

## Standing Committee Appeal Process

If unity is to be preserved in the Church of the Brethren, then the rights of individuals and minority groups must be taken seriously. Therefore, Standing Committee has been charged with the responsibility to "hear appeals from individuals, churches, districts, and others."<sup>1</sup> Standing Committee is to serve as "the judicial body of the Church of the Brethren for decisions on discipline and controversy involving members, congregations, districts, and denomination."<sup>2</sup> Currently, polity specifies a number of specific circumstances when decisions made by districts or by denominational entities can be appealed. The following appeal process is to be applied for any appeal that may be brought to Standing Committee in accordance with polity.<sup>3</sup>

Please note: The proceedings carried out under the terms of this document are to be understood as an ecclesiastical process for achieving understanding and fair dealing within church life. The process is not civil judicial procedure.<sup>4</sup>

Before submitting an appeal, the dissatisfied party shall have exhausted every means of resolution or reconsideration by the district or denominational entity that made the decision. Unless and until such initiatives are demonstrated to have been pursued in good faith, access to this Standing Committee Appeal Process will be regarded as premature. The means to be utilized include, but are not limited to, submission of the issue to a district Shalom Team or other reconciliation workers and/or reconsideration of the matter by the district board or denominational entity. This is consistent with our historic understanding of Matthew 18:15-20, which calls us to take matters first to the parties involved in a disagreement or conflict before bringing it to the church as a whole.

After a district or a denominational entity has made its final decision, a person or group as specified in section V may file an appeal through the following process:

- I. Initial request for appeal hearing:** The person/group appealing the decision must file a formal request for appeal within 30 days after being informed that the district board or the denominational entity has taken its final action with regard to the concern that is being appealed. The request for an appeal hearing must be in writing (email is acceptable), stating (a) the decision that is being appealed, (b) the issues in question from the appealing party's point of view, and (c) the reason for the appeal. It must be delivered to the Annual Conference officers in care of the Annual Conference Office at [annualconference@brethren.org](mailto:annualconference@brethren.org) or 1451

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<sup>1</sup> "Judicial Function of Standing Committee" in *Standing Committee Manual*, chapter 2, "Guidelines for Standing Committee Members," p. 15, citing 1960 Minutes (1955-1964), "Study of the Annual Conference," 179.

<sup>2</sup> *Manual of Organization and Polity*, chapter 1, section III.A.2.a.3) Judicial functions, citing 1968 Minutes (1965-1969), "The Frequency and Organization of Annual Conference," 318.

<sup>3</sup> The various types of appeal, the polity that authorizes Standing Committee to hear those appeals, and indication about who may bring each type of appeal can be found in section V. of this document. Historical note: Until 2019 Standing Committee had two appeal processes: one for hearing appeals of decisions made by a district and another for hearing appeals of decisions made by the Program and Arrangements Committee. In 2019 this appeal process was designed for hearing any and all appeals of decisions made by districts or denominational entities elected or formed by Annual Conference, or any other kind of appeal authorized by Church of the Brethren polity. Standing Committee does not hear appeals of decisions made by agencies which are separately incorporated.

<sup>4</sup> This is a basic statement about the underlying framework and policy of our Appeal Process, which is also found in section IV.B.1. of this document.

Dundee Ave., Elgin, IL 60120. In the event that the request is to hear an appeal of a decision made by a committee or board on which the Annual Conference moderator and moderator-elect serve, the request for an appeal will also be shared with the immediate past moderator, who will serve as the presiding moderator in such a case. Whoever serves as the presiding moderator will share the request for an appeal hearing with the three members of Standing Committee who are elected to serve as the Appeals Committee for the year in which the appeal could be heard. If the request for an appeal hearing is received less than 45 days prior<sup>5</sup> to the opening meeting of Standing Committee for a given Annual Conference, then the appeal may not be heard by Standing Committee until the following year.

**II. Response from Standing Committee:** Upon receiving a letter of appeal, the presiding officers will respond in writing to the appealing party(ies), acknowledging receipt and reviewing the steps and requirements of the appeal process. If at the time of this response, or any time later in the information gathering phase, the presiding officers determine that district level or denominational entity options for resolution have not been exhausted, they may terminate the appeal process and urge the parties to pursue those options.

**III. Work of the Appeals Committee:** As soon as the Standing Committee Appeals Committee has been notified that an appeal hearing has been requested, it shall proceed to:

- A. Make contact in writing with the appealing party and with the party(ies) whose decision is being appealed to:
1. Verify that all parties involved are aware of the request for a hearing of the appeal.
  2. Verify through written documentation that procedures for seeking resolution within the district or with the denominational entity have been exhausted and on what date the party making the appeal received notification that a final action had been taken by the district board or the denominational entity.
  3. Gather as much information as is available that may be helpful to the Appeals Committee in clarifying issues or that may be helpful to Standing Committee as it hears the parties.
  4. Achieve agreement between the parties as to what constitute(s) the key issue(s) on appeal.
  5. Clarify what each party hopes to achieve through this appeal and what can realistically be achieved through the appeal process.
- B. Coordinate with the presiding officers to:
1. determine which appeal(s) will be heard if more than two are received
  2. establish the schedule for the hearing before Standing Committee
  3. identify and establish any special procedures needed for the hearing

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<sup>5</sup> *Manual of Organization and Polity*, chapter 5, section II.D.5.d. Appeal, citing 2008 Minutes (2005-2008), "Update to Ministerial Ethics: Ethics in Ministry Relations – 2008," 1227.

