the church, confession shall be heard, remedial counsel planned, and ongoing accountability established with the overseer.

5. When the person is not responsive to remedial counsel or does not accept ongoing accountability, overseers hearing the complaint or confession shall take counsel immediately with their superiors and advise the minister of the action. Further, a more structured disclosure of this matter may be determined by these superiors who shall advise the minister of the action.

## 6. PUBLIC REPROOF AND FORGIVENESS

¶ A/712. 1. When a confessed offense is of a public nature but not serious enough to require suspension or trial, the offender may be called for reproof to a specific place and time, such as the pastor's cabinet or the board of ministerial education and guidance. The spirit of Christian restoration shall characterize the process.

2. By arrangement of the overseer, the offender shall make confession, request forgiveness, receive reproof and forgiveness, and submit to whatever discipline is required. The offender shall submit the statement of confession in advance to the overseer for approval.

3. The overseer shall counsel with the pastor's cabinet, the board of ministerial education and guidance, or the area bishop, as the case may require.

## 7. CORPORATE DISCIPLINE

¶ A/713. 1. If, in the judgment of the overseer and the immediate advisory body, an offense causes public reproach requiring discipline, and if the offender resists the prescribed discipline, the matter shall be brought immediately to the board of ministerial education and guidance. The board of ministerial education and guidance is empowered to provide remedial disciplinary action. Refusal to comply will be considered insubordination and subject the offender to possible loss of credentials.

2. In cases of immoral conduct, either confessed or indicated by verifiable written testimony, the superintendent, bishop, or the ministerial appointments committee shall have authority to suspend the offender immediately and take possession of the ordination credentials. No ministerial functions shall be performed until the case is decided.

3. As soon as possible, the board of ministerial education and guidance, or a subcommittee thereof of not fewer than six members, equally divided between laypersons and ministers, shall be convened to review the case. In accordance with due process, it shall have authority to take one of the following actions, which must be reported to the subsequent annual conference for final confirmation:

- a. exonerate, return credentials, and restore to ministry;
- b. confirm the suspension and establish a program of counseling, restitution, and restoration (see Par. A/721);
- c. allow the accused to surrender credentials and approve the person for lay status;
- d. allow the accused to surrender credentials and withdraw from the conference and denomination;

- e. allow the accused to surrender credentials and withdraw from the conference and denomination under charges or complaints;
  - f. expel from the conference and the denomination.
4. The published appointments of the annual conference will state the action taken by the conference.

## 8. SPECIAL CASES

¶ **A/714.** 1. Precautionary or disciplinary action may be taken immediately by a superintendent or bishop without due process when a conference appointee is arrested, indicted, or convicted of a felony.

2. When immoral or criminal conduct of spouse or dependent child may adversely affect ministry, conference appointees shall report the situation to their immediate supervisor.

## 9. CONFLICT OF INTEREST

¶ **A/715.** 1. Where family or other close relationships exist between the accused and any member(s) of the advisory body, causing conflict of interest, such members shall be disqualified from hearing the case.

2. With counsel from the immediate overseer, the remaining members of the advisory body shall appoint temporary members to fill the resulting vacancies for the case in question.

## 10. CREDENTIALS

¶ **A/717.** If an ordained minister refuses to surrender credentials of ordination when lawfully requested to do so, the credentials shall be declared null and void by the subsequent session of the annual conference.

¶ **A/718.** Credentials may be restored only by the annual conference to which they were surrendered or which declared them void.

## 11. RIGHT OF TRIAL

¶ **A/719.** 1. None of the above-mentioned procedures shall preclude the accused's right to a trial. In all cases persons shall be considered innocent unless proven guilty.

2. Any ministerial appointee who has been suspended or expelled by an annual conference has the right of appeal. The complaint or appeal may be, and, if the defendant so requests in writing, must be referred to a committee of not less than four elders and four laymen. In the presence of the president of the conference or of an elder whom the president may appoint with the consent of both parties, either during the session of the

conference or after its adjournment, they shall try the case and decide upon its merit. Their decision shall have the same effect as that of the annual conference.

3. In all cases of trial and conviction of an annual conference appointee, an appeal to the ensuing General Conference or the court of appeals, as the appointee may choose, shall be allowed, if at the time of the verdict, or within thirty days after notice thereof, intention of appeal is made known in writing to the presiding officer.

