

DECISION 1263

IN RE: Review of a Bishop's Decision of Law in the Southwest Texas Annual Conference Regarding the Meaning, Effect, and Application of ¶¶ 313 and 635.2 in Regards to the Discontinuance of a Certified Candidate in Light of Judicial Council Decision 1244

DIGEST

The Bishop's decision is affirmed. When a district committee on ordained ministry recommends a candidate for election to provisional membership, the Conference Board of Ordained Ministry shall include a personal interview with the candidate as part of its full examination of the candidate in order to determine his/her fitness for election to provisional membership. Because this disciplinary point was ignored by the Conference Board of Ordained Ministry, the candidate remains a certified candidate for ordained ministry.

STATEMENT OF FACTS

The Southwest Texas Annual Conference convened on June 6-8, 2013, in Corpus Christi, Texas. On June 6, 2013, at the Clergy Session, the chair of the Board of Ordained Ministry informed the Clergy Session of the decision of the Board of Ordained Ministry to remove the name of a candidate from the list of candidates under Question 19a. The chair indicated that the removal was pursuant to ¶¶ 666 and 304.4 of the *2012 Discipline* and Judicial Council Decision 844.

In 2008, the candidate was certified as a candidate for ordained ministry on the deacon track. In April 2013 the district committee on ordained ministry voted to recommend the candidate to the Board of Ordained Ministry for commissioning and provisional membership in June 2014. The candidate was on schedule to be interviewed by the Board of Ordained Ministry during its upcoming interview sessions. Prior to the Annual Conference convening, the candidate received conflicting reports regarding Board of Ordained Ministry's revoking her certification.

An elder in the Clergy Session moved to reinstate the name of the candidate as a certified candidate. The motion was seconded. During the discussion of the motion the question was asked if the Board of Ordained Ministry could decline to comply with ¶¶ 635.2h and 635.2j, which require the candidate to be interviewed before a decision is made regarding the candidate's ability to proceed in the ordination process. The chair of the committee explained that the decision of the Board of Ordained Ministry to remove the candidate's name was pursuant to the reasons stated above (¶¶ 304.4 and 666 and Decision 844) and because the candidate is "a self-avowed, practicing lesbian." The District Superintendent of the district where the candidate is a member explained to the body that when the District Committee on Ordained Ministry interviewed the candidate she stated she has a partner that she lives with and acknowledged that the relationship is an "active lesbian" relationship. The question regarding

reinstatement of the candidate was called for with a vote of 119 in favor and 124 opposed. The motion failed.

During the afternoon plenary session on June 7, 2013, an elder requested in writing a decision of law of the bishop regarding ¶¶ 635.2h and 635.2j. The elder explained this related to the action that was taken during the clergy session of the Annual Conference the day before. The question was stated as:

In response to the Southwest Texas Conference Board of Ordained Ministry's decision to remove Mary Ann Kaiser from the Candidacy process at their June 6, 2013 meeting, I request a ruling of law as to whether a Board of Ordained Ministry can discontinue the candidacy of a certified candidate for ordained ministry who has been appropriately recommended by a District Committee on Ordained Ministry without an interview and examination by the Board of Ordained Ministry? (*sic*)

The bishop submitted the following decision within the thirty-day deadline:

It is my ruling that the question, as asked, is moot and hypothetical. Therefore, the request is improper and no decision on the substance of the request will be given. This determination is based on the Rules of Procedure of the Judicial Council. 'Questions of law shall be germane to the regular business, consideration, or discussion of the conference session and shall state the connection to a specific action taken, or the question must be raised during the deliberation of a specific issue of a matter upon which the conference takes action.' Judicial Council Decisions 33 and 799 uphold these standards. The question posed has nothing to do with the discussion, consideration, or business of the annual conference. It also raises no issue of any specific matter upon which the conference took action asking only a hypothetical question. The request raises issues related only to the work of the Board of Ordained Ministry.

The matter was docketed for deliberation at the October 2013 session of the Judicial Council. On October 26, 2013, the Judicial Council released the following decision that stated in part:

...The Bishop's decision of law is reversed. The matter was properly before the Annual Conference as business of the Annual Conference pursuant to ¶ 33. The matter is remanded to the bishop for a decision on the questions presented. His submission is to be submitted to the Secretary of the Judicial Council within 60 days of this notification. The Judicial Council retains jurisdiction.