- C. Reasonably in advance of Annual Conference, provide notice to Standing Committee members that the appeal will be coming and provide orientation information with respect to procedures to be followed in the appeal.
- D. At the beginning of Standing Committee meetings at Annual Conference, provide Standing Committee members with a synopsis of issues to be heard and decided and relevant documentary information with respect to background and facts of the case. The timing shall be arranged so that Standing Committee members have adequate time to review such materials before the time of the hearing. The Appeals Committee will clarify the importance of Standing Committee members recusing themselves if they have a conflict of interest with the appeal that is to be heard.
- E. Throughout the process, serve with the presiding officer(s) as interpreters and counselors to all parties regarding Standing Committee policy and procedure, and as support to Standing Committee with follow-up to help with healing and reconciliation.

#### **IV. Context and Procedure for hearings:**

- A. At the time and day designated for the hearing, each party involved in the dispute may have two representatives present for the hearing.

The Annual Conference moderator shall preside over the hearing, except in the case of an appeal of a decision made by a committee or board on which the Annual Conference officers serve, in which case the immediate past moderator will preside over the hearing, and a substitute secretary will be asked to record the proceedings and decisions. Annual Conference officers and Standing Committee members who have a conflict of interest shall leave the hearing. Standing Committee may invite recused individuals to return to the hearing, but those individuals shall recuse themselves from participation in the discussion and decision-making by Standing Committee.

Reasons for possible recusal would include, but not be limited to, any Standing Committee member (a) who is from the district whose decision is being appealed, (b) who is a close relative or a close friend of those who will be affected by the hearing, (c) who has a direct or indirect professional or financial relationship with a party involved in the appeal, or (d) who has any other competing loyalty that might reasonably be perceived to constitute a conflict of interest. Notes taken during the hearing shall record the extent to which any officers or Standing Committee members recused themselves from discussions and voting, and that those with a conflict of interest refrained from attempting to influence other Standing Committee members with respect to the matter.

The Standing Committee, in closed session, will hear the appeal in the following manner:

1. The presiding moderator will remind all present of our commitment to one another as the body of Christ and issue other counsel as will facilitate a fair hearing.
2. The Appeals Committee and the presiding officer(s) will provide any pertinent background information deemed necessary for Standing Committee member orientation to the procedures and the issues.

3. The person/group bringing the appeal will be allowed to present the grievance.
4. Those whose decision is being appealed will be allowed to present their perspective.
5. After the information has been presented, Standing Committee only will be allowed to ask additional questions of the presenters.
6. The parties involved in the dispute will then be allowed to ask questions of one another for clarification, without interruption from Standing Committee.
7. Standing Committee will be permitted to ask any final questions.
8. The parties will be dismissed with appreciation for their presentations.
9. In executive session<sup>6</sup> Standing Committee will discuss the issues and will make a decision on the appeal, not limited to upholding or denying the appeal, but may include mediation or other outcomes.<sup>7</sup> Standing Committee will work for consensus or, if necessary, make a decision by majority vote.
10. With the help of the Appeals Committee, Standing Committee will offer and plan for follow-up and for facilitating reconciliation with the parties as needed or desired.
11. If feasible, the parties will be invited to rejoin Standing Committee and the presiding moderator will inform them of the decision(s) of Standing Committee. In any case, the secretary recording the proceedings will communicate the decision in writing to all parties. The final report and communiqué of Standing Committee following its deliberation and decision shall be limited to a statement of findings and a brief, succinct rationale.

B. Underlying framework and policy:

1. As previously noted, the proceedings carried out under the terms of this document are to be understood as an ecclesiastical process for achieving understanding and fair dealing within church life. The process is not a civil judicial procedure. It is intended to be a continuation of the Matthew 18 process as a living peace church that makes its decisions on the basis of relationships. It is another way of living through and beyond our conflicts.
2. Issues on appeal shall be limited to questions of whether the process and reasoning by which the district or denominational entity made this decision were fair and consistent with Annual Conference polity.
3. The role of the Appeals Committee shall be primarily to assemble information, clarify issues, ensure proper procedure, and monitor the process with Standing Committee. The creation of such a committee is not intended to establish an alternative hearing body.
4. The Appeals Committee and the presiding officers may invite outside counsel of whatever nature they regard appropriate to assist them in preparation for the hearing and/or in the hearing itself.

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<sup>6</sup> Executive session means that only Standing Committee members and officers will be present.

<sup>7</sup> Polity requires specific outcomes for some appeals, as stated in section V.