4. All cases brought before the General Conference by appeal may, with the consent of both parties, be referred to a committee of not less than six ministerial and six lay delegates, which, in the presence of one of the bishops, shall hear the case and decide upon its merits. Its decisions shall have the same effect as that of the General Conference.

5. When an annual conference appointee is deprived of ordination credentials by suspension, expulsion, or otherwise, they shall be filed in the conference office. When the annual conference is satisfied that the restoration process is completed according to Paragraphs A/721 and A/722, the conference may, upon recommendation of the board of ministerial education and guidance, restore the credentials.

## 12. CITATION TO SHOW CAUSE

¶ A/720. 1. A bishop shall have the authority to cite a minister to appear before the board of ministerial education and guidance of the conference to which the minister belongs, to show cause, if any, why he or she should not be declared guilty of any of the offenses described in Par. A/703. The provisions of Paragraph 719, Section 1 apply.

2. A minister so cited shall be furnished with a statement describing the offense and shall show the time and place where the accused is to appear. If the accused is found guilty, or pleads guilty, the board of ministerial education and guidance shall proceed according to Paragraphs A/705-713.

## 13. RESTORATION

- ¶ A/721. 1. Restoration to ministry requires the following:
- a. repentance and request for forgiveness;
  - b. indication of contrition;
  - c. public confession where advised;
  - d. restitution where applicable;
  - e. counseling where advised;
  - f. personal accountability as assigned;
  - g. healing of broken relationships where possible;
  - h. reestablishment of credibility.

2. The board of ministerial education and guidance may deem it advisable to form a covenant of restoration which defines the expectations and responsibilities of all parties involved in the restoration process. A model covenant is included in the *Board of Ministerial Education and Guidance Manual*, and in the *Superintendent's Manual*.

3. While the candidate for restoration is following the prescribed course, a designated supervisor shall assign and oversee such ministerial duties as may prepare the candidate for resumption of ministerial leadership.

¶ **A/722.** Restoration of credentials and reappointment shall proceed according to the following conditions:

1. The local Free Methodist church where the candidate has been worshipping and serving shall recommend through its local board of administration that the board of ministerial education and guidance review the case.

2. The board of ministerial education and guidance shall assess the candidate's progress in spiritual maturity, trustworthiness, moral integrity, and ministerial effectiveness as attested to by references from the designated supervisor, the candidate's counselor(s), and other persons familiar with the case. The candidate shall be called for a personal interview by the board.

3. Upon recommendation of the board of ministerial education and guidance, the annual conference shall make final decision. Only in exceptional cases will credentials be restored sooner than two years after the initial disciplinary action and only after the process of restoration is completed according to Paragraph A/721. Restoration of credentials does not guarantee reappointment to itinerant ministry.

## **B. DISCIPLINE AND RESTORATION OF LAY MEMBERS**

### **1. GENERAL DIRECTIONS**

¶ **A/740.** 1. The correction and discipline of lay members is designed to lead to repentance and forgiveness. The goals are a return to fellowship with God and the church, and restoration to active participation in the life of the church.

2. A member against whom substantiated charges are brought for repeated unchristian conduct or violation of membership vows shall be cited to the membership care committee which shall have the options of giving private reproof, or recommending to the local board of administration termination of membership.

3. The membership care committee shall have authority to take the following actions:

- a. administer private reproof and counsel;
- b. establish a program for counseling, restitution, and reconciliation with offended parties;
- c. recommend to the local board of administration that the member be suspended for not more than one year;
- d. if, after admonition and counsel, the requirements for restoration are not fulfilled, the committee shall recommend to the local board of administration that:
  - (1) the member be allowed to withdraw from the church; or
  - (2) the member be cited to show cause why membership should not be terminated.

4. If a member is cited to show cause why membership should not be terminated, the membership care committee shall issue the citation, with specific charges attached, showing time and place of a final hearing. The citation must be delivered personally or by registered mail not less than ten days before the hearing.

If the local board of administration sustains the recommendation from the membership care committee for termination of membership, or if the local board of administration, on referral from the membership care committee, finds cause for termination of membership, or if the accused fails to appear at a hearing, the membership of the accused may be terminated at the expiration of thirty days.

If, however, within thirty days after the final action of the local board of administration the accused requests a trial, it shall be granted.