Subsequently, in a timely way, the bishop submitted his ruling of law as follows:

It is the responsibility of the Board of Ordained Ministry to examine and interview all candidates recommended to it by a District Committee on Ordained Ministry (Par. 635.2h, 635.2j, and 324.11). The Austin District Committee recommended the candidate (Par. 324.10). In this case, the responsibility for full examination by the Board of Ordained Ministry was not carried out. Therefore, the action of the Board in effectively discontinuing the candidacy of Mary Ann Kaiser was not appropriate according to the Discipline and is of no effect. Since the action of the Clergy Session was to uphold the action of the Board of Ordained Ministry, and the action of the Board of Ordained Ministry was not in keeping with the Discipline, I rule that Ms. Kaiser remains a Candidate for Ministry and is due full examination, including an interview, by the Board of Ordained Ministry.

The Conference Secretary certified copies of the relevant minutes of the Southwest Texas Annual Conference. Briefs were filed by interested parties and by *amici curiae*.

JURISDICTION

The Judicial Council has continuing jurisdiction under ¶¶ 51 and 56.3 of the Constitution and ¶ 2609.6 of the *2012 Discipline* as modified by Decision 1244.

ANALYSIS AND RATIONALE

At issue in the question of law raised by the elder at the 2013 Southwest Texas Annual Conference is whether or not the Board of Ordained Ministry can discontinue a certified candidate for provisional membership without interviewing and examining the candidate to determine fitness for ordained ministry. In the instant case, the sexual orientation and practices of the candidate are irrelevant for determining the matter.

Paragraph 314 indicates the conditions under which a certified candidate may be discontinued: “on their own request, upon severing their relationship with The United Methodist Church, or upon action to discontinue by the district committee on ordained ministry.” None of these conditions was met, so the candidate’s certification remains in effect.

Paragraph 666.1 states that “The district committee on ordained ministry shall be amenable to the annual conference through the Board of Ordained Ministry.” In carrying out its duties and responsibilities, the district committee acts in behalf of the annual conference. This accountability is expressed in several ways, but none of these circumstances identified in ¶ 666 allows the Board of Ordained Ministry to determine whom the district committee can or cannot approve as a candidate for ordained ministry or whom the district committee can or cannot recommend for provisional membership.

It is the purview of the district committee on ordained ministry “to supervise all matters dealing with candidacy for the ordained ministry and with the license for local pastor” (¶ 666.5). In the case at hand, the district committee on ordained ministry has fulfilled these duties.

The response to Question 19a of the Business of the Annual Conference further supports the rationale that certification of candidates is the work of the district committee on ordained ministry. It asks: “Who are the certified candidates (§§ 310, 313, 314) (a) Who are currently certified as candidates for ordained or licensed ministry?”

The answer to this question is to be provided by the district committee on ordained ministry and reported by the Board of Ordained Ministry, to be received as information by the Clergy Session, but not subject to its vote.

It is the responsibility of the district committee on ordained ministry to identify persons who are certified as candidates for ordained ministry (§§ 310.2f and 666.6). It is the responsibility of the district committee on ordained ministry to submit to the Board of Ordained Ministry the names of individuals being recommended for provisional membership (§ 666.8). It is the responsibility of the Board of Ordained Ministry to make recommendation for Clergy Session action on those who are proposed for election to provisional membership (§ 635.2h). The record shows that these provisions were met.

Although the Board of Ordained Ministry had no authority to revoke the candidacy of the individual (that is a district committee responsibility--§ 313), the Board of Ordained Ministry does have the responsibility either to recommend or not recommend those persons proposed by the district committee for provisional membership.

However, this recommendation must be done in accordance with disciplinary provisions. In the matter before us, the Board failed to do so. Paragraph 324.11 calls for the candidate to have “a personal interview with the conference Board of Ordained Ministry.” This did not happen. Paragraph 635.2h requires an examination of “all applicants as to their fitness for the ordained ministry and make full inquiry as to the fitness of the candidate for...election to provisional membership...” This examination is incomplete without a personal interview, so this disciplinary intent for due process was ignored.

DECISION

The Bishop’s decision is affirmed. When a district committee on ordained ministry recommends a candidate for election to provisional membership, the Conference Board of Ordained Ministry shall include a personal interview with the candidate as part of its full examination of the candidate in order to determine his/her fitness for election to provisional membership. Because this disciplinary point was ignored by the Conference Board of Ordained Ministry, the candidate remains a certified candidate for ordained ministry.

Ruben Reyes was absent.

Beth Capen was absent.

Sandra Lutz, first lay alternate, participated in this decision.

Randall Miller, third lay alternate, participated in this decision.

William B. Lawrence, President

F. Belton Joyner, Jr., Secretary

April 26, 2014