

SUBJECT TO FINAL EDITING

**JUDICIAL COUNCIL OF THE UNITED METHODIST CHURCH**

**MEMORANDUM NO. 1335**

IN RE: Review of a Bishop's Decision of Law in the West Michigan Annual Conference concerning (a) if a Wesley Foundation is considered a conference board or agency by the West Michigan Plan of Organization and the Book of Discipline (§§ 610, 701), and (b) if a local pastor appointed as campus minister of a Wesley foundation under ¶ 344.1a is ineligible for nomination to the Conference Leadership Team because of the membership requirement established by the West Michigan Plan of Organization.

**STATEMENT OF FACTS**

On June 13, 2016, during the regular session of the West Michigan Annual Conference, a lay member submitted in writing the following question of law:

Pursuant to Book of Discipline paragraph 2609.6, I submit the following questions of law and ask that the Bishop rule on them:

Is a Wesley Foundation considered a conference board or agency by the West Michigan Plan of Organization and paragraph 610 and 701 of the Book of Discipline and in light of Judicial Council No. 175 that states that "1. Direct and final responsibility for the organization, administration, and supervision of a local Wesley Foundation rests upon the local Board of Directors of such a Wesley Foundation, subject only to the Annual Conference Board or boards of education, and Inter-Conference Commission of Student Religious Work, and the General Board of Education?"

Further, is a local pastor who is appointed as a campus minister of a Wesley Foundation under Book of Discipline paragraph 344.1.a ineligible for nomination to the Conference Leadership Team because of its membership requirement on page 244 of the West Michigan Annual Conference Plan of Organization [Section III B 4 c.3) d)] that states "They shall not be chairpersons or employees of Conference boards or agencies."? Does this requirement conform with the Book of Discipline paragraph 610, which, in part, states "3. All local pastors serving charges are eligible for election or appointment to such agencies, except those dealing with qualifications, orders, and status of clergy and local pastors.?"

The presiding bishop ruled as follows:

**REGARDING THE FIRST QUESTION:**

Mr. Minier's question of law was received by the Bishop following the denial of Mr. Minier's nomination from the floor of a licensed local pastor, serving as Director of A Wesley Foundation in the West Michigan Conference, for an open at-large position of the Conference Leadership Team.

Paragraph 610 of *2012 Book of Discipline of the United Methodist Church* does not define an "agency" or "board". It allows conference the freedom to organize their structure as they wish.

The 2015 West Michigan Conference Journal contains the Plan of Organization. (Please see attached highlighted copy of the Plan of Organization). In Section I Part F, an "agency" is defined as "a term to describe the various boards, councils, commissions, committees, divisions or other units constituted " by the Plan of Organization. A "board" is defined as one of eight program units of the conference, including Higher Education and Campus Ministry, each of which is responsible to the Conference Leadership Team.

I interpret the Wesley Foundation to be a subdivision of the Board of Higher Education and Campus Ministry. As it is not constituted by the Plan of Organization, it cannot be considered as an agency.

Therefore, the answer to Mr. Minier's first question is: NO, a Wesley Foundation is not considered a conference board or agency.

#### REGARDING THE SECOND QUESTION:

Paragraph 344.1(a)(1) of *2012 Book of Discipline of the United Methodist Church* allows for the appointment of a licensed or ordained pastor as a campus minister. The West Michigan Conference Plan of Organization states in regard to membership of the Conference Leadership Team (CLT): "Criteria for the eight-ten members at large: They shall not be chairpersons or employees of Conference boards or agencies." Even though the Wesley Foundation is not a Conference board or agency, the director of a Wesley Foundation is ineligible to serve on the Conference Leadership Team.

Paragraph 610.3 of *2012 Book of Discipline* allows for all local pastors serving charges to be eligible for appointment to the agencies of the Conference. However, the director of the Wesley foundation is not a local pastor serving a charge. Rather, she is appointed to a subdivision of a board. That makes the director of the Wesley Foundation an employee of the Conference. In addition, the West Michigan Conference Treasurer's Office does the payroll and files a W-2 for the Wesley Foundation Directors. Therefore, putting her on the Conference Leadership Team, where she would have a vote and a say in directing the funding to the ministry to which she is appointed, would result in an appropriate conflict of interest as prohibited by Section I, Part G of the Plan of Organization.

Therefore, the answer to Mr. Minier’s second question is: YES, a local pastor who is appointed as a campus minister of a Wesley Foundation is ineligible for nomination to the Conference Leadership Team (CLT).

#### FURTHER INFORMATION

When appointing membership to the Conference Leadership Team. The West Michigan Conference Plan of Organization requires consideration of the potential member’s lay or ordained status, gender, age, and diversity, among other things. In addition, the nominating committee looks for specific skills, talents, and characteristics of the Conference Leadership team members in order to assure that the Conference Leadership Team is qualified to do the work that it needs to perform. It is important to the diversity and inclusivity of the Conference Leadership Team to follow the Plan of Organization’s guidelines for nominating members to all Boards and Agencies of the annual conference.

Furthermore, and importantly, the Conference Leadership Team is not a “representative” body whose members are there to promote the interest and ideology of a certain constituency. Rather, the Conference Leadership Team is to “give general direction, guidance, and ensure the alignment of the resources, structure and ministries in support of the mission, vision and strategic goals of the [entire] Conference. (Plan of Organization Section III, Part B.4.c.1 page 244)”

It is imperative that the West Michigan Conference not ignore the characteristics and demographics of committee membership that we have directed the nominating committee to consider. Because the membership and process of the nominating committee is not a secret, people who wish to be nominated to a certain or specific committee, team, or board can volunteer directly to the nominating committee in advance of the Annual Conference meeting. Then, the nominating committee can consider that person’s gifts, talents, experience, perspectives, and graces when nominating people to fill out the various boards and committees of the Conference.

Mr. Ryan J. Minier filed a brief. The records submitted to the Judicial Council contained the bishop’s ruling, a response brief of the bishop, the minutes of the Daily Proceedings for the fifth day plenary session, held on Monday, June 13, 2016, and the West Michigan Annual Plan of Organization. Absent from the records were the original written request for the Decision of Law, minutes of the plenary session which would contain Mr. Minier’s nomination from the floor of the licensed local pastor, who was serving as director of a Wesley Foundation in the West Michigan Annual Conference, for an open at –large position of the Conference Leadership Team and the denial of said motion.

#### **JURISDICTION**

The Judicial Council has jurisdiction under ¶ 2609.6 of *The Book of Discipline* 2012 as modified by Judicial Council Decision 1244.

## DIGEST

Without the minutes of the plenary session containing Mr. Minier's nomination from the floor of the licensed local pastor, who was serving as director of a Wesley Foundation in the West Michigan Annual Conference, for an open at-large position of the Conference Leadership Team, the denial of said motion, and the record, if any, of the oral request made by Mr. Minier for the decision of law, the Judicial Council cannot make a determination of whether the request for a decision of law was received during the regular business of a session. The longstanding jurisprudence of the Judicial Council has been that requests for decisions of law shall be germane to the regular business, consideration, or discussions of the Annual Conference and shall state the connection to the specific action taken, or the questions must be raised during the deliberation on a specific issue of a matter upon which the conference takes action. *See* JCL 1329.

Consequently, the matter is remanded to the West Michigan Annual Conference, and it is instructed to forward to the Secretary of the Judicial Council the Daily Proceedings of the 2016 West Michigan Annual Conference by December 31, 2016. The Judicial Council retains jurisdiction.

Deanell Reece Tacha was not present.

First lay alternate Warren Plowden participated in this decision.