

0424-1

Review of a Bishop's Ruling on Questions asked in the Virginia Annual Conference Regarding Disciplinary Requirements and Procedures Related to Supervisory and Judicial Processes

Pursuant to ¶2608.1 of the *Discipline* [requiring that "[t]he complete wording in the document requesting an appeal, declaratory decision, or ruling on a question of law shall be posted on the Judicial Council website...."] the handwritten request for an episcopal ruling is set forth below and the oral request is set forth on the next page.

Bishop's [Ruling on] Questions of Law, [requested by] Rev. Rob Vaughn, Community of Faith UMC, Northern Virginia District:

- Is it permissible for a supervisory process in a complaint proceeding to extend beyond the time limits defined by Paragraph 362.1(e)?

Today's date: 6-14-2023 Time:

- Motion
- Amendment
- Point of Order

ⓓ Bishops Question of Law

- Does the *Book of Discipline* allow for a substitution in complainants to be made after a complaint has been transferred to the judicial process and awaiting the naming of a counsel for the church?

Name: REV RO VAUGHN
Church: Community of Faith
District: Northern Virginia

① I move: Is it permissible for a supervisor process in a complaint proceeding to extend beyond the time limits defined by Paragraph 362.1(e)?

- May a bishop deny a respondent the right to an advocate in an inquiry relating to an ongoing complaint?

Does the Book of Discipline allow substitution in complainants to be made after a complaint has been transferred to the judicial process and awaiting the naming of a counsel for the church?

- During the supervisory phase of adjudicating a complaint, may a bishop deny the use of a facilitated just resolution process?

May a bishop deny a respondent the right to an advocate in an inquiry relating to an ongoing complaint?
② During the supervisor phase of adjudicating a complaint, is denial of the use of a facilitated just resolution process?

0424-01

The oral request for an episcopal ruling as set forth in the Conference Journal
[June 14, 2023]

Bishop Hauptert-Johnson reported that when she arrived in Virginia there were two clergy under complaint. Since her being here, there was counsel on behalf of the conference named and both of these complaints have come to a just resolution.

Rev. Rob Vaughn, Community of Faith UMC, Northern Virginia District, was recognized. He requested a Bishop Ruling of Law on the following questions:

- **Is it permissible for a supervisory process in a complaint proceeding to extend beyond the time limits defined by Paragraph 362.1(e)?**
- **Does the *Book of Discipline* allow for a substitution in complainants to be made after a complaint has been transferred to the judicial process and awaiting the naming of a counsel for the church?**
- **May a bishop deny a respondent the right to an advocate in an inquiry relating to an ongoing complaint?**
- **During the supervisory phase of adjudicating a complaint, may a bishop deny the use of a facilitated just resolution process?**

Bishop Hauptert-Johnson stated that she would answer these questions of law within the next thirty days.

**Virginia Annual Conference
Decision of Law Request
Sue Hauptert-Johnson, Bishop
Decision of Law**

QUESTIONS OF LAW

Is it permissible for a supervisory process in a complaint proceeding to extend beyond the time limits defined by Paragraph 362.1(e)?

Does the *Book of Discipline* allow for a substitution in complainants to be made after a complaint has been transferred to the judicial process and awaiting the naming of a counsel for the church?

May a bishop deny a respondent the right to an advocate in an inquiry relating to an ongoing complaint?

During the supervisory phase of adjudicating a complaint, may a bishop deny the use of a facilitated just resolution process?

STATEMENT OF FACTS

During both the 2023 clergy executive session and a plenary business session of the Annual Conference, following the motion of an elder, the clergy session and the Virginia Annual Conference voted to submit the preceding four (4) questions of law (“Questions”) to the bishop. The presiding bishop acknowledged receipt of the questions and indicated her intent to render a determination pursuant to the *Book of Discipline of the United Methodist Church* (2016), hereinafter “*Discipline*”.

The questions presented arose following the 2019 filing of a complaint against a clergy member of the Virginia Annual Conference. At the General Session of the June 2022 Session of the Virginia Annual Conference, the Annual Conference voted to submit a request for a declaratory declaration. Such request sought a declaration from the Judicial Council as to:

- If, and under what circumstances, the supervisory process could be extended beyond 90 days, and
- What role is played by the bishop in facilitating a timely resolution of a complaint, and
- What role a bishop has in bringing about a just resolution after the matter has been referred to counsel for the church, and
- Whether the complaint, respondent, and counsel for the church may reach a just resolution without the involvement of the bishop, and

- Whether it is permissible for a bishop to solicit a second complaint on the same matter from a different complainant, and
- Whether the complaint may be continued after the original complainant withdraws that complaint, and
- What is the proper course for remediation when the process outlined in the Book of Discipline is not followed, and
- Whether and in what way the annual conference may intervene as suggested by Judicial Council Memorandum 1189, which states in part, “In instances where appropriate process was not observed, the annual conference should consider taking appropriate steps to resolve any deviation from disciplinary process.”

See Request for a Declaratory Decision, Docket No. 1022-09 (attached).

On March 7, 2023, the Judicial Council declined to issue a declaratory decision on the above questions because “the detailed issues posed by the [Request for Declaratory Decision] arose out of complaints filed against a clergy person in 2019 and that this was still an open and pending judicial matter.” See JCD 1466. On June 5, 2023, a just resolution was reached and the matter is no longer open and pending. See Joint Statement on Just Resolution, June 8, 2023, available at <https://vaumc.org/blog/2023/06/08/joint-statement-on-just-resolution/#:~:text=A%20Just%20Resolution%20was%20reached,Book%20of%20Discipline%20Paragraph%20341.6> (attached).

ANALYSIS

Questions of law are within the jurisdiction of a Bishop when the questions presented are made while she is presiding over an annual conference. Constitution, ¶ 51. A bishop must rule on all submitted questions of law, whether the questions are “moot, hypothetical or improperly submitted.” See Judicial Council Decision 799; see also JCD 1092.

I am concerned that the *Discipline* fails to provide any remedy to a clergy person against whom a complaint is filed when a bishop fails to appoint counsel for the church; when a bishop fails to ensure that the Committee on Investigation is in place so that it may act on the judicial complaint and so that its chair may consider procedural issues; or when a bishop fails to take any action to refer the complaint to a retired presiding bishop to move the dispute to trial. It is my hope that legislation providing such a fair process or a remedy is proposed to and adopted by the General Conference at its quadrennial meeting in 2024.

Despite my concerns, I must still hold that the Questions, though properly made, are improper because they concern matters of judicial process. See JCD 799. Jurisdiction to adjudicate those matters are reserved to the judicial bodies and may not be ruled upon by a bishop. See *id.*; see also JCD 1092; JCD 1064 (“Supervisory or judicial processes may not be reviewed by a presiding bishop by way of a request for ruling of law. Persons who

are the subject of administrative or judicial processes are entitled to review of their case by appeal to the appropriate administrative or judicial bodies. The Judicial Council has held that substantive rulings by a bishop concerning matters that come under the purview of judicial and/or administrative processes are improper.”); see also JCD 1166 (“Questions as to fair process, judicial process, and administrative process must be addressed in the appropriate manner and through the specific bodies set forth in the *Discipline*. In no event may an individual bring those delineated issues to the Judicial Council as a review of a Bishop’s ruling on a question of law...”).

DECISION

The Questions are improper questions of law because the questions are those related to judicial procedure.

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Interested Parties/Persons

Virginia Annual Conference

Rev Joshua King [Virginia Conf Sec'y] <joshuaking@vaumc.org>,
Rev Dr Rob Vaughn [Asked Q] <drrobvaughn@gmail.com>,
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