5. The presiding officers and the Appeals Committee will determine how many appeals will be heard. Normally, no more than one appeal will be heard in any given year, unless required by polity. The Appeals Committee and the presiding officers shall give preference to the first appeals received. Other appeals will be postponed until the next Conference.
6. The appealing party must be present at the hearing and will do so at his/her own expense. Without the personal attendance of the party seeking the appeal, the appeal will be considered forfeited. A postponement of the appeal may be granted by the presiding officer(s) and the Appeals Committee or Standing Committee as a whole in the event of extremely extenuating circumstances.
7. The decision of Standing Committee will be final and without appeal. Out of deep respect for our covenant together, the parties involved will be expected to abide by the final decision.

## V. Kinds of Appeals Permitted by Polity and Who May Bring Them

As is stated in the opening paragraphs of this document, Standing Committee is “the judicial body of the Church of the Brethren for decisions on discipline and controversy involving members, congregations, districts, and denomination,”<sup>8</sup> to “hear appeals from individuals, churches, districts, and others.”<sup>9</sup> In accordance with Matthew 18:15-20, however, Standing Committee will expect that an individual or a congregation concerned about a decision made at any level in the church will first address their concern directly to the individual or group who made the decision. If assistance is needed to have the concern more fully heard by those who made the decision, the assistance of a district shalom team or other reconciliation workers may be sought. Only after such efforts have been pursued in good faith and have been exhausted may an appeal of the decision be brought to the larger church.

In some cases, the initial step in approaching the larger church would be to share the concern with the leadership of one’s own district, whose counsel might include the possibility of preparing a query to ask for guidance from district conference and possibly from Annual Conference.

Polity adopted by Annual Conference specifies that several types of appeal may be brought to Standing Committee:

- A. Decision regarding district boundaries – according to polity adopted in the 1991 Minutes (1990-1994), “Denominational Structure Review,” 272, recorded in the *Manual of Organization and Polity*, chapter 3, section III.C.5., an appeal may be brought by a congregation or district involved that disagrees with the action taken.
- B. Dispute between a congregation and district board over property – according to polity adopted in the 1987 Minutes (1985-1989), “Revisions of Brethren Polity,” 493-494, recorded in the *Manual of Organization and Polity*, chapter 6, section I.D.7., an appeal

<sup>8</sup> *Manual of Organization and Polity*, chapter 1, section III.A.2.a.3) Judicial functions, citing 1968 Minutes (1965-1969), “The Frequency and Organization of Annual Conference,” 318.

<sup>9</sup> 1960 Minutes (1955-1964), “Study of the Annual Conference,” 179.

may be brought by “written request from a district conference, district board, or any member of a congregation involved in a question related to the ownership of property.” This type of appeal requires that Standing Committee or its officers appoint a dispute resolution committee. The membership for the committee and its guidelines are specified in the sources cited.

- C. Decision made by a district resulting in disciplinary action toward a minister through the ministerial ethics process – according to polity adopted in the 2008 Minutes (2005-2008), “Update to Ministerial Ethics (Ethics in Ministry Relations – 2008),” 1227, recorded in the *Manual of Organization and Polity*, chapter 5, section II.D.5.d., an appeal may be brought by the aggrieved, the accused, or the congregation through its official board.
- D. Decision made by a district board or a district conference (not regarding a ministerial ethics case, nor district boundary decisions, nor property disputes) – according to polity adopted in the 1968 Minutes (1965-1969), “The Frequency and Organization of Annual Conference,” 318, recorded in the *Manual of Organization and Polity*, chapter 1, section III.A.2.a.3., and polity adopted in the 1960 Minutes (1955-1964), “Study of Annual Conference,” 179, and polity adopted in the 2004 Minutes (2000-2004), “Query on Congregational Disagreement with Annual Conference Decisions,” 1279, recorded in the *Manual of Organization and Polity*, chapter 3, section VI.B., an appeal may be brought by a congregation or member seeking to appeal a decision made by their district board or district conference.
- E. Arbitration of the guidelines by which issues of accountability, discipleship and reconciliation will be decided for mission projects outside the United States and Puerto Rico – according to polity adopted in the 1998 Minutes (1995-1999), “World Mission Philosophy and Global Church Structure,” 768, recorded in the *Manual of Organization and Polity*, chapter 7, section II.D., an appeal may be brought by a person or group who is aggrieved.
- F. Decision made by a denominational entity – according to polity adopted in the 1968 Minutes (1965-1969), “The Frequency and Organization of Annual Conference,” 318, recorded in the *Manual of Organization and Polity*, chapter 1, section III.A.2.a.3., and polity adopted in the 2010 Minutes, “Appeals of Program and Arrangements Committee Decisions,” 226, recorded in the *Manual of Organization and Polity*, chapter 1, section III.D., an appeal may be brought by a person or group who is aggrieved.

#### Adopted by Standing Committee July 2019

(replaces the Appeal Process documents that were adopted by Standing Committee in 1995, 2000, and 2015, and the Standing Committee Process for Hearing Appeals of Program and Arrangements Committee Decisions that was adopted in 2011 and revised in 2017.)