5. In such cases membership may be terminated only by a ballot vote of the local board of administration.

## 2. RESTRICTIONS UNDER SUSPENSION

¶ A/741. A lay member under suspension shall vacate offices held, except that of trustee in states or provinces where the civil law does not, for such a reason, permit the suspension from office of a trustee, until the suspension has been lifted.

## 3. RESTORATION OF LEADERSHIP

¶ A/741.1. A progressive lifting of the restrictions imposed under the suspension may be recommended by the membership care committee as part of the restoration process.

## 4. RESTORATION OF MEMBERSHIP

¶ A/742. 1. A person placed under suspension in accordance with

Paragraph A/740, section 3(c), at the expiration of the suspension, may be restored to membership upon recommendation of the membership care committee, by a ballot vote of the local board of administration.

2. Any member shown by subsequent evidence to have been falsely accused shall be exonerated and membership restored by the local board of administration.

3. Any person whose membership has been terminated for any reason, who demonstrates contrition and amendment of life, may seek readmission in writing. Upon recommendation of the membership care committee, after review and due consideration, the local board of administration may grant the request by a ballot vote and decide the category of membership.

## C. CHURCH TRIALS

### 1. GENERAL DIRECTIONS

¶ A/743. 1. The accused is entitled to a speedy trial, once requested, unless the complaint is otherwise disposed of. Both accuser and accused shall be entitled to the assistance of counsel as they may select from the lay members or ministers of the church. The accusers shall be responsible for the expense of their own counsel, unless they also represent the local church or conference. The body to which the accused is amenable shall pay the costs of prosecution.

2. At the meeting where the committee to try the case is selected, either the accused or the accuser shall have the right to challenge for cause the selection of any individual on the trial committee, and the presiding officer appointed by the body to whom the accused is amenable shall rule on the validity of the challenge.

3. A case may be tried without committee whenever it is in the best interests of the church, convenient to the witnesses, and requested by the parties. In such cases, the membership care committee or the local board of administration, whichever the accused is amenable to, may refer the case to a person appointed by the presiding officer (pastor, superintendent, or bishop) for trial without committee. When so referred the decision shall have the same effect as that of a trial committee and be subject to the same right of appeal.

4. Persons expelled after trial shall have no privileges of church or conference membership or sacraments in our church without contrition, confession, and reformation satisfactory to the society or conference from which they have been expelled.

### a. Notification of Time and Place

¶ A/744. Any member, lay or ministerial, who is brought to trial shall be furnished with a copy of the charges and notification of time and place of the trial. These shall be provided by the persons bringing the charges, or by the presiding officer of the tribunal to which the accused is judicially responsible, at least fourteen (14) days prior to the trial, unless an earlier trial is demanded. At least ten (10) days prior to the election of the trial committee, the accused shall be notified of the place of the election.

### b. Election of Trial Committee

¶ A/745. 1. The minister (pastor, superintendent, or bishop) who is to preside at a church trial shall call a meeting of the body having jurisdiction over the case (local board of administration, annual conference, or general conference) which shall select a committee of not less than five nor more than nine.

2. In the case of the trial of a lay member the committee shall be composed of lay members of the church within the bounds of the annual conference. No minister belonging to an annual conference, either as a ministerial candidate or in full membership, shall be eligible to act on this committee.

3. In the case of the trial of a minister the committee shall be composed of both ministers and lay persons in equal numbers so far as possible, from within the bounds of the annual conference.

¶ A/746. If the body having jurisdiction (local board of administration or annual conference) refuses to appoint such a committee, the body immediately superior (annual conference or general conference) shall appoint a committee to try the case. If, after conviction, the member appeals, no member of this committee shall be eligible to sit as a juror in the second trial of the case.

### c. Right of Appeal

¶ A/747. 1. In order for members (lay or ministerial) who have been tried and convicted by a committee (local board of administration or annual conference) to be entitled to an appeal to the next level of jurisdiction (annual conference or general conference), they must not have been voluntarily absent from the trial, and they must have given notice of intention to appeal within thirty days after determination of the case has been announced.

2. In the event of an appeal, no person shall be allowed to serve on

the committee who has previously voted in the decision of the case.

3. In all appeal cases, the appellant shall present to the counsel for the church a statement in writing of the grounds of the appeal, at least five days before the trial of the appeal. The appellate court must confine itself to the grounds of the appeal but is entitled to all relevant information that will throw light upon the appeal as presented.

4. If the appellate court grants a new trial, the case may either be remanded to the original court for a new trial or tried by the appellate court itself, at the discretion of the appellate court.

5. Penalty shall be deferred pending the hearing of an appeal. (See Par. A/713, sec. 3.)

## 2. FORM OF PROCEDURE

### a. Form for a Bill of Charges

¶ A/760. 1. Charge. (Name the offense.)

2. Specifications. (Name the acts, times, and places.)

### b. Order of Conducting Church Trials

¶ A/761. 1. Devotional exercises

2. Reading of the action of the society meeting or conference by which the committee to try the case was appointed, and the names of the committee

3. The appointment of a secretary

4. Reading the charges and specifications by the secretary

5. Answer by the accused in person or by counsel

6. Statement of the case, and line of evidence by the prosecution.

7. Evidence of the prosecution, and cross-examination by the defense

8. Statement of the case and line of defense, by the defense

9. Evidence for the defense, and cross-examination by the prosecution

10. Rebutting evidence for the prosecution

11. Rebutting evidence for the defense

12. Summing up the case by the prosecution

13. Summing up the case by defense

14. If it should be deemed proper to allow the prosecution to reply, the defense shall also be permitted to reply

15. Instructions of the presiding officer upon the form of bringing the verdict

16. The verdict

17. The court shall announce the verdict and impose the penalty fixed by the trial committee

### 3. CITATION OF A SOCIETY

#### OR ANNUAL CONFERENCE TO SHOW CAUSE

¶ A/770. 1. The Board of Administration of the General Conference shall have the power to cite a society or an annual conference to appear before it to show cause why it should not be declared in a state of insubordination when reliable information reaches the Board that the accused body is openly in a state of insubordination and disobedience. Notice of the order to show cause shall be given in a clear and definite statement of the facts constituting the state of insubordination so that the accused body may be properly informed of the grounds of the accusation. The order shall be served upon the secretary of the accused body. If the Board should find it guilty or if it should admit guilt, the Board shall have the power to suspend it of all rights and of recognition as a Free Methodist body until the ensuing General Conference, which shall have final disposition of the case.

2. If the convicted body should reform and pledge its loyalty to the church and the *Book of Discipline* and show contrition for its insubordination, the Board of Administration shall have the power to reinstate it.

#### D. INSOLVENCIES AND THE SETTLEMENT OF DISPUTES

¶ A/780. In a dispute between two or more lay members concerning the payment of debts, or other matters not involving personal character, which cannot be settled by the persons concerned, the pastor of the society shall inquire into the circumstances and recommend a reference, consisting of one arbiter chosen by the plaintiff, another chosen by the defendant, and a third person chosen by the first two, the three arbiters being members of the church.

¶ A/781. A disputant, dissatisfied with the judgment given, may appeal to the ensuing annual conference, which may for sufficient reason grant a second arbitration, in which each party shall choose two arbiters, and the four arbiters shall choose a fifth, the judgment of the majority of whom shall be final; and any person refusing to abide by that judgment shall be excluded from the church.

¶ A/782. Any member of the church who shall refuse, in case of debt or other dispute, to refer the matter to arbitration, when recommended by the pastor, or shall enter into a lawsuit with another before such measures are taken, shall be expelled by a regular trial according to the

*Book of Discipline*, unless the case be of such a nature as to require or justify a process of law.

¶ A/783. When a complaint is made against any member of the church for nonpayment of debt and when the accounts are adjusted and the amount is ascertained, the pastor of the society shall call the debtor before a committee of at least three, to show cause why payment has not been made. The committee shall determine what further time shall be granted for payment, and any debtor refusing to comply shall be expelled; but in that event appeal may be made to the annual conference, the decision of which shall be final. In case the creditor complains that justice is not done, grievance may be laid before the annual conference, and its decision shall be final. Any creditor refusing to comply shall be expelled. In case the debtor refuses or neglects to comply with the findings of the committee or of the annual conference, the creditor may have recourse to the civil courts without affecting his or her membership in the church.

¶ A/784. To prevent scandal, when any member of the church fails in business or contracts debts which cannot be paid, two or three judicious members of the church shall inspect the accounts, contracts, and circumstances of the supposed delinquent; and any member who has behaved dishonestly, or borrowed money without a probability of paying, shall be expelled. The official body to which the member is amenable shall appoint the committee of inspection.